

NFAS Gender Reassignment Policy

Date document implemented	13 th March 2022
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Review period	3 years
Date last reviewed	13 th March 2022

Introduction

The National Field Archery Society (NFAS) is fully committed to the principles of equality of opportunity and is responsible for ensuring that no Members, Directors, Committee Members, volunteers or participants are unlawfully discriminated against because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.

It is the responsibility of each individual to treat others with respect, dignity, sensitivity and fairness. Discriminatory, offensive, violent or abusive behaviour or language is unacceptable and any complaints will be acted upon. This document is to be used in conjunction with the NFAS Equality Policy.

Outline

The purpose of this policy is to clarify guidelines for transsexual people to participate and compete under their acquired gender. Transsexual people enjoy sport, including competitive sport and the NFAS has a responsibility to protect and consider their needs in the sporting environment. In addition to those wishing to be NFAS members, it also has a responsibility to protect those who are associated, such as family members.

This Policy will:

- ④ Set out how the NFAS will deal with the issues facing transsexual people seeking to take part in archery and encourage individuals, clubs and other affiliated organisations to greater inclusivity to all those engaged in the sport in a way that is fair to everyone and all those concerned.
- ④ Address the needs and wishes of transsexual people to compete in their affirmed gender.
- ④ Show how the NFAS will demonstrate this inclusivity whilst supporting the NFAS's role to regulate participants and provide fair and safe competition in men's, women's and mixed events.
- ④ Build greater understanding amongst the archery community of the issues, needs and rights of transsexual people in the sport.
- ④ Address concerns from people involved in organising open shoots about any perceived, or real, unfair advantage or about the safety of all competitors.
- ④ Cover the eligibility, selection and participation of transsexual athletes in competition.

Gender Recognition Act 2004

The Gender Recognition Act 2004 (the "Act") allows transsexual people who have taken decisive steps to live fully and permanently in their acquired gender to gain legal recognition in that gender. The Act ensures that transsexual people can now take up their fundamental rights including the right to respect for private and family life and be allowed to live free from discrimination. In practical terms, legal recognition will have the effect that, for example, a male-to-female transsexual person will be legally recognised as a woman in English law. On the issue of a full Gender Recognition Certificate, the person will be entitled to a new birth certificate reflecting the acquired gender and will be able to marry someone of the opposite gender to his or her acquired gender.

The Act makes specific provision for sports organisations to prohibit or restrict a person whose gender has become the acquired gender under the Act from participating as competitors in an event or events 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. Under current UK legislation, archery is a gender-affected sport and may be regulated.

Definitions and Terminology

Transgender person - the term transgender person or trans person are umbrella terms to cover a number of specific terms such as transsexual men, transsexual women, intersex people, androgyne and polygender people, cross-dressing and transvestite people.

Transsexual person - this term refers 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 crossdresser, or transvestite people, nor is it the same as sexual orientation.

Gender dysphoria - the NHS uses the following terms and explanations with regard to gender dysphoria. Gender dysphoria is 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, depending on the appearance of the infant. Gender identity is the gender that a person 'identifies' with, or feels themselves to be. 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 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 with it is increasing due to growing public awareness about the condition.

Affirmed (acquired) gender – the terms 'affirmed' or 'acquired gender' describe the sex that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

Transphobia - the term 'transphobia' or 'transphobic discrimination' describes discriminatory, abusive or negative language or 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.

Gender reassignment is one of a number of 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.

Gender Recognition Certificate

Gender Recognition is a process which enables transsexual people to be legally recognised in their acquired gender. In 2004 the Gender Recognition Act was passed, and it became effective in 2005. Those transsexual people who have undergone a permanent change of gender status may endorse their new gender status by obtaining legal recognition in the form of a Gender Recognition Certificate (GRC).

To obtain a Gender Recognition Certificate transsexual person may submit an application to the Gender Recognition Panel. Applicants must provide paper evidence to the 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.

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. In practical terms, legal recognition will have the effect that, for example, a male-to-female transsexual person will be legally recognised as a woman in English law. Successful applicants acquire

the new gender status 'for all purposes', entitling them to a new birth certificate reflecting the acquired gender registered under the changed name and title, provided that the birth was registered in the UK.

The GRC has strict privacy provisions which must not be breached by any person acquiring such information, in an 'official capacity'. Disclosure to a third party would be a criminal offence. The Act makes specific provision for sports organisations to prohibit or restrict a person whose gender has become the acquired gender under the Act from participating as competitors in an event or events 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.

Domestic Competition

A transsexual person may compete in domestic competition, where IOC restrictions do not apply, under the following conditions:

Any transsexual male (female to-male transsexual person)

May compete in his affirmed gender in any male or mixed sex domestic competition

Transsexual woman – over 16 and post-puberty (male-to female transsexual person)

May compete in her affirmed gender in female or mixed-sex domestic competition by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender (see notes on Evidence below).

Or that she has had a gonadectomy.

Or She may compete in any male or mixed-sex competition if she has not started hormone treatment.

Transsexual girl – under 16 and post-puberty

Either She may compete in her affirmed gender in any female or mixed-sex domestic competition subject to an individual case-by-case review, if required, undertaken by the relevant governing body.

Or

She may compete in any male or mixed-sex competition if she has not started hormone treatment nor had a gonadectomy.

Transsexual girl – pre-puberty

May compete in her affirmed gender in any female or mixed-sex domestic competition subject to confirmation of her stage of pubertal development.

Evidence

The transsexual woman (and her legal guardian if under 18) is required to:

- ④ Disclose sufficient information from her GP and/or Consultant to the NFAS (and any other information, records or other material as the NFAS may require from time to time) to allow it to ascertain that hormone therapy has been administered in a verifiable manner or the date of her medical representative deems that this has minimised any gender-related advantages in competitions.
- ④ This information will need to demonstrate that the hormone treatment will have reduced her blood-measured testosterone level to that of the affirmed gender for an appropriate length of time and that this is in line with any anti-doping regulations.
- ④ Hormone-related treatment must be verified annually to ensure its validity.
- ④ The NFAS should also be permitted to refer back to the GP and/or Consultant to clarify or verify any details. This will ensure that the transsexual person is managing the information that is shared with the NFAS and will assist in ensuring the individual's right to privacy.

Athletes living the Real Life Experience (RLE):

These are people who were assigned male at birth and who are now living in their acquired gender as women. This is often required of individuals before they are placed on hormone treatment which will suppress their testosterone level. It must be made clear to the transsexual woman or girl that she is not entitled to play in female or mixed-sex domestic competitions in her affirmed gender until such time as she has provided evidence that the criteria set out by the NFAS have been met to its satisfaction. The impact of the hormone treatment means they would not be operating at any strength advantage. When hormone treatments and testosterone levels are confirmed, the individual will be free to compete in mixed and acquired gender competitions. Confirmation of testosterone levels would be supplied by the treating clinic.

General Recommendations

The NFAS recommends that, where an individual or individuals contact an event organiser wishing to compete in competition under their acquired gender(s), the event organiser should work with the individual or individuals to accommodate their participation, whilst respecting their privacy at all times. Clubs and event organisers, when dealing with a request from a transsexual person to compete, will:

- ④ Treat the individual with dignity and respect.
- ④ Explain the NFAS policy and procedure and ask their view on how to proceed.
- ④ Respect the private and confidential nature of the individual's situation.
- ④ Agree with the individual what information is to be shared with others and if this is necessary how it should be shared. In general, no information should be shared by the club unless they have express permission from the transsexual.
- ④ Encourage the individual to feedback any inappropriate language or behaviour from other members or spectators so that it can be dealt with.
- ④ It may be that the most appropriate option is to use the cubicles in the toilets appropriate to their full-time gender.

Roles and Responsibilities

The NFAS Committee is accountable for the adoption, implementation and monitoring of this policy. Day to day management will be the responsibility of the President of the NFAS. The President may nominate certain responsibilities to staff that have sufficient seniority and knowledge of the issue to manage it appropriately.

Determining Eligibility and Case Management

All enquiries should in the first instance, be passed to the President of the NFAS

- ④ All documentation revealing information about a person's past or present gender reassignment status must be managed in accordance with the NFAS's policies with regard to the management of sensitive and confidential information and in line with the Data Protection Act 1998 and, where relevant, the Gender Recognition Act 2004.
- ④ Anyone involved should understand the confidentiality obligations that are associated with handling such a matter.
- ④ The nominated person at the NFAS should undertake all communication with the individual concerned only sharing information with members', e.g. clubs, on a 'needs-led' basis allowing them to manage player registration.
- ④ In order to determine compliance with this policy it is recommended that the nominated NFAS representative and/or the President and a medical representative appointed by the NFAS consider the evidence on a case-by case basis.
- ④ An appeals process should be established for decisions made in relation to any individual.

Privacy

The NFAS (and its officers and staff) and any organisers of NFAS event(s) shall not disclose any information obtained from an individual in accordance with this policy unless:

- 🌐 The disclosure of that information does not enable the individual competitor to be identified;
- 🌐 The individual competitor to whom the information relates has agreed to its disclosure;
- 🌐 or it is under a legal duty to disclose the information.

NFAS (and its officers) and any organisers of NFAS event(s) shall make reasonable efforts to provide suitable toilet/changing facilities for shooters undergoing gender reassignment, taking into account their needs and those of other members using those facilities. Where no suitable facilities exist, shooters undergoing gender reassignment should be allowed to use existing or temporary disabled facilities.

Complaints

Complaints will only be accepted in relation to matters within the NFAS's jurisdiction. Complaints shall be treated seriously, confidentially and respectfully, and will be managed under the NFAS complaints procedure outlined in the NFAS Equality Policy.

Appropriate disciplinary action may be taken against any NFAS Stakeholder who violates this Equality Policy under the relevant NFAS disciplinary procedures.

An individual raising a grievance or complaint will not be penalised for doing so unless it is untrue and not made in good faith.

As with all grievances, complaints and disciplinary procedures, there will be the right of appeal.

Appeal

Appeals will be accepted only in relation to matters within the NFAS's jurisdiction. Any individual whose participation is refused shall have the right to appeal to an NFAS appeals panel established for the purpose.

Qualifications and Awards

There will no change in the status of an individual who, having achieved qualifications, such as those for coaching and officiating, may be retained in the acquired gender.

Monitoring, Evaluation and Review

The NFAS Gender Reassignment Policy will remain in force until it is amended, replaced or withdrawn. The NFAS will monitor and evaluate this policy regularly and this includes any complaints or appeals by transsexual people and their involvement in archery in all capacities.

Guidance and Legislation

The practices and procedures within this policy and documentation are based on the principles contained within UK legislation and IOC guidance and take the following into consideration.

- 🌐 Equality Act 2010
- 🌐 IOC Guidance on Sex Reassignment 2004
- 🌐 Data Protection Act 1998
- 🌐 Gender Recognition Act 2004