

POLICY AND PROCEDURES ON TRANSEXUAL PEOPLE IN ATHLETICS COMPETITIONS

Introduction

UK Athletics is responsible for regulating the participation of persons as competitors in all disciplines of athletics within its jurisdiction within the United Kingdom.

Athletics in all its forms is a gender-affected sport, as defined by legislation, in that the physical strength, stamina or physique of average persons of one sex would put them at an advantage or disadvantage (as the case may be) to average persons of the other sex as competitors in an event of any discipline within athletics.

Accordingly, UK Athletics has adopted this Policy for two reasons: first, in order to ensure equal and fair competition in all disciplines of athletics; and second, to ensure the safety at all times of all competitors.

Key terminology

This Policy uses a number of terms associated with transsexual people and athletics. We recognise that there are considerable differences in those that are used, and we have adopted the following definitions:

Transgender person

The terms 'transgender person' or 'trans person' are umbrella terms to cover a number of specific terms such as transsexual men, transsexual women, intersex people, androgynous and polygender people, cross-dressing and transvestite people.

Gender reassignment

Gender reassignment is one of a number of protected characteristics defined in the Equality Act 2010 and applies to people who are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex. This legislation prohibits discrimination against a person to whom the protected characteristic applies.

Transsexual person

This term refers to someone with the protected characteristic of gender reassignment. We use the term transsexual man to describe a female-to-male transsexual person and use the term transsexual woman to describe a male-to-female transsexual person. This is not the same as a cross dresser or transvestite people, nor is it the same as sexual orientation.¹

¹ Sport Councils Equality Group Guidance for NGBs on transsexual people in competitive sport May 2013

Affirmed (acquired) sex or gender

We use the term 'affirmed' or 'acquired' in reference to an individual's sex or gender to describe the sex that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

Scope of this Policy

UKA is the National Governing Body for the sport of athletics in the United Kingdom. Therefore this Policy relates solely to activity within this territory. UKA is responsible for setting standards and values to apply throughout athletics at every level in the UK. It is the responsibility of UKA to apply the rules of athletics and regulate participation of persons as competitors in athletics matches and events in order to ensure that it provides fair competition and has due regard for the safety of all competitors. It permits a range of competitions to suit the needs of all athletes. UKA expects athletes to compete at an appropriate level.

This Policy covers competitions as defined below; it includes competitions sanctioned by the UKA Board which includes those managed and organised by its members, Home Country, County and Regional Associations, and affiliated leagues and clubs, collectively referred to as 'domestic competitions' in this Policy.

The Policy also covers the eligibility and selection of transsexual athletes to represent Great Britain & Northern Ireland in international competitions, referred to as 'international competitions' in this Policy.

For the avoidance of doubt, the word 'competition' is defined as any activity held pursuant to a Permit or Licence granted by the IAAF, UKA, an Area Association, a National Association, a National Committee or the Trail Running Association, in accordance with the provisions set out in Rules 1 and 2 of the IAAF and UKA Rules. It covers all types of competition including mainstream leagues and tournaments as well as other competitive formats of the sport such as Masters events. The Sports Council Equality Groups guidance for national governing bodies on transsexual people and competitive sport also states that competition or competitive sport refers to activity where the result (winning or losing) has a meaningful outcome. The requirements set out in this policy would not therefore, apply to athletics activity such as training, friendly or fun runs or to athletes taking part in mass participation events of a charitable outcome but would include those runners in mass participation races who are running for prizes (be they monetary or otherwise) or for selection for other events based upon their performance.

UKA's Policy and Procedures on Transsexual People in Athletics Competitions apply to all individuals involved in athletics, whether paid or in a voluntary capacity. Everyone in athletics has a responsibility to ensure that transsexual people are treated with dignity and respect and that they are treated fairly.

Guidance and legislation

The practices and procedures within this Policy are based on the principles contained within English legislation and in particular take the following into consideration:

- Equality Act 2010;
- IAAF guidance based on IOC statement on Sex Reassignment 2016;
- Data Protection Act 1998; and
- Gender Recognition Act 2004.

Policy and Procedures for domestic competitions

UKA's requirements relating to the eligibility of transsexual people to compete in domestic athletics competitions are as follows:

Transsexual males

Any transsexual male (female-to-male transsexual person) who is recognised under English law as someone undergoing or who has undergone gender reassignment may compete in his affirmed gender in any male or mixed sex domestic competition without further evidence beyond what is required for any other male athlete.

Transsexual females

- a) Any transsexual woman (male to female transsexual person) aged 16 years or over who is recognised under English law as undergoing or who has undergone gender reassignment may compete in her affirmed gender in female or mixed sex domestic competitions by providing evidence that her hormone therapy has brought her blood-measured testosterone level within the range of her affirmed gender or that she has had a gonadectomy. Alternatively, she may compete in a male or mixed-sex competition if she has not started hormone treatment.
- b) Any transsexual girl (under 16 and post puberty) who is recognised under English law as someone undergoing or who has undergone gender reassignment may compete in her affirmed gender in any female or mixed-sex domestic competition subject to an individual case by case review, if required, undertaken by UKA and as detailed further below. Alternatively, she may compete in any male or mixed-sex competition if she has not started hormone treatment or had a gonadectomy.
- c) Any transsexual girl (pre puberty) who is recognised under English law as undergoing or who has undergone gender reassignment may compete in her affirmed gender in any female or mixed-sex competition subject to confirmation of her stage of pubertal development, as detailed further below.

These requirements can be summarised as follows:-

| Non-contact sport | |
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| Affirmed gender | Domestic competition run under the auspices of an NGB and in accordance with its regulations and policies |
| Any transsexual male (female-to-male transsexual person) | May compete in his affirmed gender in any male or mixed-sex domestic competition |
| Transsexual woman – over 16 and post-puberty (male-to-female transsexual person) | <p>Either</p> <p>May compete in her affirmed gender in female or mixed-sex domestic competition by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender or that she has had a gonadectomy.</p> <p>Or</p> <p>She may compete in any male or mixed-sex competition if she has not started hormone treatment</p> |
| Transsexual girl – under 16 and post-puberty | <p>Either</p> <p>She may compete in her affirmed gender in any female or mixed-sex domestic competition subject to an individual case-by-case review, if required, undertaken by the NGB</p> |

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|--------------------------------|---|
| | <p>Or</p> <p>She may compete in any male or mixed-sex competition if she has not started hormone treatment or had a gonadectomy</p> |
| Transsexual girl – pre-puberty | May compete in her affirmed gender in any female or mixed-sex domestic competition subject to confirmation of her stage of pubertal development |

UKA procedure to determine eligibility for transsexual people to take part in domestic athletics competitions

The following sets out the procedures that supplement the requirements set out above in order to determine the eligibility of transsexual people to take part in domestic competitions:-

General provisions

All documentation revealing information about a person's past or present gender reassignment status will be managed in accordance with UKA's policies with regards to the management of sensitive personal data and confidential information and in line with the Data Protection Act 1998 and, where relevant, the Gender Recognition Act 2004. In particular, UKA undertakes that:

- Anyone at UKA involved in assessing and reviewing such information will understand the confidentiality obligations that are associated with handling such a matter; and
- It will, to the fullest extent possible, undertake all communications with the individual concerned and will only share information with the Home Countries and/or the league or club to which the athlete is affiliated on a 'needs-led' basis allowing them to manage athlete registration and establish the athlete's right to compete.

In order to determine compliance with this Policy, UKA's Welfare and Compliance Manager, a UKA Board member and a medical representative appointed by UKA will consider the evidence on a case-by case basis.

For all transsexual males

Provided that the athlete can demonstrate to UKA that he is recognised under English law as someone undergoing or who has undergone gender reassignment, no further evidence will be required in order for him to compete in any male or mixed sex competition beyond what would be required for any other male athlete.

For all transsexual females

All enquiries must be passed to UK Athletics Welfare and Compliance Officer.

A transsexual woman or girl shall not be entitled to compete in female, domestic competitions in her affirmed gender until such time as she has provided evidence that the requirements set out above have been met to UKA's satisfaction. Notification by a transsexual female athlete to UKA of an enquiry under these procedures shall include providing UKA with details of the following information at a minimum although UKA shall be entitled to request further information in its absolute discretion:

- i. evidence of acquired sex under applicable law (e.g. sex recognition certificate or other form of legal recognition of acquired sex);
- ii. details of any sex reassignment procedure;

- iii. details of any post reassignment treatment (name of treatment, dosage and periodicity); and
- iv. details of any post-reassignment monitoring of treatment.

In addition to the above, the following additional specific procedures shall apply for transsexual females:

For transsexual women aged 16 years or above

The transsexual woman (and her legal guardian if under 18) will be asked to permit their GP and/or consultant to disclose sufficient information to UKA (including such other information, records or other material as UKA may require from time to time) to allow it to ascertain that hormone therapy has been administered in a verifiable manner and that this has minimised any gender-related advantages in athletics competitions. This will need to demonstrate that the hormone treatment has reduced her blood-measured testosterone levels within the range of her affirmed gender. Hormone-related treatment must also be notified to and verified by UKA annually to ensure its validity.

For transsexual girls (under 16 and post puberty)

The transsexual girl and her legal guardian will be asked to permit UKA to undertake an individual case-by-case review. This will involve a review meeting with the transsexual girl, her advocate (e.g. parent, social worker, or a representative from a LGBT young people's group such as Gendered Intelligence) and a representative from UKA. Their role will be collectively to agree a way forward for the young person based on her individual circumstances and to manage everybody's expectations and with due consideration for fairness.

For transsexual girls pre puberty

The transsexual girl and her legal guardian will be asked to permit their GP and/or consultant to disclose sufficient information to UKA (including such other information, records or other material as UKA may require from time to time) to allow it to ascertain the girl's stage of pubertal development. This is subject to an annual review.

International Competitions

The International Association of Athletics Federations (IAAF) has a regulation concerning women's competitions – *IAAF regulations governing eligibility of athletes who have undergone sex reassignment to compete in women's competition May 1st 2011*. It is based on the IOC statement on sex reassignment.²

An application submitted to and approved by The International Association of Athletics Federations would be accepted by UK Athletics and would not require further approval.

This Policy also takes account of the IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015.

All enquiries regarding participation in international competitions by a transsexual competitor may be passed to UK Athletics Welfare and Compliance Officer who will assist in the application to the IAAF for clearance.

Acknowledgements

² The phrase 'sex reassignment' used by the IOC has the same meaning as 'gender reassignment' used in the UK.

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