

Guidelines for the inclusion of Transgender and Gender Diverse people in Community Softball

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Table of Contents

| | |
|---|----|
| 1. Introduction | 3 |
| 2. Background | 3 |
| 3. Language | 3 |
| 4. Definitions | 4 |
| 5. Scope | 5 |
| 6. Objectives | 5 |
| 7. Collecting and using personal information | 6 |
| 8. Uniforms | 6 |
| 9. Facilities | 7 |
| 10. Community Competitions | 7 |
| 11. Discrimination & Harassment | 8 |
| 12. Appeals/Grievance Procedures | 8 |
| 13. Related legislation and policies | 9 |
| 14. Additional resources and support services | 9 |
| 15. Acknowledgements | 10 |
| 16. Amendments | 10 |

1. Introduction

Softball Australia is committed to providing a safe, fun and inclusive environment for all people, including those of diverse sexualities and genders. Being an inclusive sport not only reflects our core values, it also reflects the diversity of our communities.

We have no tolerance for any form of bullying, harassment or vilification towards people with diverse sexualities and genders. This includes forms of homophobia, biphobia or transphobia.

We are passionate about helping people lead happy, healthy and active lives. Softball Australia celebrates diversity of sex, gender identity, gender expression, sexual orientation, intersex status, ability, skill, cultural background, ethnicity, location, religious or political beliefs, and life stage. There is a place in our sport for everyone, exactly as you are.

These Guidelines seek to empower and support members to create and deliver a safe, welcoming and inclusive environment, free of harassment and discrimination for gender diverse participants.

2. Background

Softball Australia acknowledges that understanding of gender continually evolves and that gender identity is not fixed and exists on a spectrum. Sex and gender are not interchangeable terms. Softball Australia recognises that a person's gender identity is a personal experience, and that people may have personal transition journeys.

Softball Australia recognises that both intentional and unintentional discriminatory behaviours exist within sport, recreation, services, programs, operations and facilities, which can create adverse and potentially significant consequences for some individuals and our communities. Softball Australia will take steps to actively promote respectful, inclusive and collaborative behaviours within our sport.

Sometimes these consequences mean that individuals who want to play softball or be a softball volunteer or official, feel excluded and leave softball or choose not to become involved with it. In other instances, players or other participants are forced to hide their true self. In some cases, individuals who experience discriminatory language or actions stay with softball but continue to be subjected to discrimination and harassment, thus reducing their enjoyment of softball.

3. Language

The language we use is important and may have a positive or negative effect on others. To use inclusive language is to recognise a person's preferred pronouns and name. Avoiding gender stereotypes is an important step towards using language that does not assume others' gender identity and cause unintentional misgendering.

Many people use 'she/her' and 'he/him' pronouns. Some people prefer to use gender-neutral pronouns, such as 'they/them'. The pronoun a person uses to describe themselves generally reflects their gender identity.

Softball Australia acknowledges that language constantly changes, and while we have done our best to define key terms within these Guidelines, we encourage members to stay informed with

other language and terminology relative to this space via Pride in Sport:

www.prideinsport.com.au/terminology

4. Definitions

These definitions align with the Australian Human Rights Commission Transgender and Gender Diverse Guidelines 2019 and the softball specific definitions align with Softball Australia Definitions.

Cisgender/cis: is a term used to describe people who identify their gender as the same as what was presumed for them at birth (male or female). 'Cis' is a Latin term meaning 'on the same side as'.

Gender diverse: is an umbrella term that includes all the different ways gender can be experienced and perceived. It can include people questioning their gender, those who identify as trans/transgender, genderqueer, non-binary, gender non-conforming and many more.

Intersex status: is a protected attribute under the Act. Under the Act 'intersex status' means the status of having physical, hormonal or genetic features that are:

- neither wholly female nor wholly male
- a combination of female and male, or
- neither female nor male.

These Guidelines do not specifically address people born with variations in sex characteristics (intersex variations).

The term 'intersex' does not describe a person's gender identity (man, woman, neither or both). A person born with a variation in sex characteristics may identify as a man, woman, neither or both.

LGBTQI: (or variations of it) is an acronym for lesbian, gay, bisexual, transgender, queer/questioning and intersex. It is used to refer collectively to these communities. The 'LGB' refers to sexuality/sexual identity; the 'T' refers to gender identity; and the 'I' refers to people who have an intersex variation. 'Q' can refer to either gender identity or sexuality.

Non-binary: is a term used to describe a person who does not identify exclusively as either a man or a woman.

Pronouns: are a grammatical means of referring to a person or persons. Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their'. The pronoun a person uses to describe themselves generally reflects their gender identity.

Sex: refers to a person's biological sex or sex characteristics. These may be genetic, hormonal, or anatomical.

Unlike 'gender identity', 'sex' is not defined in the Act.

Sporting organisations: include, but are not limited to, clubs, associations, national sporting organisations, state sporting organisations, and any organisation that is involved in the management or operation of sport.

Transgender: (commonly abbreviated to 'trans') is a general term used to describe a person whose gender identity is different from the sex they were assigned at birth. Being transgender is about how an individual describes their own gender. It is not necessarily about their biological characteristics.

A person whose birth certificate originally described them as female, who now identifies as a man, may use the label 'trans', 'trans man' or 'man'. Similarly, a person originally described on their birth certificate as male, who now identifies as a woman, may use the labels 'trans', 'trans woman' or 'woman'.

Transition: or affirmation refers to the social, medical or legal steps that a transgender person takes to affirm their gender identity.

A transition or affirmation may or may not involve medical treatment, including surgeries or hormone therapy. People can transition as children or as adults. Each transition is different.

Gender expression: refers to the way that a person externally expresses their gender, or how their gender is perceived by others.

Individual Member: means a registered financial member of Softball Australia via the relevant membership management platform.

Associate Member means:

- a) an organization which conducts structured softball an organisation which conducts structured softball activities or competitions in more than one State and is admitted to the Company in accordance with clause 5.5 and the By-Laws: or
- b) a state softball club or association which is Registered with a Member State; or
- c) any other organisation (whether incorporated or not) which has an interest in softball and/or is otherwise recognised by the Company and is admitted to the Company in accordance with Rule 5.5 and the By-Laws.

5. Scope

These guidelines apply to Softball Australia and to all:

- a) Associate Members, State & Territory affiliated Associations and Clubs;
- b) Individual Members; and
- c) Any other person, including individuals and bodies corporate, who has agreed to be bound by these guidelines.

6. Objectives

- To affirm our commitment to supporting the inclusion of Transgender and Gender
- Diverse people in softball.
- To establish clear guidelines for the inclusion of Transgender and Gender Diverse people in a sport that has been largely demarcated by gender binaries.

- To foster a safe, welcoming environment for Gender Diverse people by eliminating discriminative behaviour within the Softball community.
- To promote a safe, inclusive and welcoming environment that engages and keeps participants with diverse genders and sexualities involved in softball.
- To educate the softball community about the importance of including Transgender and Gender Diverse people in sport.

7. Collecting and using personal information

Softball Australia requires individuals to provide personal information when registering as a member and/or participating in club activities. The collection of personal information can create additional difficulties for Transgender and Gender Diverse people. These difficulties can relate to differences between a person's gender identity and the sex or gender recorded on their identity documents.

Softball Australia and State and Territory Associations should adopt processes that are inclusive, eliminate discrimination, and protect the privacy of Transgender and Gender Diverse persons by:

- Respecting an individual's right to determine their preferred name and gender identity.
- Provide gender identity options on registration forms (example provided below) and ensure this is reflected in correspondence and documentation.
- Only requesting personal information and legal documents when necessary and with the individual's consent, or where the individual is under the age of consent, their parent/guardian's permission.
- Accepting legal declarations to verify name, age and gender (e.g., a Statutory Declaration) in place of a passport, driver's license or birth certification that have sex/gender markers that are inconsistent with a player's gender identity.
- Securing stored personal information, in line with the Privacy Act 1988 (Cth), the Australian Privacy Principles (APPs), relevant legislation and the standards outlined in the Softball Australia Privacy Policy.
- Not disclosing the gender identity of a player without their express permission.

Where a third-party registration platform is used, Softball Australia will advocate for changes to provide gender inclusive registration options, and where appropriate allow for a manual registration using the appropriate gender indicators.



REGISTRATION FORM

GENDER IDENTITY:

☐ Male

☐ Female

☐ Non-binary

☐ I use a different term (please specify)

**Example of an inclusive registration form*

8. Uniforms

Softball Australia encourages all states and territories and local competitions to provide uniform options so that all participants have the ability to dress in a manner consistent with their gender identity and/or gender expression.

If gendered uniforms are necessary, then consideration should be given to:

- Allow players to choose which uniform they would prefer to wear (if there is a men's and women's uniform)
- Ensure that appropriate sizes are available
- Design options suitable for all body types and shapes.

9. Facilities

Softball Australia supports the right of people to use changing and bathroom facilities which best reflects their gender identity.

Softball Australia acknowledges that each State and Territory will have its own building regulations that need to be followed when building or upgrading a new facility. Further to this a lot of facilities are leased and that too may have an impact on significant changes that can be implemented. State based regulations would take precedence.

Softball Australia encourages State and Territories to advocate for options to create inclusive spaces, examples include:

- Changing or adding signage on some facilities to 'All Genders'. This signage can be permanent or temporary. Ongoing checks would need to be followed to ensure this signage remains in place.
- If possible, modify changerooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains etc.) and
- Ensure all bathrooms and changing rooms have appropriate waste disposal.

It would be an ongoing requirement that each State & Territory affiliated Associations and Clubs would look to ways to be supportive and create inclusive spaces.

10. Community Competitions

In all community softball competitions, an individual can participate in the competition which best reflects their gender identity. Gender identity information will be captured in registration forms. This is in accordance with the Sex Discrimination Act 1984 (Cth), which explains that it is unlawful to discriminate against a person on the basis of sexual orientation, gender identity and intersex status.

Clubs and associations should have in place well-established practices of grading and the selection of players to:

- Address any relevant disparity of players;
- Protect the health and safety of participants; and
- Provide fair and meaningful competitions.

The following competitions are classified as community softball:

- All traditional format and social competitions
- All Senior, Junior and Masters competitions
- Softball events sanctioned by Softball Australia, delivered by States and/or Associations

For mixed-gender community competitions, people can participate in a manner which best reflects their gender identity. Rules for mixed-gender competitions will be applied based on gender identity and on local rules. For non-binary and gender diverse players, flexibility should be given with the individual being allowed to participate in the category in which they feel most comfortable, with the goal of including all players.

In due course, Softball Australia intends to develop a Transgender and Gender Diverse Policy for High Performance, Pathway and Elite Softball.

11. Discrimination & Harassment

- These Guidelines do not provide a definitive legal answer to all of the issues of discrimination, harassment or victimisation involving sex or gender identity that may arise under the Act. Organisations and individuals should seek their own independent legal advice if they have concerns as required.
- Discrimination on the basis of sex or gender identity can include both direct and indirect discrimination and may be unlawful under Commonwealth and State legislation.
- Direct discrimination occurs when a person treats or proposes to treat someone less favourably because of a protected personal characteristic, which includes sex, gender identity and sexual orientation.
- An example of direct discrimination would be a sporting organisation refusing a transgender woman's application for membership because of her transgender status.
- Indirect discrimination occurs where a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with a protected characteristic.
- Further guidance on Federal and State and Territory laws and exemptions is available through the [Australian Human Rights Commission](#) and any State or Territory Human Rights Authority.
- Harassment is any unwelcome behaviour that is intimidating, humiliating or threatening. It can be expressed or implied, physical, verbal or non-verbal (i.e., visual) as a single incident or repeated behaviour.

Softball Australia's Member Protection Policy includes the necessary procedures to follow for cases of discrimination, harassment and victimization

12. Appeals/Grievance Procedures

A failure to comply with this policy may also be considered a breach of the Member Protection Policy

The Australian Human Rights Commission or state based Human Rights Commission for your state may also assist individuals in relation to any complaints of discrimination, harassment and/or victimisation under Federal or state and territory laws.

13. Related legislation and policies

While each piece of governance may not clearly articulate it, every Netball ACT policy is inclusive of people with diverse genders and sexualities.

This policy should be read and implemented in conjunction with:

- [Sex Discrimination Act 1984](#) (Cth)
- [Privacy Act 1988](#) (Cth)
- [Softball Australia's Member Protection Policy](#)
- [Australian National Anti-Doping Policy](#)
- [Softball Australia National Codes of Conduct](#)
- [Australian Human Rights Commission's Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport \(2019\)](#)
- ACT – [ACT Human Rights Commission](#)
- NSW - [Anti-Discrimination NSW](#)
- QLD - [QHRC : Queensland Human Rights Commission](#)
- VIC – [Victorian Equal Opportunity and Human Rights Commission](#)
- SA – [Equal Opportunity SA](#)
- TAS - [Equal Opportunity Tasmania](#)
- WA – [Equal Opportunity Commission](#)
- NT - [Northern Territory Human Anti-Discrimination Commission](#)

14. Additional resources and support services

ACON provides counselling as well as social work support to help people resolve complex or ongoing violence and harassment matters:

Number: 1800 063 060

Web: www.acon.org.au/mental-health/#lgbti-counselling

Lifeline provides 24-hour crisis support and suicide prevention services to all Australians experiencing a personal crisis:

Number: 13 11 14

Web: www.lifeline.org.au/gethelp

Pride in Sport is the only sporting inclusion program specifically designed to assist sporting organisations at all levels with the inclusion of LGBTQI employees, athletes, coaches, volunteers and spectators. Web: www.prideinsport.com.au

Transcend was the first parent-lead peer support network and information hub for transgender children and their families in Australia. They provide parent/carer support, community connection, information, advocacy and fundraising.

Web: <https://transcendaus.org/>

Trans Pride Australia is a social and support group and gender diverse people and their loved ones in Australia.

Web: www.transprideaustralia.org.au

QLife provides anonymous and free LGBTQI peer support and referral for people wanting to talk about sexuality, identity, gender, bodies, feelings or relationships.

Web: www.qlife.org.au

15. Acknowledgements

The 'Guidelines for the Inclusion of Transgender and Gender Diverse People in Community Softball' have been prepared in consultation with relevant key stakeholders.

Softball Australia established a focused working group of people within the softball community to draft this document.

We also acknowledge the 'Guidelines for the Inclusion of Transgender and Gender Diverse People in Community Softball' developed by the Australian Human Rights Commission, in partnership with Sport Australia and the Coalition of Major Professional and Participation Sports.

16. Amendments

These guidelines may be amended from time to time by Softball Australia, with such amendments coming into effect on the date specified by Softball Australia.