

British Canoeing Transgender & Transsexual Policy:

Guidance and Policy for Competition

1. Introduction:

- 1.1. British Canoeing (BC) is the recognised national governing body (NGB) for paddlesport in the United Kingdom (UK).
- 1.2. British Canoeing believes in fairness and equity and values diversity in all its dealings, both as the governing body for paddlesport and as an employer. BC are therefore committed to ensuring that the sport is accessible to all who wish to participate and that individuals are treated fairly.
- 1.3. This policy has been produced to clarify some of the issues relating to transgender people in paddlesport and to create a clear framework in accordance with the British Canoeing Equality Policy (October 2018).
- 1.4. Paddlesport¹ is a gender-affected sport where the physical strength, stamina or physique of average persons of one gender may put them at an advantage or disadvantage compared with the average persons of the other gender as competitors. BC aims to try, as far as possible, to balance the rights of transsexual and transgender people to paddle in their affirmed gender without disproportionately disadvantaging them, or other participants, and while protecting the integrity and fairness of the sport.
- 1.5. Under current UK legislation, paddlesport may be regulated by BC in respect of the participation of a transsexual person.
- 1.6. BC recognise that people may have concerns about an unfair advantage especially with regard to transsexual women (men who have transitioned to become women) and are confident that this policy addresses this issue by recognising the impact that hormonal treatment can have on a person.

2. Equality Policy Statement (updated October 2018):

- 2.1. BC is fully committed to the principles of equality of opportunity and aims to ensure that everyone has a genuine and equal opportunity to participate in paddlesport at all levels and in all roles of the sport, irrespective of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

¹ Paddlesport refers to canoeing, kayaking, canoe slalom, canoe sprint, canoe marathon, canoe polo, canoe surf, canoe freestyle, white water rafting, wild water racing, ocean racing, outrigger canoeing (Va'a), canoe lifeguards and stand up paddleboarding and any other craft propelled by a paddle in or on which the paddler faces in the direction of travel.

- 2.2. In addition, BC will endeavour to ensure that all are given the same opportunities regardless of their socio-economic background. This includes members, volunteers, participants, supporters, coaches, officials, job applicants and employees (together known as Stakeholders). BC recognises that unlawful discrimination is unacceptable and will not tolerate direct or indirect discrimination, whether intentional or unintentional.

3. Guidance and Legislation:

- 3.1. This guidance and policy has been written in accordance with the following guidance and legislation:
 - 3.1.1. Equality Act 2010
 - 3.1.2. IOC Statement of the Stockholm Consensus on sex reassignment in sport (November 2015)
 - 3.1.3. Data Protection Act 2018
 - 3.1.4. Gender Recognition Act 2004

4. Scope of this Policy:

- 4.1. **Domestic competitions:** This policy is relevant to any competition run under the auspices of BC including competitions managed and organised by its members, volunteers, discipline committees, and affiliated clubs and centres, referred to as domestic competitions. Competition, in this instance, is defined as activity where the result (winning or losing) has a meaningful outcome. It does not cover training or friendly, informal paddling in which any person can participate fully without any restriction.
- 4.2. **International competitions and selection:** This policy is also relevant to transsexual paddlers seeking eligibility and selection to represent Great Britain or England in international competitions or to be entered into international competitions by British Canoeing. British Canoeing follows the guidance from the IOC as set out in the Statement of the Consensus Meeting on Sex Reassignment and Hyperandrogenism (Nov 2015). See Appendix A.

5. Understanding the preferred terms:

- 5.1. **Transgender person:** sometimes also referred to as *trans person* is the umbrella term used for a number of specific terms such as transsexual men and transsexual women, intersex people, androgyny and polygender people, cross-dressing and transvestite people.
- 5.2. **Gender reassignment:** a protected characteristic defined in the Equality Act 2010 and which describes the process of transitioning from one sex to another as a permanent change of gender role.

- 5.3. **Transsexual person:** refers to someone with the protected characteristic of gender reassignment. The term transsexual man describes a female-to-male transsexual person, and the term transsexual woman describes a male-to-female transsexual person. This is not the same as a cross-dresser, transvestite people nor is it the same as sexual orientation. This policy and guidance uses transsexual man/male and transsexual woman/female however BC would expect everyone to use man/male or woman/female to describe individuals who have transitioned permanently to a particular gender.
- 5.4. **Gender dysphoria:** a condition in which a person feels that there is a mismatch between their biological sex and their gender identity. **Biological sex** is assigned at birth while **gender identity** is the gender that a person identifies with or feels themselves to be. Gender dysphoria is a recognised medical condition for which treatment is sometimes appropriate. It is not a mental illness. Some people with gender dysphoria have a strong and persistent desire to live according to their gender identity, rather than their biological sex and may undergo treatment so that their physical appearance is more consistent with their gender identity.
- 5.5. **Affirmed gender:** describes the gender that the person has transitioned to as opposed to that which is assigned at birth.
- 5.6. **Transphobia:** describes discriminatory, abusive, or negative language and behaviour that is directed towards anyone who comes under the umbrella term of transgender. In addition, it may be towards a transsexual person's friend or supporter, or anyone that may be perceived to be a transsexual person (whether they are a transsexual person or not). The behaviour may include a reluctance or refusal to provide access to services to the same extent as that provided for a non-transsexual person.

6. BC Policy on Transsexual Paddlers in Domestic Competition:

- 6.1. In accordance with the aforementioned legislation, BC permits transsexual people to paddle in domestic competitions in their affirmed gender under the conditions summarised below:
- 6.1.1. **Any transsexual male (female-to-male transsexual person):** May compete in any male, domestic competition run under the auspices of BC and run in accordance with BC regulations and policies. There is no perceived unfair physical advantage over other males even after testosterone therapy. No verification of identity should be requested from competition organisers other than that which is asked of all competitors.
- 6.1.2. **Any transsexual woman over 16 and post-puberty (male-to-female transsexual person):** May compete in female, domestic competition run under the auspices of BC and run in accordance with BC regulations and policies by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender as set out in the Statement of the Consensus Meeting on Sex

Reassignment and Hyperandrogenism (Nov 2015) (See Appendix A) OR she may compete in any male or mixed sex competition if she has not started hormone treatment.

- 6.1.3. Evidence must be provided to BC demonstrating that the criteria outlined in clause 6.1.2 has been met before being entitled to compete. This must include sufficient evidence from her GP and/or consultant to demonstrate that hormone therapy has been administered in a verifiable manner. This information must demonstrate that hormone treatment will have reduced blood-measured testosterone level to that of an affirmed gender for an appropriate length of time and that this is in line with any anti-doping regulations. Hormone-related treatment must be verified annually to ensure its validity. No further verification of identity should be requested from competition organisers other than that which is asked of all competitors.
- 6.1.4. **Any transsexual girl under 16 and post-puberty:** May compete in any female, domestic competition run under the auspices of BC and run in accordance with BC regulations and policies *subject to* an individual case by case review undertaken by BC *OR* she may compete in any male or mixed competition if she has not started hormone treatment.
- 6.1.5. Individual cases will be considered as there can be considerable differences in their strength and status. The girl and a legal guardian will be involved in a case review and will not be permitted to compete until this has been completed. A review meeting will take place with the transsexual girl, her advocate, legal guardian and a representative from BC. No verification of identity should be requested from competition organisers other than that which is asked of all competitors.
- 6.1.6. **Any transsexual girl pre-puberty:** May compete in any female, domestic competition run under the auspices of BC and run in accordance with BC regulations and policies subject to confirmation of her stage of pubertal development. There is no gender-related advantage pre-puberty.
- 6.1.7. Evidence must be provided to BC in the form of sufficient information from her GP and/or consultant to ascertain the stage of pubertal development that the girl has reached. She will not be permitted to compete until this has been submitted and assessed. This is subject to an annual review. No further verification of identity should be requested from competition organisers other than that which is asked of all competitors.

7. BC Policy on Transsexual Paddlers in International Competition:

- 7.1. All transsexual paddlers wishing to compete in international competition and/or be considered to represent Great Britain or England in paddlesport will be subject to guidance from the International Olympic Committee Statement of the Consensus Meeting on Sex Reassignment and Hyperandrogenism (Nov 2015). See Appendix A.

8. Summary for International competition and Selection:

- 8.1. **Any transsexual male (female-to-male transsexual person):** May represent Great Britain/England in international competition or be entered by BC in international competition if he is compliant with the IOC policy.
- 8.2. **Any transsexual woman over 16 and post-puberty (male-to-female transsexual person):** May represent Great Britain/England in international competition or be entered by BC in international competition if she is compliant with the IOC policy.
- 8.3. **Any transsexual girl under 16 and post-puberty:** May represent Great Britain/England in international competition or be entered by BC in international competition if she is compliant with the IOC policy.
- 8.4. **Any transsexual girl pre-puberty:** May represent Great Britain/England in international competition or be entered by BC in international competition if she is compliant with the IOC policy.

9. Implementation and Protocol for Transgender Enquiries:

- 9.1. All enquiries will be directed to the relevant person at BC and dealt with confidentially. Transsexual people (and their legal guardians, if appropriate) will be asked to permit their GP and/or consultant to disclose sufficient information to BC to allow a case review to take place by an appropriate panel, if necessary. All documentation will be managed sensitively and confidentially in accordance with the relevant Data Protection legislation in effect at the time, and where relevant, the Gender Recognition Act 2004. Anyone from BC involved in the case will understand the confidentiality obligations that are associated with handling such a matter and any relevant individuals, clubs or committees will be contacted in a confidential and sensitive manner after advising and gaining agreement from the transsexual person.
- 9.2. Any transsexual person shall not be entitled to participate in domestic competitions in their affirmed gender until such time as they have provided evidence that the criteria set out by BC and/or the IOC have been met to its satisfaction.

10. Additional Guidance for BC Participants, Members, Volunteers, Clubs, Centres and Employees:

- 10.1. **Guidance for Transgender Participants:** BC is committed to ensuring that Paddlesport is inclusive and welcoming to everyone. There are many programmes available which

allow and individual to try paddlesport as a participant, including U Canoe, Go Paddling, or taking part in a club training night. If you are hoping to compete, then please refer to the guidance above.

10.2. Guidance to Members, Volunteers, Clubs, Centres and Discipline Committees: It is important to ensure that everyone is welcome into the sport of paddlesport and enjoys a positive experience irrespective of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The guidance and policy above will help you to gain a better understanding of transgender. Please ensure that you:

- 10.2.1. treat the individual with dignity and respect;
- 10.2.2. explain this policy and talk to the individual about their view on how to proceed;
- 10.2.3. respect the private and confidential nature of the individual's situation;
- 10.2.4. agree with the individual on what, if any, information should be shared with others and how they would like to do this;
- 10.2.5. ask the individual about their preferred pronouns ('he', 'she' 'they', etc.) and appreciate how important such identifiers can be for transgender people;
- 10.2.6. ask the individual about their preferred use of changing facilities. This may be a difficult subject for all involved and will require both respect and sensitivity when managing this. Depending on the phase of their transition, the individual may prefer to use the changing room of their assigned gender. Alternatively, toilet cubicles could be used;
- 10.2.7. Encourage the individual to inform you of any inappropriate language or behaviour from other members or volunteers and ensure a zero tolerance policy is adhered to;
- 10.2.8. Encourage the individual to inform you of any inappropriate language or behaviour from other members or volunteers and ensure a zero tolerance policy is adhered to;
- 10.2.9. Complaints and concerns from other members or volunteers should be handled carefully. Ensure that the individuals' confidentiality is not compromised and understand that others may not fully understand the situation. This document may help them to understand some aspects.

11. Guidance for Transgender employees:

- 11.1. BC will not discriminate against transgender people in any aspect of their employment and will endeavour to ensure that the culture of the workplace is supportive and welcoming throughout the transitioning process or as a transgender person.
- 11.2. BC will work to meet the individual needs of each person to ensure they have a positive experience of their employment and work closely with the individual throughout any gender reassignment which is undertaken. Individuals will receive ongoing support throughout the process in order to provide a positive transition period.

- 11.3. All employees receive ongoing equality training which includes transgender awareness. Any discrimination, harassment or victimisation will be taken seriously and disciplinary action will be taken.



INTERNATIONAL
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COMMITTEE

**IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism
November 2015**

Participants:

Prof Dr Uğur Erdener	Chairman, IOC Medical & Scientific Commission
Prof Arne Ljungqvist	Former Chairman, IOC Medical Commission
Dr Stéphane Bermon	Monaco Institute of Sports Medicine & Surgery, IAAF Medical & Scientific Senior Consultant
Michael Beloff, QC	Barrister, Blackstone Chambers
Prof Gerard Conway	Professor of Clinical Medicine, University College London
Prof Myron Genel	Professor Emeritus of Pediatrics and Senior Research Scientist, Yale Child Health Research Center Yale University School of Medicine
Ms Joanna Harper	Chief Medical Physicist, Radiation Oncology, Providence Portland Medical Center
Prof Angelica Linden Hirschberg	Department of Woman & Child Health, Division of Obstetrics & Gynecology, Karolinska Institutet
Prof Dr Maria Jose Martinez Patino	Faculty of Sport Sciences, University of Vigo
Prof Martin Ritzén	Professor Emeritus, Dept of Woman and Child Health Karolinska Institutet
Dr Eric Vilain	Professor of Human Genetics, Pediatrics and Urology Director, Center for Gender-Based Biology Chief, Medical Genetics, Department of Pediatrics Co-director, Clinical Genomic Center David Geffen School of Medicine at UCLA
Jonathan Taylor	Partner, Bird & Bird
Liz Riley	Barrister, Bird & Bird
Dr Robin Mitchell	Vice-Chair, IOC Medical & Scientific Commission
Dr Rania Elwani	Member, IOC Medical & Scientific Commission
Dr Vidya Mohamed-Ali	Member, IOC Medical & Scientific Commission
Prof Yannis Pitsiladis	Member, IOC Medical & Scientific Commission
Dr Richard Budgett	IOC Medical & Scientific Director
Dr Lars Engebretsen	IOC Head of Scientific Activities
Christian Thill	IOC Senior Legal Counsel

1) Transgender guidelines

- A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.
- B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all.
- C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.
- D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.
- E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
- F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
- G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

- 1. Those who transition from female to male are eligible to compete in the male category without restriction.
- 2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - 2.1. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 2.2. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).

2.3. The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.

2.4. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

2) **Hyperandrogenism in female athletes**

In response to the interim award dated 24 July 2015 in Chand v AFI and IAAF CAS 2014/A/3759, the IOC Consensus Meeting recommended:

- Rules should be in place for the protection of women in sport and the promotion of the principles of fair competition.
- The IAAF, with support from other International Federations, National Olympic Committees and other sports organisations, is encouraged to revert to CAS with arguments and evidence to support the reinstatement of its hyperandrogenism rules.
- To avoid discrimination, if not eligible for female competition the athlete should be eligible to compete in male competition.