



BUCS Transgender Policy *(revised Summer 2016)*

Policy Statement

British Universities & Colleges Sport (hereafter “BUCS”) endorses the principle of equality of access to and participation in sport and physical activity, and is committed to eliminating transphobia and all other forms of discrimination within university sport.

BUCS’ vision to enhance the student experience through sport applies to all students, irrespective of gender, race, sexual orientation, disability, age, religion, marital status or gender reassignment. BUCS will strive to ensure that everyone who wishes to be involved with BUCS’ program of competitive university sport across the UK is able to take part, and resolves to tackle any incidences of homophobia, biphobia or transphobia within BUCS competition.

BUCS prohibits discrimination on the basis of gender identity and gender expression, and will assist members with any issues around eligibility to compete as a result of individuals’ transition and/or trans identity.

Principles

BUCS strives to abide by the following series of principles, to help facilitate and encourage transgender students’ participation in sport and physical activity at university:

- 1) Transgender students should have equal opportunity to participate in sport and physical activity at university.
- 2) Policies governing sport should be based upon sound medical and scientific validity where appropriate, and should be objective, workable and practicable; they should also be written, available and equitably enforced.
- 3) Policies governing the participation of transgender students in sport should comply with equality and diversity legislation protecting students in accordance with the Equality Act.
- 4) Policies governing the participation of transgender students in sport should eliminate indirect discrimination and ensure fair competition.
- 5) The legitimate privacy interests of all students should be protected.
- 6) The medical privacy of transgender students should be preserved.

Take A Stand

The launch of BUCS’ [#TakeAStand](#) campaign at BUCS AGM in December 2015 demonstrates BUCS commitment to promoting accessible and inclusive sport for all students within higher education.

The principle of equality in sport goes further than simply complying with legislation. It entails taking positive steps to counteract the barriers that restrict the opportunity for students to participate equally in sport.

BUCS encourages member institutions to work with their student sports clubs across the academic year to embody the Take A Stand campaign across their activity. The campaign's [charter](#) and [guidance document](#) are two resources that members might look to consult, but please get in touch with the BUCS office on 0207 633 5080 to discuss how we can support your work further.

Rules and regulations implications

Delivering more than 50 sports as the national governing body (NGB) for university sport in the UK, BUCS is not able to agree a single policy which works effectively in every situation which may arise surrounding transgender students' participation in competitive sport.

BUCS does not have the necessary expertise in each sport and therefore recommends that where issues arise regarding transgender students' eligibility, the policy of the respective sport's national governing body should be adopted. BUCS recognises that some NGBs have comprehensive policies, whereas others are more limited, however in cases where domestic NGBs have not adopted a policy, then the international federation's regulations should apply.

Where international federations do not recognise gender reassignment, BUCS will assess if the sport is to be regarded as gender-affected¹, and will establish due process for deliberating transgender student athletes' eligibility to participate in gender-affected sport² and non-gender-affected sport in line with the IOC guidelines published following the November 2015 Consensus Meeting of the International Olympic Committee's Medical Commission³.

[PLEASE NOTE - BUCS are currently in consultation with a number of partners regarding the implementation of a regulation which will optimise inclusion and fair competition. This regulation will be developed during August 2016, alongside appropriate processes for its administration, and will be taken to the September meeting of BUCS Competitions Group. This regulation will subsequently accompany this policy document for discussion and approval at BUCS Advisory Group, and be integrated into BUCS' rules and regulations ahead of the 2016/17 season. Any current regulations which will be affected will be duly reviewed and updated.]

Please note that BUCS will treat all personal information relevant to any assessments confidentially as per the Gender Recognition Act 2004⁴.

BUCS would like to draw attention to section d) of appendix 2, specifically IOC guideline iid), which states that "compliance of these conditions may be monitored by testing". BUCS members must note

¹ Please note, at the time of writing this policy in May 2016, BUCS requested a list of gender-affected sports from the [Sports Councils' Equality Group](#) via the Sport & Recreation Alliance, and were subsequently informed that no such list had been compiled at that moment in time.

²The Gender Recognition Act refers to a "gender-affected" sport², defined as one where "the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport". See appendix 2 for more detail.

³ See appendix 2 for more detail regarding the November 2015 Consensus Meeting of the IOC's Medical Commission.

⁴ It is illegal under the Gender Recognition Act 2004 for a person who has acquired the information in an official capacity to disclose personal information about a transgender person's gender history once he/she has applied for a gender recognition certificate or has been granted one, except with his/her explicit permission or in other very limited circumstances. Any information relating to a transsexual person's former gender (regardless of whether or not they have a Gender Recognition Certificate) is also likely to be classed as sensitive personal data under the Data Protection Act 1998.

that any and all financial costs and/or logistics associated with such testing will be the responsibility of the student's university or the student.

Transgender participation in sport and physical activity at BUCS member institutions

BUCS would like to clarify that this policy applies only to BUCS' competitive structures, and encourages all member institutions to encourage transgender students' participation in competitive, recreational and social sport or physical activity on their campus alongside regional or national BUCS competition.

Members are encouraged to consider the four points below where making a decision regarding transgender students' participation in recreational or competitive sport at their university:

- 1) If you suspect that a student is transgender, or are made aware of the fact, does it matter?
- 2) Do you absolutely feel that there is a concern/issue of unfair advantage or safety as a result of a transgender students' participation?
- 3) Can you observe that dangerous situations are occurring on the field of play and do you genuinely fear that a student participating may be hurt?
- 4) Does this student have more physical capacity than is possible for anyone of their gender, considering the potential impact of intensive training for cisgender/transgender student athletes?

BUCS also encourages all member institutions to consider the integration of gender-neutral toilets and changing facilities into plans for any facility developments. [Gendered Intelligence](#) (GI) provides a series of consultative services around this topic, have supported the FA and Royal Yachting Association on the development of their respective transgender inclusion policies, and have also been consulted by BUCS in the development of this policy.

The Higher Education sector's [Equality Challenge Unit](#) also offers a number of resources regarding supporting transgender students during their time at university. They are currently producing an update of their guidance regarding transgender staff and students in HEIs, with Gendered Intelligence also supporting the development of this. [This guidance document](#) from the Government's Equalities Office may also provide useful information and advice for any member who might be looking for further information on this matter.

Appendix 1 – Glossary

Please see the below glossary detailing a series of relevant terminology⁵:

Acquired gender - The gender in which a transgender person self-identifies and lives. This is not the gender that they were assigned at birth, but it is the gender in which they should be treated.

⁵ Please note that the language surrounding transgender equality continues to evolve. This glossary will be updated periodically by BUCS following guidance from relevant national bodies.

Cisgender - A term used by some to describe people who are not transgender, i.e. identify as the same sex they were assigned at birth.

Gender dysphoria – Transgender people who seek medical intervention are typically diagnosed with 'gender dysphoria' as a first step. Gender dysphoria describes the sense of a strong, persistent discomfort or distress caused by the dissonance between a person's self-identified gender and the gender they were assigned at birth.

Gender expression - External manifestations of gender, often expressed through one's name, pronouns, clothing, hairstyle, behaviour, voice or body characteristics. Typically, transgender people seek to make their gender expression align with their gender identity, rather than the sex they were assigned at birth.

Gender identity – An individual's internal sense of being male, female or something else. Since gender identity is internal, one's gender identity is not necessarily visible to others. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. Most people have a gender identity of man or woman, whilst some peoples' gender identity does not fit into one of those two choices.

Gender-neutral pronouns – Used to avoid referring to someone as "he/him" or "she/her", some people explicitly ask for gender-neutral pronouns to be used as these are most comfortable for them. The most commonly used gender-neutral pronoun is "they/them".

Indirect discrimination – This occurs where a policy, practice or procedure is applied to everyone regardless of characteristics, but disadvantages people such as transgender individuals, who have a protected characteristic.

Sex – The classification of people as male or female. At birth infants are assigned a sex, usually based on the appearance of their external anatomy.

Sexual orientation – Describes an individual's enduring physical, romantic and/or emotional attraction to another person, usually identified as lesbian, gay, bisexual, heterosexual or asexual. Gender identity and sexual orientation are not the same. Transgender people may be straight, lesbian, gay, or bisexual – e.g. a person who transitions from male to female and is attracted solely to men would identify as a straight woman.

Transgender - An umbrella term for people whose gender identity, expression or behaviour differs from what is typically associated with their assigned sex at birth. Transgender is a broad term and is good for non-transgender people to use. "Trans" is shorthand for "transgender", but one should use the descriptive term preferred by the individual.

Transsexual - An older term preferred by some people who have transitioned permanently - or seek to transition - through medical interventions. Unlike transgender, transsexual is not an umbrella term, and one should note that many transgender people do not identify as transsexual and prefer the word transgender.

Transition – The process one goes through to alter one's birth sex over an extended period of time. The exact steps involved in transition vary from person to person, but often include changing one's first name and dressing/grooming differently, but may also include hormone therapy and gender affirming surgery. Avoid the phrase "sex change."

Appendix 2 – Relevant UK and IOC legislation

a) Gender Recognition Act 2004

Some individuals who have undergone permanent transition obtain a gender recognition certificate (GRC) in accordance with [the Act](#). In order to obtain a GRC it is not necessary to have had surgery, and those whose births were registered in the UK, automatically receive a new birth certificate.

The Act also refers to a "gender-affected" sport, defined as one where "the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport". In the case of such a sport, a person whose change of gender has been recognised under the Act may be excluded from playing in their affirmed gender where this is necessary to ensure 'fair competition' or 'the safety of competitors' according to [section 19 of the Act](#).

b) Equality Act 2010

Individuals who have the protected characteristic of gender reassignment are specifically protected by [the Act](#) from discrimination, harassment and victimisation from the start of their transition.

This applies within employment, in the provision of facilities or services such as sport and if members of the wider transgender community are perceived to be trans, as well those who are associated with a transgender individual and could potentially be subjected to transphobic behaviour.

c) IOC 2004 Stockholm Consensus Meeting – Sex Reassignment in Sports

The [Stockholm Consensus](#) of May 2004 came from the committee convened by the International Olympic Committee's (IOC) Medical Commission. The committee recommended that individuals undergoing sex reassignment from male to female or female to male after puberty be eligible for participation in female or male competitions, respectively, under the following conditions:

- i) Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy.
- ii) Legal recognition of their assigned sex has now been conferred by the appropriate official authorities.
- iii) Hormone therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimise gender-related advantages in sport competitions.

Please note that this is now broadly considered to be outdated and obsolete following the 2015 Consensus Meeting detailed below.

d) IOC 2015 Consensus Meeting – Sex Reassignment and Hyperandrogenism

In [November 2015](#), the International Olympic Committee's Medical and Scientific Commission met to discuss the changing landscape of transgender athletes participating in sporting competition and the legislation developments since the Stockholm Consensus on sex reassignment in sport in May 2004.

Coming to the following conclusions, the 2015 Consensus meeting set the standard for transgender athletes' participation in competitive sport, recognising:

- 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.

As such, the IOC Consensus Meeting of November 2015 agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

- i) Those who transition from female to male are eligible to compete in the male category without restriction.
- ii) Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - a. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - b. 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).
 - c. 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.

- d. 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.

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