



## **USA PICKLEBALL TRANSGENDER INCLUSION AND ELIGIBILITY POLICY**

### **PURPOSE**

USA Pickleball (“USAP”) supports diversity, inclusion and fairness in tournament, recreational and league pickleball. The purpose of this policy (“Policy”) is to provide transgender pickleball players a means to participate in pickleball events of their choice in an inclusive sports environment. USAP’s goal is to allow all players access to pickleball in a supportive and respectful environment.

This Policy is based on USAP’s belief that 1) recreational pickleball should incorporate an inclusive policy that focuses on allowing players to participate consistent with their gender identity and 2) tournament pickleball should balance inclusion with competitive equity for cis-gender players.

### **DEFINITIONS**

*Transgender* describes an individual whose gender identity does not match that person’s gender at birth.

*Gender Identity* refers to one’s internal psychological identification as male or female, both, neither, or anywhere along the gender spectrum. In this Policy, a transgender female (MTF) refers to a transgender person whose birth gender was male at birth, but who identifies as female. A transgender male (FTM) refers to a transgender person whose birth gender was female at birth but who identifies as male.

*Gender Transition* refers to the process of developing and assuming a gender expression to match one’s gender identity, and may include changing one’s name, taking hormones, suppressing hormones, having surgery, and/or changing official government documents to reflect the new legal gender.

### **TRANSGENDER ELIGIBILITY POLICY**

Participation in the sport has been clearly shown to enhance an individual’s mental and physical health. However, there are physiological advantages resulting from a transgender woman experiencing any part, or all, of male puberty. Specifically, strength, power, quickness and jumping ability are physical characteristics directly related to competitive success in Pickleball. The scientific literature is clear that these physical characteristics would, in general, be positively enhanced during male puberty. What is less clear in the literature is the extent to which these puberty-related physiological advantages can be eliminated, or at least mitigated, through surgery or prolonged hormonal therapy. Research in this area is ongoing. The following provisions seek to balance these competing concerns.

1. **Applicability of this Policy.** This Policy is applicable to all USAP-operated events and programs and to all transgender individuals who desire to play pickleball at the recreational level and/or compete in USAP-operated events. For USAP-sanctioned events that are not operated by USAP, please see the USAP Transgender Guidelines. Any references in this document to USAP programs, events, brackets or tournaments shall apply only to USAP-operated programs, events, brackets and tournaments.
2. **Eligibility.**
  - A. Pickleball Programs Not Restricted by Gender. Some of USAP's recreational programs are not restricted by gender. All pickleball players are eligible to participate in such programs, regardless of birth gender, gender identity, transgender status or other forms of gender expression in these recreational programs.
  - B. Pickleball Programs Restricted by Gender. Where pickleball programs, events, and brackets within events are restricted to male or female players only or one male and one female per each mixed doubles team, USAP establishes the following eligibility requirements for transgender players.
    - (i) *A transgender female (MTF player)* will be eligible to participate in all classifications of recreational pickleball, including league play, by providing the following documents satisfactory to USAP: (1) a letter from the player if an adult, or if a minor from the minor's parent or guardian, confirming the player's gender identity as female; or (2) written confirmation of gender identity from a health care provider, counselor, or other qualified professional not related to the player.
    - (ii) *A transgender female (MTF player)* will be eligible to participate in USAP-operated competitive pickleball events in the female category if the player provides the documentation described in both 2(B)(i)(1) and (2)(B)(2) above. The declaration cannot be changed, for sporting purposes, for a minimum of four (4) years,
    - (iii) *A transgender male (FTM player)* will be eligible to play recreational pickleball or competitive pickleball in USAP-operated events without any restrictions.
    - (iv) *Non-binary players.* Because of the variety of gender binary categories represented in the general population and therefore in sports, players who have a gender identity outside of male or female who wish to participate in pickleball may do so in one of the following ways: (1) participation in one of the categories of play not restricted by gender; (2) participation in the category of their birth gender, provided that they have not used a masculinizing agent if their birth gender was female; or (3) participation in a category that does not match their birth gender, following the above guidelines for transgender players.

- C. Eligibility Questions Not Addressed Above. In the event of any eligibility question with respect to a transgender player not addressed above, the issue will be referred to the Transgender Committee (the “Committee”) described below.

### **3. Review Process**

- A. Documentation Required. Document submissions pursuant to Section 2 hereof will be emailed to [COO@usapickleball.org](mailto:COO@usapickleball.org). All documents submitted will be subject to review by USAP and/or the Committee and may be subject to evaluation, investigation and decisions under this Policy by the Committee.

- B. Procedure.

- (i) *Decisions by the Committee.* All evaluations, investigations and decisions under this Policy shall be the responsibility of the Committee consisting of: (1) a member of the USAP Board of Directors; (2) the USAP directors of either Recreational Programs or Competition and Tournaments, as appropriate; (3) the USAP Chief Executive Officer; (4) a USAP Regional Director selected by the Committee; and (5) USAP’s General Counsel. The Committee may request that the player provide any information which the Committee considers relevant, and the player shall comply with such request. The Committee may also conduct such investigations as it deems appropriate. Players must comply with all aspects of the eligibility determination process, or, at the discretion of the Committee, or the player will not be permitted to participate in USAP programs or events.
- (ii) *Communication and Effect of Decision.* All decisions by the Committee shall be communicated to the player. If a player’s eligibility request is denied, the decision shall identify the reasons for such denial. In such case, the player shall have ten (10) days to present additional information before the decision becomes final. Final decisions by the Committee shall not be subject to appeal.

In the event a player is granted the right to participate in USAP-operated competition, whether for a designated period or for as long as they remain active in the sport, that player must represent only their newly affirmed gender. In no case will a player be permitted to compete in their previously identified (*e.g.*, birth) gender in a classification of pickleball restricted by gender without the permission of the Committee for at least four (4) years from the decision to grant the right to participate.

### **4. Violations of this Policy**

Any person subject to the authority of USAP may be disciplined for a violation of this Policy. The investigation and initiation of disciplining action shall be the responsibility of the Committee. The Committee may initiate investigations on its own or based on a complaint by a third party. To avoid abuse and ensure confidentiality, a complaining party shall have no right to participate in, or be updated on the status of, any disciplining proceedings or investigation.

A. In Deciding to Investigate, Investigating or Taking Disciplinary Action, the Committee Shall, in General, Take the Following Steps:

- (i) The Committee will review a matter or a third-party complaint on its own initiative to determine whether the allegations meet the threshold criteria of a Policy violation;
- (ii) The player or other person or entity bound by the Policy who is the subject of a complaint or investigation will be advised of the nature of the matter by the Committee and at the Committee's discretion may be placed on suspension pending an investigation into the merits of the complaint;
- (iii) Investigations will be kept confidential to the extent possible, subject to the need to investigate and follow up accordingly;
- (iv) The investigation is administrative in nature, as opposed to a criminal investigation and other judicial actions. For example, neither a complainant nor the player or other person who is the subject of a complaint will have the right to confront the other party. This investigative function is part of USAP's internal justice system, which is based on its internal rules, not on federal or state laws;
- (v) After the Committee carefully evaluates the evidence, the complaint or selected allegations of the complaint may be dismissed as unfounded during any part of the process if the Committee finds: a) excessive delay in filing the complaint, b) the complaint is trivial, frivolous, or not made in good faith, c) the complaint is grossly illogical or improbable, d) the complaint has already been reviewed and decided, e) the complainant has a history of filing unfounded complaints, f) the player is no longer competing in events and has declared an intention to remain out of competition, g) the player's identity cannot be determined, h) the complaint is about the Transgender Policy and not the eligibility of a player or person or entity, i) the complaint seeks money damages, alleges misconduct, or seeks a remedy other than a decision based on violation of the Transgender Policy, j) USAP lacks jurisdiction over the player, other person or entity, or the subject matter of the complaint;
- (vi) The player who is the subject of the investigation will be given the opportunity to state a defense to the allegations or justification either in writing or orally;
- (vii) Upon completion of its investigation the Committee will determine whether or not to take action against the player, other person or entity. The Committee will communicate its findings and decision to the player, person

or entity under investigation including the consequences to be imposed if a violation of the Policy is found.

- B. Decision. The decision of the Committee is final. Within five (5) days after the decision is communicated to the complainant, the player may request the Committee to reconsider its decision based on new relevant and material information that was not previously considered by the Committee. At its discretion, the Committee may then reopen the matter, investigate and consider the new evidence, and then render a new decision or affirm the decision already made and communicated to the player. The Committee's reconsidered decision is final.
- C. Sanctions. The Committee may impose sanctions on the player when it has sustained or partially sustained one or more allegations against the player. Examples of sanctions are written warnings, period suspensions up to permanent suspensions with or without conditions, forfeiture of award(s) and titles awarded, and repayment of prize money. USAP will maintain a record of the Committee's decision for at least six (6) years.

## **5. Other Eligibility Requirements Not Affected**

The application of this Policy shall not affect eligibility requirements or rules otherwise set out in USAP rules, policies, or procedures including anti-doping rules or other rules adopted in the future.

## **6. Name Change**

In some cases, an adult player, or minor player's parents, may request that a player's name be changed in USAP registration records without changing the player's gender in the registration records. USAP may make the requested change, which change will not affect the player's eligibility in any classification restricted by gender.

## **7. Confidentiality**

All player information provided to USAP under this Policy will be dealt with in strict confidence and applicable privacy laws. Such information will not be used for any purpose not contemplated in this Policy and will not be disclosed to any third party unless that disclosure is necessary for the effective application and enforcement of this Policy or is required by law. USAP shall not publicly comment on individual requests, applications, or decisions under this Policy except, in its discretion, it may do so in response to public comments attributed to the player or the player's representatives. Once a decision has been rendered by the Committee, USAP, at its discretion, may consult with the player on the best ways to publicly communicate about their eligibility.

## **8. Discrimination Prohibited**

All USAP members, including its player members, have a right to participate in the activities of USAP without being subjected to harassment or discrimination regarding their sexual orientation,

gender identity, gender expression, or transition to a different competition category. Any USAP member who engages in conduct which violates this right shall be subject to discipline.

Organizational members of USAP, including, but not limited to clubs and State or Regional Pickleball Organizations, are required to allow players to compete in the competition category for which that player is approved in connection with their USAP membership. Failure to do so will result in discipline of the organizational member and/or any individual member who directly caused the violation.

## **9. Player Agreement, Consent and Release**

By requesting a competition category change, player represents and agrees that:

- A. All information submitted in connection with the request is accurate and complete to the best of their knowledge and that no relevant information has been intentionally withheld.
- B. The player will fully cooperate with and provide any additional information requested by the Committee.
- C. The player agrees that neither USAP nor any member of the Committee, or any USAP employees, directors, officers, agents, representatives, nor any or other persons involved in the administration of this Policy, shall be liable in any way in relation to acts done or omitted to be done in good faith in connection with the administration of this Policy.

## **10. Assistance With This Policy**

USAP is committed to the inclusion of all players in the sport of pickleball subject to the eligibility requirements set forth in this Policy. Any person seeking information on the application of this Policy should contact [COO@usapickleball.org](mailto:COO@usapickleball.org).

## **11. Policy Amendments**

This Policy may be modified by USAP from time to time, without notice as USAP accumulates experience from the application of this Policy, as sports policies evolve, and as new medical and expert information becomes available. This Policy, when modified, shall apply to all players notwithstanding their eligibility status prior to the Policy modification.