

Guidelines for the Inclusion of Transgender and Gender Diverse People In Community Baseball

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INTRODUCTION

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

We're passionate about helping people lead happy, healthy and active lives. Baseball Victoria 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.

BACKGROUND

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

Sometimes these consequences mean that individuals who want to play Baseball or be a Baseball volunteer or official, feel excluded and leave Baseball 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 phobic language or actions stay with Baseball but continue to be subjected to discrimination and harassment, thus reducing their enjoyment of Baseball.

None of these outcomes is acceptable.

Baseball Victoria recognises that the inclusion of Trans and Gender Diverse people within sport is a complex and emotive issue.

The applicability of these guidelines to representative or elite domestic events, competitions or leagues is addressed in these guidelines.

SCOPE

These guidelines apply to Baseball Victoria and all Victorian Baseball Organisations who adopt them as their stated policy position.

These guidelines apply to the following individuals and entities:

- a) Members
- b) Participants, and
- c) Any other person, including individuals and bodies corporate, who has agreed to be bound by these guidelines to the full extent that it is possible for Baseball Victoria or a Victorian Baseball Organisation to bind those persons and organisations.

It is the duty of each person and organisation to which these guidelines apply to comply with and, so far as is lawfully possible, to require any other Baseball-related entity or participant who or which is not directly bound by these guidelines but who or which is participating in Baseball in any capacity in Victoria, to comply with these guidelines.

Baseball Victoria acknowledges that it could be problematic to draw distinction between Community and Elite Baseball competitions as community sport is often the first step on the pathway to elite sport. Notwithstanding this, these guidelines have been developed to apply to all Transgender and Gender Diverse participants seeking to compete in Baseball unless the event, league or competition specifically requires otherwise.

OBJECTIVES

To affirm our commitment to supporting the inclusion of Transgender and Gender Diverse identifying people in Baseball.

To ensure we foster a safe, welcoming environment for Gender Diverse people by eliminating discriminative behaviour within Baseball facilities, programs, and services.

To affirm our support of gender affirming practices in our programs, operations, and competitions.

To promote a safe, inclusive, and welcoming environment that engages and keeps participants with diverse genders and sexualities involved with baseball.



UNIFORMS

Individuals requiring uniforms (for example, athletes, officials and coaches) are to be provided with an appropriate range of uniform styles and sizes to select from.

FACILITIES

Baseball Victoria recognises the existing difficulties faced in having adequate changeroom and shower facilities.

Baseball Victoria supports the right of people to use changing and bathroom facilities which best reflects their Gender Identity, whilst recognising a strong preference for privacy within those facilities.

Within Baseball Victoria and club facilities, people have the right to use changing and bathroom facilities which best reflects their Gender Identity.

Where new facilities are built, or upgrades are taking place, Baseball Victoria and clubs will advocate for options to create inclusive spaces with appropriate private spaces. Examples would include:

- a) Changing signage on some facilities to unisex/gender neutral
- b) Modifying changerooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains etc), and
- c) Ensuring all changerooms have appropriate waste disposal.

COMMUNITY COMPETITIONS

For all baseball competitions (ie. non representative competitions delivered and managed by local clubs or associations) an individual can participate in the competition which best reflects their Gender Identity.

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:

1. Address any relevant disparity of players,
2. Protect the health and safety of participants, and
3. Provide fair and meaningful competitions.

Such practices should be applied consistently across all players when considering varying skill levels.

For mixed-gender 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.

Participant/Member registration platforms must be gender inclusive and align with recommended gender indicators.

Where a third-party registration platform is used, Baseball Victoria will advocate for changes to provide gender inclusive registration options.

ELITE AND SUB-ELITE COMPETITIONS

We recognise that international Baseball is conducted under the rules and regulations of World Baseball and Softball Confederation (WBSC) and all WBSC sanctioned matches and events must be played in accordance with WBSC policy even where that may depart from these guidelines.

Transgender and Gender Diverse individuals are welcome and included in all grassroots baseball competitions.

However, some competitions, leagues and events may require more specific or detailed regulations.

Competitions, leagues or events that would not be subject to these guidelines, may include events for those seeking representative selection to national teams that compete in BA or WBSC sanctioned competitions.

PRIVACY & CONFIDENTIALITY

Collection of personal information is in accordance with the Baseball Victoria Privacy Policy.

All personal information will be handled with confidentiality and be conducted in an inclusive manner.

Personal information should only be collected from participants if absolutely necessary and with the individual's consent, or where the individual is under the age of 18, their parent's consent.

Any personal information collected by Baseball Victoria or a Club must only be disclosed if necessary and in accordance with the law.

Baseball Victoria and Clubs must:

- a) securely store personal information, in line with privacy legislation
- b) not disclose the Gender Identity or sex assigned at birth of a participant without the express consent of the individual, and
- c) ensure correct names and pronouns are used in conversations, databases, documents and correspondence.

Baseball Victoria will accept a legal declaration to verify name and gender (e.g. by way of a statutory declaration), where required, in place of identity documents such as passport or birth certificate where those identity documents have a sex/gender marker inconsistent with a participant's Gender Identity;

Baseball Victoria and Clubs should be aware that, depending on the circumstances, requesting additional information from Transgender and Gender Diverse people may be unlawful. This includes, but is not limited to, requesting a medical or physical examination, or requesting medical or physical details for the purposes of gender identification.

Baseball Victoria and Clubs shall protect the privacy of players. This is particularly important when dealing with any personal or sensitive information that may be held regarding a person's Gender Identity, or transition or affirmation process.

Baseball Victoria and Clubs should consider the provisions of the *Privacy Act 1988 (Cth)*, the Victorian Privacy Principles (APPs), and the relevant legislation and regulations of the States and Territories.

Further information is available from the Office of the Victorian Information Commissioner at www.oaic.gov.au/privacy-law

RELATED POLICIES

While each piece of governance may not clearly articulate it, every Baseball Victoria policy is inclusive of people with diverse genders and sexualities, including their families (where applicable).

Other Baseball Victoria policies that are relevant to this policy include, but are not limited to;

- a) Baseball Victoria Anti-Doping Policy
- b) Baseball Victoria Privacy Policy
- c) Baseball Victoria National Integrity Framework

DISCRIMINATION

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 regarding their compliance with the Act or with relevant state or territory anti-discrimination legislation.

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 is treated less favourably than another person on the ground of:

- a) sex or gender identity, or
- b) a characteristic generally associated with a person of that sex or gender identity in circumstances that are the same or not materially different.

An example of direct discrimination would be a sporting organisation refusing a trans woman's application for membership because she is Transgender.

'Indirect discrimination' can be less obvious. Indirect discrimination occurs when a condition, requirement or practice that applies to everyone, disadvantages persons of a particular sex or gender identity, and the condition, requirement or practice is not reasonable in the circumstances.

Further guidance on Federal and State and Territory laws and exemptions is available through the Victorian Human Rights Commission and any State or Territory Human Rights Authority.

RELATED LEGISLATION

Federal/Commonwealth Legislation: The following laws operate at a federal level and the Victorian Human Rights Commission has statutory responsibilities under them.

- a) *Sex Discrimination Act 1984* (Cth)
- b) *Privacy Act 1988* (Cth)

State/Territory Legislation: Victorian Capital Territory – *Discrimination Act 1991*

GRIEVANCE PROCEDURES

Any complaint or breach of this policy shall be dealt with in accordance with the Baseball Victoria Complaints and Dispute Policy as per the [National Integrity Framework](#).

The Victorian Human Rights Commission or Australian Human Rights Commission may also assist individuals in relation to any complaints of discrimination, harassment and/or victimisation under Victorian State laws.

SUPPORT SERVICES

Baseball Victoria recommends using the following LGBTQ specific providers:

- a) **ACON** provides counselling as well as social work support to help people resolve complex or ongoing violence and harassment matters.
Freecall: 1800 063 060
Web: www.acon.org.au/mental-health/#lgbti-counselling
- b) **QLife** provides anonymous and free LGBTI peer support and referral for people wanting to talk about sexuality, identity, gender, bodies, feelings or relationships.
Freecall: 1800 184 527
Web: www qlife.org.au/get-help
- c) **Lifeline** provides 24-hour crisis support and suicide prevention services to all Victorians experiencing a personal crisis.
Phone: 13 11 14
Web: www.lifeline.org.au/gethelp



ADDITIONAL RESOURCES AND SUPPORT

TransHub (www.transhub.org.au)

This platform is an initiative from ACON Health, Victoria's largest LGBTQ health organisation specialising in community health, inclusion and HIV responses for people of diverse sexualities and genders.

Pride in Sport Victoria (www.prideinsport.com.au)

Pride in Sport is the only sporting inclusion program specifically designed to assist sporting organisations at all levels with the inclusion of LGBTQ employees, athletes, coaches, volunteers and spectators.

Victorian Human Rights Commission (www.humanrights.gov.au)

The Victorian Human Rights Commission is an independent statutory organisation, established by an act of Federal Parliament. We protect and promote human rights in Victoria and internationally.

Trans Pride Victoria (www.transprideVictoria.org.au)

Trans Pride Victoria Inc is a social and support group for trans and gender diverse people and their loved ones in Victoria.

QLife ([www.qlife.org.au](http://www qlife.org.au))

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

Minus 18 (www.minus18.org.au)

Minus18 aims to improve the health and wellbeing of, and provide a safe environment for, same-sex attracted and gender diverse young people in Victoria, seeking to empower them to feel comfortable and confident in their sense of identity and assisting them to grow as happy, healthy individuals well into the future.

Switchboard (www.switchboard.org.au/get-help/)

This service is for LGBTIQ+ identifying people and those who have questions or concerns about LGBTIQ+ issues. They also welcome contact from people who may not be LGBTIQ+ but who want to talk about someone else they care about. This includes families, friends, teachers and co workers of LGBTIQ+ people.

LANGUAGE AND DEFINITIONS

Language

- a) Language should be respectful and inclusive. Members, Participants and others involved in our game are encouraged to use correct pronouns (for example, by asking all participants within the Victorian Baseball Organisation what pronouns they use when they register, and using pronouns consistently across verbal and written communications).
- b) Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their/ze'. The pronoun a person uses to describe themselves generally reflects their Gender identity
- c) Baseball Victoria 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

Definitions

- d) **Clubs**, being those Baseball clubs which are a member of or affiliated to the VSBL, Association and/or Member Association.
- e) **Competition** means a Baseball contest, event or activity measuring performance against an opponent, oneself or the environment either on a one-off basis or as part of a series or league that is sanctioned by BV or BA.
- f) **Event** means a one-off Competition, or series of individual Competitions conducted by BV, BA or WBSC (for example international matches, national championships, or domestic leagues).
- g) **Member** means a member of BV admitted in any category of membership in accordance with the Baseball Victoria Constitution.
- h) **Participant** means Athletes, Athlete and Team Support Personnel, Administrators and Officials participating in or engaged with the delivery of Competitions and Events, Directors, Employees and Volunteers.

Bodies, gender and gender identities

- i) **Brotherboy** is a term used by Aboriginal and Torres Strait Islander people to describe gender diverse people who have a male spirit and take on male roles within the community. Brotherboys have a strong sense of their cultural identity.
- j) **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.
- k) **Gender Dysphoria** is the discomfort a person feels with how their body is perceived and allocated a gender by other people. The experience may occur when a person feels their biological or physical sex doesn't match their sense of their own gender. This feeling, that there is a mismatch, can trigger a range of responses. Some people experience serious distress, anxiety and emotional pain, which can affect their mental health. Others experience only low-level distress — or none at all. For this reason, gender dysphoria is no longer considered a mental illness. (Not to be confused with 'Body Dysmorphia')
- l) **Gender Identity** is defined in the Act as 'the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth'. For example, a person's birth certificate may include a marker which indicates that the person's designated sex is female when that person identifies as a man (in other words, their gender identity is that of a man).
- m) **Cisgender / cis** is a term used to describe people who identify their gender as the same as what was assigned to them at birth (male or female). 'Cis' is a Latin term meaning 'on the same side as'.
- n) **Deadname** is a term used by some trans people to describe the name they were given and known by prior to affirming their gender and/or coming out.

- o) **Intersex** (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:
- I. neither wholly female nor wholly male
 - II. a combination of female and male, or
 - III. neither female nor male.
- The term 'intersex' does not describe a person's gender identity (man, woman, neither or both). A person with an intersex variation may identify as a man, woman, neither or both.
- p) **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.
- q) **Non-Binary** is a term used to describe a person who does not identify exclusively as either a man or a woman. Genders that sit outside of the female and male binary are often called non-binary. A person might identify solely as non-binary or relate to non-binary as an umbrella term and consider themselves genderfluid, genderqueer, trans masculine, trans feminine, agender, bigender, or something else.
- r) **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.
- s) **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.
- t) **Sistergirl** is a term used by Aboriginal and Torres Strait Islander people to describe gender diverse people that have a female spirit and take on female roles within the community. Including looking after children and family. Many Sistergirls live a traditional lifestyle and have strong cultural backgrounds.
- u) **Transgender** (commonly abbreviated to 'trans') is a general term used to describe a person whose gender identity is different to 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. Trans people may position 'being trans' as a history or experience, rather than an identity, and consider their gender identity as simply being female, male or a non-binary identity. Some trans people connect strongly with their trans experience, whereas others do not. Processes of gender affirmation may or may not be part of a trans or gender diverse person's life.
- v) **Transition / Gender Affirmation** means the personal process or processes a trans or gender diverse person determines is right for them in order to live as their defined gender and so that society recognises this. Transition may involve social, medical/surgical and/or legal steps that affirm a person's gender. Affirming gender doesn't mean changing gender, 'having a sex change' or 'becoming a man or a woman', and transition isn't the same as being trans. A trans or gender diverse person who hasn't medically or legally affirmed their gender is no less the man, woman or non-binary person they've always been.
- I. **Social transition** is the process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns, and appearance.
 - II. **Medical transition** is the process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.
 - III. **Legal transition** is the process by which a person changes their identity documents, name, or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate or changing their name on a driver's licence or bank card.

Societal attitudes/issues

- w) An **ally**, straight ally, or heterosexual ally is typically a heterosexual and cisgender person who supports equal civil rights, gender equality, LGBTQ+ social movements, and challenges homophobia, biphobia, and transphobia. Not everyone who meets this definition identifies as an “ally”. An ally acknowledges that LGBTQ+ people face discrimination and thus are socially disadvantaged. They aim to use their position as heterosexual and cisgender individuals in a society focused on heteronormativity to counter discrimination against LGBTQ+ people. An ally can also be someone who identifies within the LGBTQ+ community and supports an aspect of that community in which they don’t identify with (e.g. a Cisgender gay man may identify as an ally to transgender individuals).
- x) **Biphobia** is abuse towards someone who is attracted to more than one gender, and even includes when that person’s identity is erased. This can be in the form of telling someone that their sexuality is “just a phase”, or even telling them to “pick a side.”
- y) **Cissexism** is where something is based on a discriminatory social or structural view that positions (either intentionally or otherwise) the trans experience as either not existing or as something to be pathologised. Cissexism believes that gender identity is determined at birth and is a fixed and innate identity that is based on sex characteristics (or ‘biology’) and that only binary (male or female) identities are valid and real.
- z) **Heteronormativity** (also known as cisnormativity) the view that heterosexual relationships are the only natural, normal and legitimate expressions of sexuality and relationships, and that other sexualities or gender identities are unnatural and a threat to society.
- aa) **Homophobia** refers to negative beliefs, prejudices and stereotypes that exist about people who are not heterosexual. Verbal homophobia is the most common form. Things like name-calling, rumours, and abusive words (‘fag’ or ‘dyke’). Phrases like “that’s so gay” which compare sexuality to words like ‘crap’ can have a negative impact. Homophobia also include abusive threats or actual physical violence, sexual harassment and deliberately excluding someone because of their sexuality.
- bb) **Misgendering** is an occurrence where a person is described or addressed using language that does not match their gender identity. This can include the incorrect use of pronouns (she/he/they), familial titles (father, sister, uncle) and, at times, other words that traditionally have gendered applications (pretty, handsome, etc.). It is best to ask a person, at a relevant moment, what words they like to use.
- cc) **Transphobia** refers to negative beliefs, prejudices and stereotypes that exist about transgender/trans and gender diverse people. You may have heard transphobic language like ‘tr*nny’, or seen restrictions on the way that people are allowed to express their gender. Things like which uniform you’re allowed to wear or toilets you can use. Transphobia can also include abusive threats or actual physical violence, sexual harassment and deliberately excluding someone because of their gender.