



# British Equestrian Vaulting Policy

## Policy for the participation of trans people in competition

Issue A

11 November 2019

### 1. BACKGROUND

1.1 Trans (or transgender) is an umbrella term for a diverse group of people who may often experience inequality and is usually used to describe people whose gender identity does not correspond with the sex assigned to them at birth.

1.2 Trans people include:

- Those who were assigned male at birth whose gender is female (Trans women)
- Those who were assigned female at birth whose gender is male (Trans men)
- Those who do not identify as 'male' or 'female' (non-binary people).

1.3 The Gender Identity Research & Education Society (GIRES) estimates that about 1% of the British population are gender non-conforming to some degree. Research conducted in New Zealand based on over 8000 high school aged children reported 1.2% being trans and 2.5% reported being uncertain about their gender identity. Children sometimes know from a very young age and change their gender role sometimes before starting or during their early years in school. Others may only become fully aware when puberty starts. In some cases, such feelings may be repressed for many years.

1.4 Some trans people experience significant discomfort with the physical characteristics of their body which is known as gender dysphoria. Medical intervention such as hormone treatment or surgery is sometimes given to people who are diagnosed with gender dysphoria. Surgery is not available in the UK before the age of 18 but some trans children are given medication to suspend their puberty.

1.5 There are various pieces of legislation that provide protection for trans people who can face significant prejudice, bullying and exclusion in their everyday lives.

1.6 The Equality Act 2010 includes gender reassignment as one of nine protected characteristics. Gender reassignment is when a person takes steps to alter the outward expression of their gender so that it better aligns with their sense of who they are. The process of gender reassignment is a social process known as transitioning. This may involve changes to name, title and appearance and in some cases medical treatment. The Act does not require a person to be under medical supervision to be protected.

1.7 The Act provides protection for transsexual people who are defined as people who are proposing to undergo, are undergoing or have undergone the process of changing their sex. It does not generally protect trans people who identify as non-binary (do not identify as either male or female) or people who cross-dress on an occasional basis. For that reason, the House of Commons Women and Equalities Committee (2016) in their

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report on transgender equality recommend that the protected characteristic of gender reassignment should be changed to that of gender identity and that some of the terminology e.g. transsexual is updated.

1.8 The current provisions of the Act make it unlawful to discriminate against or harass someone because they are, are perceived to be, or are associated with someone who is transsexual. The Act protects against victimisation as a direct result of someone making or believed to be contemplating making a legitimate complaint related to these provisions, irrespective of whether the complainant is themselves the victim.

### 1.9 Confidentiality

Data protection law provides a general right to privacy. Where a trans person has not made it public that they are trans or have a trans history, this information must not be disclosed without their explicit consent.

1.10 The Gender Recognition Act 2004 (GRA) allows transsexual people able to satisfy the GRA evidence requirements to seek full legal recognition of their acquired gender. Successful applicants will receive a Gender Recognition Certificate (GRC) and will, from the date of full recognition, acquire all the rights and responsibilities appropriate to a person of his or her acquired gender. This enables the person to obtain a new birth certificate which does not disclose the changed gender. The GRA makes it a criminal offence to disclose the trans status of anyone with a GRC without their agreement.

### 1.11 Sport

The Equality Act 2010 makes specific provision for sports organisations to place restrictions in respect of trans people taking part in competitions involving a gender-affected sport. A sport is a gender-affected sport if 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.

1.12 The Act states that when determining whether children's sport is gender affected, the age and stage of development of children who are likely to be competitor's needs to be considered. The exclusion of trans people in gender segregated sport is only justifiable if it is necessary to secure fair competition, or, in the case of contact sports, the safety of competitors.

1.13 It is generally accepted that prior to puberty (when male and female testosterone levels are similar) there is little physical difference between the sexes. However, after the onset of puberty, the average male is likely to have an advantage over the average female that raise questions of fairness and safety (in respect of contact sports) in relation to the participation of trans athletes in line with their gender identity.

1.14 In 2013, the UK Home Country Sports Council Equality Group published a policy framework for both contact sports and non-contact sports such as gymnastics, to support the development of legally compliant policy in respect of domestic level competitions. Although the Home Country Sports Council Equality Group framework is currently under review, it remains the main source of guidance for domestic competition aimed at children under 16 years old.

1.15 The current position in respect of U16 trans girls is that they should be able to compete in their affirmed gender in any female or mixed-sex domestic competitions subject to an individual case-by-case review, if required, undertaken by the NGB or can compete as a male if they have not commenced medical treatment. Trans girls who are pre-puberty may compete in their affirmed gender in any female or mixed-sex domestic competition subject to confirmation of the stage of pubertal development.

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1.16 The International Olympic Committee (IOC) updated their guidance in November 2015, which is now a key source of reference for sport governing body policy in the UK. The IOC states that anyone who transitions from female to male is eligible to compete in the male category without restriction.

1.17 The IOC guidelines state that people who transition from male to female are eligible to compete in the female category under the following conditions:

- The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
- 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).
- 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. 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.

1.18 At present, the Federation of Equestrian International (FEI) does not have any rules in place in respect of the participation in FEI regulated competition by trans vaulters.

## 2 PURPOSE

2.1 The purpose of the policy is to ensure insofar as possible that trans participants are not excluded from the opportunity to participate in equestrian vaulting competitions.

2.2 The policy aims to support trans inclusion without compromising the overriding objective to provide fair competition and will limit restrictions on participation to those that can be objectively justified as being necessary and proportionate to the achievement of this objective.

2.3 The policy does not intend to duplicate the protections afforded to people with the protected characteristic of gender reassignment. However, it aims to ensure all trans people, including those who are not fully protected by the provisions of the Equality Act 2010 can participate in vaulting in a welcoming and inclusive environment without experiencing discrimination because of their trans status.

## SCOPE

3.1 The policy sets out the circumstances in which trans people can participate in equestrian vaulting domestic competitions. This policy applies to the following:

3.1.1 Any domestic competitions run by or on behalf of British Equestrian Vaulting.

3.2 It does not apply to any competition that is run under the jurisdiction of an international body or another organisation that is not affiliated to British Equestrian Vaulting. Eligibility for participation by trans vaulters in international competition is governed by all applicable policies and criteria required by the Federation of Equestrian International (FEI)

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### 4 POLICY STATEMENTS

4.1 British Equestrian Vaulting celebrates and values the diversity of the vaulting community and believes that the vaulting community should provide a safe, supportive and welcoming environment for trans people.

4.2 British Equestrian Vaulting aims to ensure that all trans people can take part in the sport without fear of discrimination or bullying. This includes trans people who are not currently afforded protection under the Equality Act 2010.

4.3 British Equestrian Vaulting considers that any transphobic abuse, harassment or bullying is unacceptable and will ensure that any inappropriate behaviour and language is challenged and where appropriate that disciplinary action is taken in accordance with the appropriate disciplinary policy.

4.4 British Equestrian Vaulting believes that trans vaulters should not be restricted from taking part in vaulting competition in their affirmed gender unless it is strictly necessary to uphold fair or safe competition.

4.5 In accordance with the British Equestrian Vaulting Equality Policy, British Equestrian Vaulting will ensure that all trans people are supported to participate in any British Equestrian Vaulting programmes, training and events.

4.6 British Equestrian Vaulting requires all registered clubs and affiliated organisations to take steps to ensure the services that they provide are fully accessible to trans participants. British Equestrian Vaulting will be proactive in providing support to registered clubs and affiliated organisations to enable them to support trans people who are taking part or wish to take part in the sport.

4.7 British Equestrian Vaulting recognises that it is an individual's right to choose whether they wish to be open about their gender identity. British Equestrian Vaulting will provide a supportive environment for anyone who discloses their trans status or feels able to be open about their trans status within the wider vaulting community.

4.9 Where a person's trans status is disclosed on a confidential basis, British Equestrian Vaulting will maintain confidentiality about their trans status and will not disclose this information without the explicit consent of the individual.

4.10 Any British Equestrian Vaulting member, employee or volunteer who identifies an individual as trans without their permission may be committing a criminal offence and will be dealt with in accordance with the relevant disciplinary procedure.

### 5 DEFINITIONS

5.1 Affirmed/acquired gender - describes the gender that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

5.2 Assigned sex - The sex (male or female) assigned at birth based on physical characteristics

5.3 Domestic competition – Competitions are domestic when they are run under the direct jurisdiction of British Equestrian Vaulting.

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5.4 Gender-affected sport – Sports are gender-affected where the average woman will always be at disadvantage when competing against the average man.

5.6 Gender Dysphoria - The NHS describes Gender dysphoria as a condition in which a person feels that there is a mismatch between their biological sex and their gender identity. Gender dysphoria is a recognised 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 medical treatment so that their physical appearance is more consistent with their gender identity. On average, men are diagnosed with gender dysphoria five times more than women. While gender dysphoria is rare, the number of people being diagnosed is increasing due to growing public awareness about the condition. Signs can appear at a very young age e.g. a child refusing to wear typical clothes of their gender or taking part in nontypical games – this occasionally passes but often continues to adulthood. The onset of puberty may increase the risk of self-harm, addiction or suicide

5.7 Gender identity – The gender to which a person self identifies, or feels themselves to be.

5.8 Gender Reassignment - One of 9 protected characteristics defined in the Equality Act 2010 and is the process of transitioning from one sex to another. This legislation (as well as the equality legislation in Northern Ireland) prohibits discrimination against a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning their sex.

5.9 Gender Recognition - Gender Recognition is a process which enables transsexual people to be legally recognised in their acquired gender. Under the provisions of the Gender Recognition Act 2004, a transsexual person may submit an application to the Gender Recognition Panel. Applicants must provide paper evidence to the Gender Recognition Panel indicating that they have already changed their name, title and gender role, on a continuous basis, for at least two years, and that they have the intention to live in the altered gender role for the rest of their lives. A medical opinion indicating that the applicant has experienced gender dysphoria is necessary, and some details regarding the nature and dates of treatment where this has been undertaken. However, no surgery is required.

5.10 Non-binary - Someone who does not define themselves as male or female or moves between genders.

5.11 Trans - Trans (or transgender) is an umbrella term to cover a diverse group of people whose sense of personal identity does not correspond with the gender assigned to them at birth. This includes people who identify as male but were assigned as female at birth and vice versa. It also includes people who do not identify closely with either gender (non-binary) or people with other experiences of gender that don't fit our cultural norms, for example, people who cross-dress or people who would describe themselves as gender fluid or genderqueer.

5.12 Trans woman or girl - A person assigned male at birth who identifies with the female gender, but has not necessarily transitioned.

5.13 Trans man or boy - Someone designated as female at birth but identifies as male but has not transitioned.

5.14 Transition - Many trans people change their gender presentation to bring it into alignment with their gender identity. This process is known as “transition”. Transitioning may involve various types of medical

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treatment, to bring a person's physical characteristics more into conformity with their gender identity and presentation.

5.15 Transphobia - Discriminatory, abusive or negative language or behaviour directed towards a trans person, and may include refusal to provide access to services equal to non-trans people. It is as unacceptable as any other form of discrimination

5.16 Transsexual - This term is used in the Equality Act 2010 to refer to someone with the protected characteristic of gender reassignment. The term transsexual man describes a female-to-male transsexual person and 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.

## 6 ROLES & RESPONSIBILITIES

### 6.1 Compliance

This policy reflects the relevant provisions in the following key pieces of legislation and guidance:

6.1.1 Equality Act 2010

6.1.2 Gender Recognition Act 2014

6.1.3 Home Country Sports Council Equality Group

6.1.4 IOC Transgender Guidelines

## 7 PROCEDURE

7.1 Anyone who joins British Equestrian Vaulting is not required to confirm their gender except if they wish to participate in competition.

7.2 Trans people can register with British Equestrian Vaulting in their affirmed gender and compete in domestic competition without restriction in the following circumstances:

7.2.1 Anyone who has transitioned from female to male can compete in the male category

7.2.2 Any male to female trans participant under the age of 12 can compete in the female category.

7.3 Any male to female trans participant over the age of 12 can compete in the female category of a domestic competition subject to written confirmation from a relevant medical professional that the individual has not reached puberty or has commenced hormone treatment to suspend puberty.

7.4 Any male to female trans participant who is post-puberty can compete in a female category subject to verification of evidence provided by a relevant medical professional that they comply with the IOC guidelines (2015).

7.5 Any enquiries relating to male to female trans vaulters as outlined in 7.2 and 7.3 should be addressed to the British Equestrian Vaulting management committee. Any information provided will not be recorded on the individual's membership record but held securely.

7.6 Any decisions relating to male to female trans vaulters as outlined in 7.2 and 7.3 will be taken by the British Equestrian Vaulting management committee

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### 7.7 Non-binary vaulters

British Equestrian Vaulting does not currently provide competitions specifically for people whose gender identity is non-binary. Non-binary participants can compete in mixed-sex classes.

British Equestrian Vaulting aims to be inclusive of everyone and will take steps to support the fair participation of non-binary participants. Each individual's circumstances will be considered on a case-by-case basis and any enquiries should be addressed as outlined in 7.5.

7.8 To ensure that male to female trans vaulters are not identifiable, the rules for any domestic competition open to female vaulters must permit any participants to wear vaulting catsuit or gymnastic trousers without deduction. No deductions are permitted where an item of clothing worn by a female to male trans athletes such as a chest binder is visible when worn with a catsuit. Information about a participant's trans status will only be disclosed to competition organisers on a strict need to know basis if it is necessary to avoid a judging penalty. Any enquiries relating to clothing should be addressed to the British Equestrian Vaulting management committee.

7.9 Competition organisers should accept that an individual has been entered in the appropriate gender category and should accept all entries, subject to meeting any relevant entry criteria, unless they are certain that there has been an error. If there is a reason to believe that a vaulter has entered a competition without complying with the rules set out in this policy, the competition organiser should not restrict the individual from competing on the day unless the matter has been fully investigated in advance by British Equestrian Vaulting and it has been concluded that the rules set out in this policy have been breached.

7.10 No trans people should be excluded from recreational competitions, festivals or events where the focus is on participation rather than performance

7.11 Competition organisers must ensure that all participants are able to have access to changing rooms and toilets, according to the gender in which they present. It is not acceptable to restrict them to using disabled toilets or other unisex facilities unless this is specifically requested by the participant.

7.12 Any incidents of transphobic discrimination or bullying or any circumstances where a trans participant is identified without their permission should be reported to the British Equestrian Vaulting management committee, who will ensure the matter is dealt with in accordance with the appropriate procedure.

## 8.0 INTERDEPENDENCIES/ RELATEDPOLICIES

8.1 The following are the key policies that are directly relevant to the provisions contained in this policy:

8.1.1 Equality Policy

8.1.2 Complaints and Disciplinary Procedure

8.1.3 Safeguarding Policy

8.1.5 Data Protection Policy