

Transgender Policy

1. Definitions

- **British Triathlon Home Nation Membership:** membership of Triathlon England, Triathlon Scotland, or Welsh Triathlon.
- **Competitive Activity:** Any Swim, Bike, Run activity run under the auspices of British Triathlon or the Home Nations involving any or all of official timing/results, qualification, or rankings and involving participants of 12 years of age or greater.
- **Gender:** The UK government defines gender as:
 - a social construction relating to behaviours and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth
 - where an individual may see themselves as a man, a woman, as having no gender, or as having a Non-Binary gender – where people identify as somewhere on a spectrum between man and woman
- **Gender Affected Sport:** The Equality Act 2010 defines a Gender Affected Sport as a sport, game, or other activity of a competitive nature in circumstances in which the physical strength, stamina, or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex as competitors in events involving the activity.
- **Home Nations:** Triathlon England, Triathlon Scotland, Welsh Triathlon.
- **International Events:** Any elite or Age-Group Swim, Bike, Run race run under the auspices of the International Olympic Committee, International Paralympic Committee, World Triathlon, European Triathlon or other international race for which BTF has jurisdiction (including those requiring a “Professional License”).
- **Non-Binary:** Non-binary (an umbrella term that includes genderfluid, genderqueer and other labels): not fitting neatly or exclusively into one of the binary gender categories. A non-binary person may have: a single fixed gender position other than male or female, no gender, a

combination of male and female or other genders, or move between male, female and other genders – or they might not identify or agree with the concept of gender entirely.

- **Recreational Activity:** Any activity run under the auspices of British Triathlon or the Home Nations which is not competitive. A non-exhaustive list of examples would include club activity, coached sessions, events that do not have timing, results or prizes.
- **Sex:** The UK government defines sex as:
 - referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones, and their interactions
 - generally male or female
 - something that is assigned at birth
- **Swim, Bike, Run:** All forms and permutations including but not limited to Triathlon, Duathlon, Aquathlon, Aqua Bike, Swim-Run, Relay, Multi-Sport.
- **Transgender:** A person whose gender identity is different from their physical sex at birth. Those people who, as defined by the Equality Act 2010, share the protected characteristic of gender reassignment, and are described as transsexual people under the legislation.

2. Introduction

British Triathlon believes Swim, Bike, Run can be enjoyed by anyone and aspires to support and regulate an environment that is truly inclusive but also provides a fair and safe environment for all.

The science illustrating the physiological, biological and subsequent sporting performance advantages that adult males enjoy over adult females - due to the effects of testosterone during male puberty – is unequivocal.

In addition, the scientific community broadly agrees that the *majority* of the physiological/biological advantages brought about by male puberty are retained (either wholly or partially) by transwomen post transition (Hilton & Lundberg, 2020 [<https://link.springer.com/article/10.1007/s40279-020-01389-3>] and Harper et al., 2021 [<https://bjsm.bmj.com/content/55/15/865>]).

The scientific research examining whether those retained physiological/biological advantages translate into a retained *sporting performance* advantage for transgender women post transition (compared with pre-transition and/or cis women) is somewhat limited. However, the science that does currently exist strongly challenges the idea that testosterone suppression alone sufficiently removes the retained sporting performance advantage of transwomen (when compared with pre-transition and/or cis women).

British Triathlon is determined that the transgender community can access triathlon without fear of discrimination or prejudice. People who identify as transgender have the right to be treated with dignity and respect and British Triathlon operates a zero-tolerance policy on homophobia, biphobia, and transphobia.

This updated policy has been developed following extensive research and consultation with stakeholders, the triathlon community, academics, and other relevant organisations.

3. Legislative Framework and Triathlon

3.1 The Gender Recognition Act 2004 (the “Act”) allows trans people to change their legal gender if they wish to. British Triathlon is fully committed to providing support, advice and guidance to its staff, clubs, committees, coaches, volunteers, and participants to ensure trans people can continue their participation in triathlon and multisport, whilst and after transitioning.

3.2 In practical terms, legal recognition will have the effect that, for example a trans woman, will legally be recognised as a female in English law. Applying for a Gender Recognition certificate allows for trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. It is against the law to disclose someone’s trans history. Anyone who has transitioned and feels their history has not been treated confidentially or has experienced transphobia whilst involved in triathlon (in any capacity), can contact British Triathlon for advice and support.

3.3 The Act makes specific provision for sports organisations to restrict participation by trans people as competitors in an event, or events, involving a gender-affected sport. A sport is considered 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.

3.4 Such prohibition or restrictions can only be made in order to secure fair competition or the safety of competitors at the event or events. British Triathlon will support organisations involved with the delivery of events and competitions to ensure fairness and will investigate fully any complaints relating to unfair exclusion from triathlon or multi-sport.

3.5 The Equality Act (2010) makes discrimination, directed at a person who identifies as transgender (whether directly or indirectly), against the law. Unwanted conduct (harassment) directed towards trans people and victimisation, someone making a complaint about trans discrimination and being treated less favourably, is also against the law. Please refer to British Triathlon’s Equality and Diversity Policy for more information on our commitment to providing equal access to opportunity.

3.6 At the time of this BTF Policy being approved, the World Triathlon policy is under review.

3.7 In November 2021, the International Olympic Committee published a new draft framework, to come into effect after the Beijing Games. In summary, this framework suggests transgender women should no longer be required to reduce their testosterone levels to compete in a women's sport category and says there should be no presumption that trans women have an automatic advantage over natal women. This guidance, when implemented, will replace the 2015 guidance with which many IFs align and will place responsibility on IFs to develop evidence-based policies. At the time of writing this policy, it is not clear when the IOC will implement this new framework. In the meantime, the 2015 guidance appears to remain current but has clearly been superseded in fact by the outcomes from the substantial further work that has been done in the area since 2015.

3.8 This Policy has been developed in accordance with the Gender Recognition Act 2004, the Equality Act 2010 and Sport Council Equality Group (SCEG) guidance. It recognises the right of an individual who has transitioned to participate in sport in their affirmed gender whilst ensuring that such participation does not unfairly affect competition and does not affect the safety of fellow competitors.

4. Sex and Gender

British Triathlon recognises and acknowledges each individual's right to define their own gender, regardless of their sex at birth. We also fully support their right to choose if, when and how to reveal that gender to others.

5. Membership

If an existing British Triathlon Home Nation member wishes to change the gender marker on their membership, they are able to do this within the 'My Profile' section of their membership account. Where a prospective member would like to obtain membership in a gender other than their sex at birth, they will be able to choose their identified gender freely when obtaining their membership.

British Triathlon Home Nation Membership does not constitute a race license and so the gender marker on an individual's membership record does not override the provisions of this policy in regard to Competitive Activity.

6. Recreational Activity

British Triathlon encourages Transgender and Non-Binary participants to take part in Recreational Activity in the Gender they identify as. As there is no competitive element to Recreational Activity,

participants are able to take part in British Triathlon and Home Nation sanctioned Recreational Activity in their self-identified Gender, without providing any additional evidence.

British Triathlon and the Home Nations will provide guidance, education and support to all organisers of Recreational Activity.

7. Competitive Activity

7.1 Categories

Where a race/event organiser provides a Competitive Activity, they must provide the following categories of competition:

- Female category
- Open category

7.2 Application to compete in a Female category:

Only people who are the female sex at birth will be eligible to compete in the Female category.

To be selected for Great Britain, England, Scotland or Wales in International Events in the female category, only people who are the female sex at birth will be eligible.

To be issued a Female Professional License, only competitors who are the female sex at birth, will be eligible notwithstanding all other requirements.

7.3 Application to compete in an Open category:

Transgender (and all other individuals) will be eligible to compete in the Open category.

Such individuals will be issued with an Open Professional License, which can then be used to enter races in the Open category in the UK or Open/male categories for races staged overseas

8. Volunteering and employment

This policy does not affect transgender people in any aspect of volunteering or employment and British Triathlon will strive to ensure that the culture of the sport and workplace is supportive and welcoming throughout any transitioning process or as a transgender person.

In accordance with our Equality & Diversity Policy, and other key policies such as the Anti-Bullying & Harassment Policy, any discriminatory behaviour or treatment will be taken seriously, and action taken in accordance with the Disciplinary Procedures.

British Triathlon will work to meet the individual needs of each person to ensure that they have a positive experience of their volunteering and/or employment.

9. Roles and Responsibilities

All Participants are bound by the British Triathlon Code of Ethics and Conduct, and this should be upheld at all times. These policies lay out what is expected of all British Triathlon and Home Nation employees, members, volunteers, affiliate clubs and participants.

10. Data Protection

British Triathlon, as a data controller, must ensure that any personal data processed in relation to this policy is in compliance with data protection laws and its own internal Data Protection Policy. In particular:

- The collection of data must be necessary, proportionate, and relevant to the particular purpose and circumstance. Where data is collected for verification purposes and does not need to be retained, it should be deleted as soon as practicable. Where information does need to be retained this should be in line with British Triathlon's Data Retention Policy.
- British Triathlon must be clear and transparent at the outset about why this data is being held and for what purpose. Any additional purposes for processing this data must be communicated to the individual before the processing commences.
- Access to this information should be tightly controlled and on a strictly need to know basis. British Triathlon will only share necessary information with international competition organisers for the purposes of verifying the status of the trans person.
- British Triathlon will agree with the trans person how information is to be shared with others if this is absolutely necessary; this may include a change of name and title, and this should be accommodated without prejudice or aggravation.
- British Triathlon will complete and keep under review a Data Protection Impact Assessment (DPIA) for this processing due to the potential privacy risks involved.

11. Contact Details and Reporting

FRG029 - Transgender Policy



British Triathlon welcomes feedback on its Transgender Policy and also urges any person involved with triathlon who has experienced transphobic abuse to report it immediately. Please contact us via concern@britishtriathlon.org.

Concerns regarding non-compliance with this policy can also be sent to concern@britishtriathlon.org and will be handled in line with the British Triathlon and the Home Nations Raising a Concern – Female Category Competitions Procedure set out below.

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Approved By;	BTF Board
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ENDS

British Triathlon and the Home Nations Raising a Concern – Female Category Competitions Procedure

1. Raising a Concern – Female Category Competitions

- 1.1. For the purposes of this procedure, 'Athlete' is defined as the Athlete whom the eligibility concern is raised about.
- 1.2. Those who wish to raise an eligibility concern about an Athlete competing in the Female category of any Competitive Activity must do so as soon as possible. Before any concern is raised, the whistleblower should read the [British Triathlon Transgender policy](#) and be familiar with the policy, and the definitions which apply consistently within this concerns procedure.
- 1.3. British Triathlon is determined that the transgender community can access triathlon without fear of discrimination or prejudice. People who identify as transgender have the right to be treated with dignity and respect and British Triathlon operates a zero-tolerance policy on homophobia, biphobia, and transphobia. Any misconceived or vexatious concerns about sex verification eligibility may result in disciplinary proceedings against the whistleblower.
- 1.4. Any concern must be made to concern@britishtriathlon.org providing full details in writing of the eligibility concern and the Athlete the concern is being raised against. There is not a specific form for the raising of the concern, but British Triathlon will require some explanation and/or evidential basis to be provided in order to undertake the formal process outlined below. The whistleblower accepts that all matters considered under this procedure are confidential and are not to be disclosed to any third party. A breach in confidentiality may result in disciplinary proceedings against the whistleblower.
- 1.5. The concern shall be acknowledged within five working days, and further information may be requested at this point.

2. Management of Eligibility Concerns

- 2.1. Following receipt of the eligibility concern, British Triathlon will consider the information provided to establish if there are grounds to proceed with the concern raised. That may involve British Triathlon seeking additional information from the whistleblower.

- 2.2. British Triathlon will contact the Athlete to explain that an eligibility concern has been raised and set out the procedure which will be undertaken along with timescales. Details of the whistleblower will not be disclosed to the Athlete.
- 2.3. An Athlete may continue to compete in the Female category until conclusion of this procedure.
- 2.4. British Triathlon shall use its reasonable endeavours to ensure that it keeps the existence and terms of any investigation under this procedure confidential. The Athlete accepts that all matters considered under this procedure are confidential and are not to be disclosed to any third party except to the Athlete's advisers (who are bound by a duty of confidentiality) or immediate family (and the Athlete shall be responsible for ensuring that anyone they disclose information to observes these confidentiality requirements) or with the express written agreement of British Triathlon upon request. A breach in confidentiality may result in disciplinary proceedings.

3. The Meeting

- 3.1. British Triathlon will arrange a meeting with the Athlete to discuss the eligibility concern. The meeting may be held virtually or face to face. The meeting shall be attended by the Athlete and representatives from British Triathlon. The Athlete may be accompanied by a companion/representative at the meeting.
- 3.2. The Athlete shall take all reasonable steps to attend the meeting. If the Athlete is unable or unwilling to attend the meeting at the date and time arranged, then British Triathlon will re-arrange the meeting for one other date only. However, where the Athlete cannot or will not attend the re-arranged meeting then British Triathlon may proceed without the Athlete's attendance.
- 3.3. At the meeting, British Triathlon will discuss the requirements to compete in the Female category and request that the Athlete provides documentation to evidence their eligibility under the British Triathlon Transgender Policy. Documentation which British Triathlon deem admissible include, but are not limited to:
 - 3.3.1. A copy of the Athlete's original birth certificate;
 - 3.3.2. A written declaration that no hormone treatment for gender transition has commenced;
 - 3.3.3. A written declaration that there has not been any application for a Gender Recognition Certificate.
- 3.4. The Athlete will be given ten working days from the date of the meeting to provide this documentation. An Athlete may provide the documentation in advance of the meeting if they so wish.

4. After the meeting

4.1. Within three working days of the meeting, British Triathlon will send the Athlete a follow up letter with details of the outcome of the meeting and outlining the next steps and deadlines to be followed. The letter must include a summary of:

4.1.1. Who attended the meeting

4.1.2. The matters discussed at the meeting

4.1.3. Any agreements made

4.1.4. Documents/information requested from the Athlete (if not already provided)

4.1.5. Timescales for submission of the documents (if not already provided)

4.1.6. Next steps and timescales for the next steps

5. Verification and Outcome

5.1. Once British Triathlon are in receipt of the requested documentation and eligibility is established or not, written confirmation of the outcome will be sent to the Athlete within three working days after the documents have been received. The outcome letter will detail the reasons for the decision made and the appeals process.

5.1.1. Where eligibility to compete in the Female category has not been established British Triathlon will require relevant organisers of Competitive Activity to disqualify the Athlete from all previous Competitive Activity results (from 1 January 2023 onwards) where they were ineligible for the Female category;

5.1.2. move the Athlete into the Open category for any Competitive Activity they have already entered in the Female category;

5.1.3. not permit the Athlete to enter any future Competitive Activity in the Female category.

5.2. If the Athlete fails to comply with this procedure, then British Triathlon will require relevant organisers of Competitive Activity not to permit the Athlete to compete in the Female category in any future Competitive Activity until eligibility is established. British Triathlon will also require relevant organisers of Competitive Activity to move the Athlete into the Open category for any Competitive Activity they have already entered in the Female category.

5.3. British Triathlon reserve the right to inform organisers of Competitive Activity of the outcome reached under this procedure and the eligibility of an Athlete which has been established.

5.4. On conclusion of this procedure British Triathlon may also consider if the actions of the Athlete are in breach of the British Triathlon Transgender Policy and their actions have or were likely to have brought the sport into disrepute. British Triathlon therefore reserve the right to enact disciplinary proceedings against the Athlete under the British Triathlon Disciplinary Policy.

6. The appeal

- 6.1. The Athlete may appeal in writing, stating the grounds of their appeal within five working days of receiving the outcome letter. Athletes wishing to appeal must provide specific details of the reasons for the appeal and send their appeal directly to concern@britishtriathlon.org.
- 6.2. An appeal can be made on the following grounds only;
 - 6.2.1. There was material procedural or other irregularity in the proceedings by British Triathlon to follow British Triathlon Raising a Concern – Female category Competitions Procedure.
 - 6.2.2. The Decision by British Triathlon was based on error of fact.
 - 6.2.3. The Decision by British Triathlon is unreasonable and one that no reasonable decision maker could have reached when faced with the evidence presented. The Athlete is advised that this ground cannot be used simply because the Athlete believes British Triathlon made a wrong or unreasonable decision. The decision would need to be so unreasonable that no reasonable person/panel (acting reasonably) could have made it.
- 6.3. Any appeal from an Athlete will be dealt with by Sport Resolutions (a trading name of The Sports Dispute Resolution Panel Ltd - Company No. 3351039) who will offer an independent appraisal of the original decision. The Appeal shall be governed by the Arbitration Act 1996 and Sport Resolutions' Appeal Arbitration Rules (the Rules), which Rules are deemed to be incorporated by reference to this clause. For the avoidance of doubt, where provisions of the Rules differ from this procedure, this procedure shall take precedence.
- 6.4. A copy of the Rules will be provided to the Athlete so that they understand the appeal framework.
- 6.5. Any appeal shall be considered by way of review and shall be heard by a sole arbitrator appointed in accordance with the Rules. The decision of the sole arbitrator shall be final and binding on all concerned.
- 6.6. British Triathlon and the Athlete appealing shall be liable to Sport Resolutions for an equal share of the costs of the arbitration, in accordance with the provisions of the Rules. Sport Resolutions require a signed agreement accompanied by 50% deposit of the estimated total costs of convening the appeal from each of British Triathlon and the Athlete prior to the appointment of a sole arbitrator to ensure they are in funds prior to the delivery of the appeal decision. For the avoidance of doubt if the Athlete fails to sign the agreement and pay the 50% deposit within the timeframe notified to them by Sport Resolutions the appeal will not proceed.

7. Keeping written records

- 7.1. British Triathlon will be required to keep written records of any concern raised about eligibility received which includes:

- 7.1.1. Details of the concern raised
 - 7.1.2. Attendees and dates of any meetings held
 - 7.1.3. What was decided and the action taken
 - 7.1.4. The reasons for the actions taken
 - 7.1.5. Whether an appeal was lodged
 - 7.1.6. The outcome of the appeal
 - 7.1.7. Any subsequent material developments
- 7.2. Records should be treated as confidential and kept no longer than necessary in accordance with Data Protection principles and best practice.

8. Procedure Flowchart

