

Accommodating Trans Students in School Extracurricular Activities

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This resource covers issues related to school extracurricular activities for trans students. Extracurricular activities in schools let students explore their interests, develop their skills and feel socially connected. However, trans students are more likely to avoid extracurricular activities in schools. In gender-segregated spaces, trans students often experience harassment or violence due to their gender identity from other students, staff, coaches or spectators. Some examples of trans students encountering transphobia in extracurricular activities are other players who object to playing or sharing spaces with them, misconceptions that trans people have unfair physical advantage or pose a safety threat to other players, getting verbally and physically attacked by others and anti-trans protesters showing up to their games. Like their peers, trans students should have the opportunity to participate in extracurricular activities in a safe and harassment-free environment. In recent years, school boards and school sports associations have begun taking steps to make extracurriculars more inclusive by introducing rules and policies to accommodate trans students.

Duty to Accommodate in Schools

Each school district has policies and codes which may deal with equity and diversity issues, including gender expression. While school districts determine what rules to set in place, these policies and codes cannot violate your human rights and are subordinate to human rights legislation (e.g., “*Human Rights Code*” or “*Human Rights Act*”) in your province or territory. Human rights legislation aims to protect individuals from encountering discrimination based on a personal characteristic such as gender identity when you are accessing a service that is typically available to the public. Since schools provide educational services available to the public, schools cannot discriminate against students based on personal characteristics such as gender identity or expression, sexual orientation, race, ancestry, place of origin, religion or disability. Schools have a duty to accommodate trans students in extracurricular activities. This requires schools to change their approaches when a policy or rule discriminates against a trans student. In recent years, many schools and school districts have created policies about inclusion and

accommodations for trans students in extracurricular activities. To learn more about your school or school district's policies, look under their website.

Sports-Related Extracurriculars

The sports-related activities in this section include sports teams in elementary and middle schools as well as intramurals at all grade levels. Trans students can be accommodated in sports-related extracurricular activities by participating on the team that aligns with their gender identity or having the option to decide which team they feel the most comfortable joining. Refusing to allow trans students to try out or be placed on a team that aligns with their gender identity can be considered gender identity discrimination. For example, it would be discriminatory to refuse letting a trans girl play on the girls' team. Requiring trans students to provide documentation or medical information about their gender in order to join a team is also discriminatory.

Even when trans students are able to join the team, coaches, organizers and schools need to keep an eye out for unacceptable behaviour such as verbal or physical attacks against trans students and take action. When a trans student is harassed by another student who attends the same school, school policies about bullying are applicable to sports-related extracurriculars.

Provincial School Sports Associations

Provincial school sports associations regulate high school sports teams that compete against other schools. Each provincial school sports association has their own handbook and policies. Under provincial human rights law, provincial school sports associations cannot discriminate against student athletes and have a duty to accommodate. This means trans students cannot be prohibited from joining a team just for being trans. The specific details about trans and non-binary students in high school sports differ from province to province. To learn more about the trans-inclusive student athlete policies, please check your province's school sports association website.

In BC, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador, trans and non-binary students can join the team that best aligns

with their gender identity or which team they feel most comfortable with. The Alberta Schools' Athletic Association initially allowed trans student athletes to participate on the team that aligned with their gender in 2016. Their current policy is that a student's sexual orientation or gender identity will not be considered as a factor in determining eligibility to participate by the Compliance Officer or the Appeal Committee.

Although students can join a team that aligns with their gender identity, there continue to be barriers for students who are gender fluid or come out as trans while already on a team. Provincial school sports associations may not allow students to switch to the other gendered-team during the season or could require a letter from the school administration for joining the other-gendered team in a different season. For example, if you join the boys' basketball team in winter, you can't transfer to the girls' basketball team later in the season. If you want to join the girls' soccer team in spring or the girls' basketball team next season but have previously played on the boys' team, you may need to get a letter from your principal confirming your gender identity.

As mentioned above, trans student athletes who join a team are more likely to be harassed verbally or physically by other players for being trans. Provincial school sports associations have a code of conduct that student athletes must follow. Generally, these codes include treating all participants fairly regardless of their identity, sportsmanship and respecting the dignity of other athletes. There is also a similar code of conduct for coaches to follow. Students or coaches that violate the code of conduct by verbally or physically harassing trans student athletes could face disciplinary action from the provincial school sports association or school board.

Dealing with Anti-Trans Spectators

There have been several incidents of students being harassed by spectators about their gender identity and outward appearance during a game or tournament. Typically, trans girls, non-binary students and, in some cases, cis-gender girls who play on a girls' sports teams are targeted by anti-trans spectators. Anti-trans spectators have interrupted games by accusing certain students on teams of being the opposite gender publically, demanding to see proof of the student's biological sex, showing up with anti-trans signs, and verbally attacking students, coaches and

organizers. This creates an unsafe environment for student athletes and their allies. Targeted students feel embarrassed, humiliated and worry about their physical safety.

Students targeted by anti-trans spectators should not be asked to stop participating or be disqualified. Provincial school sports associations have codes of conduct for spectators to respect all players. When students are attacked by anti-trans spectators at events, organizers, coaches or school officials need to explain to the spectators there is no tolerance for hate and ask them to leave. Schools, school districts and sports associations may also have the power to ban anti-trans spectators from attending future events. In 2023, the Kelowna School District banned two spectators from attending all elementary school athletic competitions after they interrupted “why a boy was throwing” in a girls’ shot put event and demanded proof the student was biologically female.¹

In BC, students are currently protected from anti-trans spectators in school extracurricular activities under the *Safe Access to Schools Act*. Under section 2, a person must not disrupt an extracurricular school activity, participate in a protest, interfere, intimidate or try to intimidate someone that could be expected to cause concern for a person’s physical or mental safety. The access zone extends 20 metres past a school’s boundary and is in effect any time an extracurricular activity is provided at the school. Anti-trans spectators at school extracurricular activities can be fined or arrested for attacking students. This law is currently in effect until July 1, 2026.

Fairness and Safety in Sports Act

Alberta has passed Bill 29 - The *Fairness and Safety in Sports Act* which aims to restrict trans women and girls from playing on female teams.² Transphobic comments and misconceptions that cis-gender girls and women have unfair physical disadvantages and are more vulnerable to serious injuries when playing alongside trans women and girls were emphasized when Bill 29 was debated in the Alberta Legislature.³ Although the *Fairness and Safety in Sports Act* does not explicitly mention words like “transgender”, “female” or “biological”, it was proposed by

¹ [9-year old's gender questioned in 'gobsmacking' track-and-field incident, family says](#) | CBC

² [Fairness and Safety in Sports Act, SA 2024, c F-2.5](#) | CanLii

³ [Third Reading of Bill 29 - Fairness and Safety in Sports Act](#) | Alberta Hansard

Alberta's Minister of Tourism and Sport to ensure cis-gendered female athletes are able to compete in biological-female-only divisions. Trans women and girls would need to join co-ed teams.⁴ Enforcement would mainly be complaints-based, meaning that someone could make a formal complaint if they think a player is not biologically female. The player could be required to show proof they are eligible to play on the team. The *Fairness and Safety in Sports Act* is expected to come into effect in Fall 2025. Public schools, private schools, post-secondary institutions and provincial sport organizations in Alberta could be required to make policies excluding trans women from participating in womens' sports. Recreational leagues, professional sports or private clubs are not affected by this Act.

The *Canadian Charter of Rights and Freedom* guarantees Canadians with rights and freedom that governments and in some cases, schools, cannot violate. Section 15 of the *Charter*, known as equality rights, gives every person the right to equal protection under the law without discrimination based on sex, race, national or ethnic origin, colour, religion, age, mental or physical capacity. The *Fairness and Safety in Sports Act* may violate the equality rights trans women and girls have under the *Charter* on the basis of sex. Laws and policies that violate equality rights can be overturned by a court for being inconsistent with the *Charter*. When a law is found to be discriminatory through a lawsuit and a government or school cannot provide justification, a court can rule the law has no effect and suspend it.

However, governments can prevent courts from suspending a law by using the notwithstanding clause in the *Charter*. The notwithstanding clause allows the government to undermine equality rights and let a discriminatory law continue. For example, a Saskatchewan court ruled that a policy requiring schools to out trans students to their parents violated the equality rights students have under the *Charter*. In response, the Government of Saskatchewan used the notwithstanding clause to introduce the *Education Amendment Act (Bill 137 - Parents' Bill of Rights)* to give parents the right to know when a child under 16 has changed their name or pronouns at school. If a court finds the *Fairness and Safety in Sports Act* violates the equality rights trans women and girls have under the *Charter*, the Government of Alberta may retaliate by introducing a similar bill and use the notwithstanding clause.

⁴ [Ensuring fairness, safety and inclusivity in sport | Government of Alberta](#)

What you can do

If your school or sports organizations do not allow you to participate in an activity or accommodate you based on your gender identity, there are several options for you to pursue.

School and School Board Level

You can begin by looking through your school's codes, policies and rules. In some provinces, it is mandatory for schools to include statements about prohibiting discrimination in accommodation for gender identity or expression in their codes of conduct. If a teacher or a coach does not allow you to join an extracurricular activity because of your gender identity, determine who is the best person to escalate this issue with. This person may be the head of your school's athletics department, lead organizer or your principal. If you have had previous issues with your school department, lead organizer or principal not taking action in the past or you don't feel comfortable going to them, you can also contact your school board. It is best you go through the staff list on your school board's website to see who would be the most appropriate person to contact. If your school board staff or superintendent are not able to address your issue, you can contact your school board's human rights office, if there is one, or reach out to the board's Director of Education. You can also contact your School Trustee (elected person who sits on the school board's governing body) if the Director of Education does not appropriately address your issue. Depending on your province or city/town, you may have the right to appeal to a board of education when you are not able to resolve an issue with a teacher, principal or staff at the school board office. To learn more about the appeals process, check your province's Ministry of Education or school district's website.

Provincial School Sports Association

Like schools, provincial school sports associations have codes, policies and rules too. As mentioned above, most provincial school sports associations have rules about how to accommodate trans and non-binary student athletes. Trans student athletes can file a complaint with their provincial school sports association against another player or coach for not following the code of conduct if they are verbally or physically harassed. If you experience discrimination

due to your gender identity, look on your provincial school sports association's website to learn more about their appeals process.

Filing a Human Rights Complaint

If you are unable to get issues related to accommodation for school extracurricular activities resolved, you can consider taking legal action, such as filing a human rights complaint. Trans students experiencing gender identity discrimination can file a human rights complaint against their school, school district, provincial school sports association or other organizers involved. You can do this with or without hiring a lawyer. Talking to a lawyer can help you understand more about your rights, the legal process and what options are best for you moving forward. If you cannot afford a lawyer, consider researching options for free legal support. For instance, search online to find out whether your province or territory has any pro bono (free) legal services. Try a Google search for “pro bono legal services” or “free human rights legal services”, “free 2SLGBTQIA+ legal clinics” or similar.

Lawyers Against Transphobia may be able to offer advice:

lawyersagainsttransphobia@gmail.com

For more information:

Egale is a Canadian organization for 2SLGBTQI people and issues. Their initiatives include research, education, awareness and by advocating for human rights and equality. Egale has published several articles about trans women in sports including [Egale Explains: “Transvestigation” in Sport and How it Feeds Misogyny](#) and [Egale Explains: Trans Women in Sport](#).

The Canadian Centre for Ethics in Sports (CCES) is a national sports organization that advocates for ethical sports and protecting the integrity of sports. As part of its [Diversity and Inclusion Program](#), the CCES has created resources for Canadian sports organizations to use to foster a more inclusive environment for trans athletes.

It Gets Better Canada is a Canadian charity dedicated to empower and uplift 2SLGBTQ+ youth through storytelling and building community. [It Gets Better Canada](#) has created a list of organizations that support 2SLGBTQ+ people. These include national, provincial and local organizations that provide a range of resources, support.

[Kids Help Phone](#) is extremely 2SLGBTQ+ affirming and available by phone, text or online 24/7 for free counselling and support. They have also created tips, tools and stories to empower and support 2SLGBTQ+ youth.

Real Example: Harriette Mackenzie

Harriette Mackenzie, a trans basketball player for the Vancouver Island University (VIU) women's basketball team, has faced transphobia throughout her life, notably throughout her athletic career. After VIU's basketball team defeated Columbia Bible College (CBC) on October 25th, 2024, CBC's basketball coach Taylor Claggett cornered a VIU staffer to complain about Harriette's eligibility, asserting she shouldn't be allowed to play. Echoing this sentiment, Claggett's brother Kyle, who is also a partner in the Claggett family basketball academy in Abbotsford, B.C., wrote on Instagram, "You have girls that have dreams to play post-secondary basketball and when they end up making it they have to play against a MALE! Unreal. Make it make sense," adding "why do you think Alberta added that rule" in reference to anti-trans laws passed in Alberta that banned trans participation in sport.⁵

The following day, after VIU took a twenty point lead in another game against CBC, an opposing player violently grabbed Mackenzie and threw her to the floor.⁶ Claggett immediately applauded and yelled "that's what Harriette got for a knee to the head" to VIU's coach, alluding to an earlier play where after spinning into a triple team and making a pass, Mackenzie tripped over a fallen CBC player, and her leg hit the player's head as she fell. Claggett denied that she was applauding the foul and instead insisted she was trying to focus her team.

⁵[Bullying, basketball and an online firestorm: How B.C. college star Harriette Mackenzie stood up to anti-trans hate - and won](#) | Toronto Star

⁶[Trans hoop standout Harriette Mackenzie's Vancouver Island stumble in CCAA tourney opener](#) | Outsports

A few days after the game, Mackenzie publicly addressed what had happened on her Instagram, asserting that trans, queer, and non-binary individuals belong in sports and that hate has no place in the league.⁷ She has also highlighted that she began transitioning in kindergarten, never underwent male puberty, and has testosterone levels significantly lower than cis-gender women, challenging criticisms that minimize her athletic achievements due to her being transgender and reaffirming her compliance with all Canadian Collegiate Athletic Association rules around fair competition. Trans individuals should never have to out themselves or disclose public information to validate their status as legitimate competitors in sports and extracurriculars.

VIU formally complained to the Pacific Western Athletic Association (PACWEST) regarding the incidents. In solidarity with Mackenzie, VIU's team decided to forfeit two scheduled games against CBC and demanded the playoffs be relocated from CBC to another location, citing safety concerns. PACWEST sided with VIU and Mackenzie, leading to the suspension of Coach Claggett and the revocation of CBC's right to host the basketball provincials.⁸ However, CBC and Claggett disputed, with Claggett stating her intention was for the “safety of female athletes in their sport” and that Mackenzie's video was “highly inaccurate.” CBC has sought to review PACWEST's decision.⁹

After the October games, CBC and its affiliated community members have engaged in further transphobic actions targeting Mackenzie. CBC players wore and sold “STAND UP” and “PLAY FOR TAYLOR” T-shirts, which they advertised in an Instagram post captioned “she fought for us - now we fight for her.” Despite Claggett’s suspension, she accompanied the team to the national championships, and both VIU and CBC were placed on the same plane and initially housed in the same accommodations, leading VIU to change hotels for Mackenzie’s safety. During the playoffs, CBC men’s team members and fans reportedly shouted transphobic slurs and yelled at Mackenzie, while a CBC parent also engaged in a verbal altercation with a VIU parent. Online anti-trans organizations and individuals have continued to spread hatred. However, Mackenzie also garnered strong support over the last few months: her university (VIU)

⁷ [H.arriette | Instagram](#)

⁸ [B.C. bible college accused of mistreating trans player no longer hosting basketball provincials](#) | CBC

⁹ [Bullying, basketball and an online firestorm: Hour B.C. college star Harriette Mackenzie stood up to anti-trans hate - and won](#) | Toronto Star

and athletic conference (PACWEST) sided with her, and various queer organizations and allies voiced their solidarity and packed the bleachers to support Mackenzie alongside her teammates and coach.¹⁰

¹⁰ [Fan favourite cheered as VIU Mariners get back to basketball](#) | Nanaimo New Bulletin