

## Appendix J

### Mountain West Transgender Participation Policy

The focus of the Conference policy will be on-site competition considerations.

Conference game management procedures and the existing provisions of MW Rule 4 – Sportsmanship will also be applicable if necessary.

The decision as to whether a transgender athlete(s) will be permitted to participate in intercollegiate athletics for a particular MW member shall be a matter of that individual institution's discretion in the context of its interaction with the individual, the application of state law, etc. A MW member may not, however, preclude student-athletes from other MW member institutions from participation in accordance with the policy outlined herein.

The institution shall be responsible for identifying transgender student-athletes in its program. Just as is the case for all other areas of eligibility, the institution shall be responsible for certifying the student-athlete's eligibility for competition per the applicable NCAA transgender participation standards and procedures and competing with only those individuals who are eligible. Failure to do so could result in consequences related to NCAA championships participation.

In the interest of inclusion, a transgender student-athlete may be a member of a team and participate in practice activities without certification of eligibility. To compete, however, the student-athlete must complete the NCAA process and meet the applicable eligibility threshold.

For intraconference competition, a transgender athlete who has been deemed eligible by the NCAA and has been included on a MW member institution's team shall be permitted to participate in all Conference competitions.

If a MW member institution's team refuses to compete in an intraconference contest against a fellow MW member institution's team which includes an eligible transgender student-athlete(s), the team refusing to participate shall be deemed to have forfeited the contest. The forfeiting team will be charged with a loss and the opposing team credited with a win – for the purposes of Conference records, standings, tie-breaking formulas and MW championships participation.

The status of any such contest with regard to NCAA records, statistics and postseason eligibility shall be determined by the NCAA standards in effect.

The application of the policy is straightforward for team sports competition. For individual sports which involve both individual results and a team score component, an institution (or its individual student-athletes) may choose to withdraw from a particular event(s) without triggering the team forfeit provision. Should the entire team choose not to compete, it would forfeit its position in the event/final standings.

For interconference competition, the applicable NCAA playing rules for the sport shall apply should a non-conference opponent refuse to compete.

Any questions regarding the status or eligibility of a transgender student-athlete shall be directed to the certifying institution, not the Conference nor the NCAA. Given the privacy considerations involved, the certifying institution is not obligated to proactively notify the Conference nor other institutions (Conference or non-conference) regarding the status of a transgender student-athlete. An opposing institution wishing to confirm the status of a student-athlete may inquire and it shall be the discretion of the certifying institution whether or not to provide pertinent information. The certifying institution may simply respond that it has ensured all of its student-athletes are eligible prior to competition. The NCAA will not entertain inquiries or challenges regarding the eligibility of transgender student-athletes.

**[NOTE: This policy is currently under review in response to the recent direction from the Federal government and change in NCAA policy.]**