



BUCS TRANSGENDER POLICY

REVISED | SUMMER 2016 (REGULATION NUMBERS UPDATED AUGUST 2019)

POLICY STATEMENT

British Universities & Colleges Sport (hereafter "BUCS") endorses equality of access to 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, pregnancy and maternity or trans-identity (including 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 encourage, support and facilitate 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, 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 direct and indirect discrimination and ensure fair competition.
- 5) The privacy interests of all students should be protected.
- 6) The medical privacy of transgender students should be preserved.

Rules and regulations implications

Delivering more than 50 sports as the national governing body (NGB) for university sport in the UK, BUCS does not hold expertise in each sport. With disparity between gender-affected sport¹ and non-gender-affected² sport, BUCS 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 as detailed in regulation 4.3.1 within appendix 3.

Where international federations do not have a regulation regarding transgender athletes' eligibility to compete, BUCS will establish due process to confirm transgender student athletes' eligibility to participate in BUCS competition. Regulation 4.3 (see appendix 3), details how transgender students' eligibility to participate in BUCS competitive structures is determined.

BUCS recognises the IOC guidelines published following the November 2015 Consensus Meeting of the International Olympic Committee's Medical Commission³, but has designed regulation 4.3 to optimise inclusion and fair competition for all students.

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

¹The Gender Recognition Act and the Equality Act refers to a "gender-affected" sport¹, defined as one where "the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage compared to average persons of the other gender as competitors in events involving the sport". See appendix 2 for more detail.

²Please note, at the time of writing this policy, 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.

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

⁴It 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 they have applied for a gender recognition certificate or has been granted one, except with their explicit permission or in other very limited circumstances. Any information relating to a transgender 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.

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 and enable transgender students' participation in other competitive structures and in 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 when making a decision regarding transgender students' participation in recreational or competitive sport at their university:

- 1) If you think that a student is transgender, or are made aware that they are, 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 any cisgender student of their gender, considering the potential impact of intensive training for cis/trans student athletes?

BUCS also encourages all member institutions to consider their facilitation of sport and physical activity for non-binary gender students, including 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 Football Association 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. [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:

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

Gender binary – The classification of sex and gender into two distinct forms of male and female, converse to the gender non-binary where individuals may be androgynous, gender-fluid or identify as gender-neutral.

Gender dysphoria – Transgender people who seek medical intervention are typically diagnosed with 'gender dysphoria' as a first step. Gender dysphoria describes the sense of 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 presentation 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 gender they were assigned at birth.

Gender identity – An individual's internal sense of being male, female or non-binary. 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".

Gender reassignment – A protected characteristic under the Equality Act – "A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex." (Equality Act 2010, Section 7)

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.

Self-identified gender – The gender that someone knows themselves to be, that they (usually) express to the world, and the gender they should be treated as. For transgender people, this is not the gender that they were assigned at birth. The law uses the term 'acquired gender' to refer to a trans person's self-identified gender when formalised through the legal gender recognition process.

Sex – The classification of people as male, 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 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. The law, however, still uses this term to describe anyone with the protected characteristic of 'gender reassignment'.

Transition – Taking the journey from one’s assigned sex/gender to one’s self-identified gender. The stages of transition vary from person to person, but may include social (e.g. name changes, dressing differently), medical, hormonal and/or legal changes. Avoid the phrase “sex change”.

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

Appendix 2 – Relevant UK and IOC legislation

Please note that though this legislation refers to 'sex reassignment', this is an outdated term, with 'gender affirmation' a better term to use.

Gender Recognition Act 2004⁵

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](#).

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 moment they self-identify as having the protected characteristic.

This applies within employment and in the provision of facilities or services.

People who do not have the protected characteristic, but who are discriminated against because they are perceived to have it are also protected (discrimination by perception), as are people who are discriminated against because they are associated with someone who has the protected characteristic (discrimination by association).

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.

IOC 2004 Stockholm Consensus Meeting – Sex Reassignment in Sports

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

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.

Appendix 3 – BUCS Regulations

REG 4.3 Transgender athletes BUCS supports equal opportunities in sport for all, to include transgender athletes on the basis of the gender with which they identify. BUCS promotes a zero tolerance approach to transphobia and any person or institution found to be in contravention of this regulation will face disciplinary action under REG 5. The participation of a transgender athlete in competitive sport must not be restricted unless it is proportionate to the aim of securing safe and/or fair competition.

REG 4.3.1 Where the International or National governing body has a policy on transgender participation in sport this shall be followed, as per the Sport Specific Regulations. Where the International or National Governing Body have no such policy REG 4.3.2 through to REG 4.3.3 shall apply. Where the relevant International or National Governing Body have a policy, but it has not been reviewed within a 3 year period, the BUCS regulation may apply.

REG 4.3.2 Transgender athletes not taking hormone treatment Any transgender athlete who is not taking hormone treatment related to gender transition may participate in BUCS competitions in accordance with their gender as assigned at birth.

REG 4.3.2.1 A trans male (female to male) who is not taking testosterone relating to gender transition may participate in male or female competition. However they may not compete in both categories within 1 BUCS season. For example, if a trans male chooses to compete in male competition, they may not compete in any female competition in any sport in the same season.

REG 4.3.2.2 A trans female (male to female) who is not taking hormone treatment related to gender transition may not compete in female competition, but may participate in a male competition.

REG 4.3.3 Transgender athletes undergoing hormone treatment for gender transition

The following will determine in which category a transgender athlete is eligible to compete.

REG 4.3.3.1 A trans male (FTM) who has received medical treatment with testosterone related to gender transition may compete in male competition but is no longer eligible to compete in female competition.

REG 4.3.3.2 A trans female (MTF) being treated with testosterone suppression medication related to gender transition is eligible to compete in male competition and is not eligible to compete in female competition until completing 1 calendar year of testosterone suppression treatment.

REG 4.3.4 Mixed events A transgender athlete will be eligible to compete in mixed competitions in their affirmed gender, subject to REG 4.3.2 through to REG 4.3.3.

REG 4.3.5 Medical evidence BUCS may request medical evidence in order to ascertain the eligibility of a transgender athlete to compete in a category. Such medical evidence will be treated confidentially. Any costs associated with obtaining such information cannot be covered by BUCS.

REG 4.3.6 Anti-Doping Drug testing procedures and prohibitions, as outlined in REG 4.5, also apply to athletes who identify as transgender. Any athlete receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.