



# TRANSGENDER POLICY

Updated May, 2017.

## Statement of Intent:

Basketball England is fully committed to equality in terms of opportunity and open access. This includes commitment to protecting and tackling discrimination and ensuring that no employee, job applicant, volunteer or member receives less favourable treatment on the grounds of the protected characteristics of age, sex, race (including colour, nationality, ethnic or national origins), disability, religion or belief, sexual orientation, marriage and civil partnership, gender reassignment, pregnancy and maternity.

## Purpose of the Policy:

It is the responsibility of Basketball England to regulate participation of persons as competitors in basketball to ensure that it provides fair competition and has due regard for the safety of all competitors. Basketball is a gender-affected sport where the physical strength, stamina or physique of an average person of one gender would put them at an advantage or a disadvantage to an average person of the other gender as competitors in the sport. Under current UK legislation, basketball, as a gender-affected sport, may be regulated by Basketball England in respect of the participation of a transgender people in all aspects of the sport including: participants, employees, coaches, volunteers and spectators.

## Legal Requirements:

Under the Equality Act 2010, National Governing Bodies (NGB's) must not restrict the participation of a transsexual person in a gender affected sport unless this is necessary to uphold fair competition or the safety of other competitors. Accordingly NGB's should treat a transsexual person as belonging to the sex in which they present (as opposed to the biological sex they were born with) unless this might give the transsexual person an unfair advantage or would be a risk to the safety of competitors.

## Terms used in this Policy:

**Affirmed (acquired) gender**

We use the term 'affirmed' or 'acquired gender' to describe the sex that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

## 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.

## Gender reassignment

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 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.

## Transsexual person

This term refers to someone with the protected characteristic of gender reassignment. We use the term transsexual man to describe a female-to-male transsexual person and use the

term 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.

### **Transphobia**

We use the term 'transphobia' or 'transphobic discrimination' to describe 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.

### **Policy and Implementation:**

Basketball England will promote a zero tolerance approach to transphobia. Basketball England and its employees, members and volunteers will ensure that any unacceptable behaviour and language is tackled effectively and appropriately and sanctions and/or educational programmes implemented to ensure compliance and the creation of a safe, inclusive and welcoming environment for trans people.

Local basketball organisers shall at all times:

- Treat the individual with dignity and respect.
- Explain Basketball England's policy and procedure and ask their view on how to proceed. Provide contact details for the appropriate Basketball England contact for transgender issues, which is the Basketball England Head of Governance Risk and Compliance.
- Respect the private and confidential nature of the individual's situation.
- Agree with the individual what information is to be shared with others and, if this is necessary, how this should be shared. In general no information should be shared by the local official unless they have express permission from the transsexual person.
- Ask the individual what communal changing facilities they would prefer to use, as not every changing facility will have private cubicles. This will depend on whether the individual has transitioned or is in the process of transitioning and whether they have undergone any gender reassignment surgery. It may be that the most appropriate option is to use the cubicles in the toilets appropriate to their full time gender role, or that they should arrive changed and ready to participate, to avoid any misunderstanding should they still have secondary sex characteristics of their former gender. In line with good safeguarding practice, Basketball England recommends that adults (unless they are parents) do not use the same changing facilities as children under the age of 18 unless there are separate cubicles.
- Encourage the individual to feedback any inappropriate language or behaviour from other individuals so that it can be dealt with.
- Ensure compliance with Basketball England's Code of Ethics and Conduct indicating Basketball England's zero-tolerance policy towards transphobia and all bullying/harassment of people with protected characteristics.
- Ensure that any training the organisation undertakes with regards to equality covers transgender people and this policy as well as Basketball England's general equality policy.

### Trans people competing:

For domestic basketball participation and competitions, Basketball England has adopted the Sports Council Equality Group policy framework for contact sports (or sports with the potential for contact) for competition at domestic level:

Affirmed Gender	Domestic Competition
Transsexual male - over 16 (female-to-male transsexual person)	<p>May compete in his affirmed gender in male or mixed-sex domestic competition if his blood-measured testosterone level is within the range of his affirmed gender and this is confirmed annually by a suitably qualified medical representative appointed by Basketball England.</p> <p>Or</p> <p>If he has not started hormone treatment he can play in any female domestic competition.</p>
Transsexual boy - under 16 and post puberty	<p>May compete in any male or mixed sex domestic competition subject to age eligibility and subject to an individual case-by case review undertaken by Basketball England.</p> <p>Or</p> <p>If he has not started hormone treatment he can play in any female domestic competition.</p>
Transsexual boy - pre puberty	<p>May compete in any male domestic or mixed-sex competition subject to age eligibility and subject to confirmation of his stage of pubertal development.</p>
Transsexual woman - over 16 and post puberty (male-to-female transsexual person)	<p>May compete 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 or she has had a gonadectomy.</p> <p>Or</p> <p>If she has not started hormone treatment she can play in any male domestic competition.</p>
Transsexual girl - under 16 and post puberty	<p>May compete in any female domestic or mixed-sex competition subject to age eligibility and subject to an individual case-by-case review undertaken by Basketball England.</p> <p>Or</p> <p>If she has not started hormone treatment she can play in any male domestic competition.</p>
Transsexual girl- pre puberty	<p>May compete in any female or mixed-sex domestic competition subject to age eligibility and subject to confirmation of her stage of pubertal development.</p>

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Basketball England recognises that consistency with the International Basketball Federation (FIBA)'s position is appropriate for athletes wishing to enter international competition. FIBA has adopted the IOC's statement with regards to transsexual athletes and their status in international competitions. The IOC position on athletes who have changed their gender status is very clear as explained in their Statement of the Stockholm consensus on sex reassignment in sport May 2004:

*The group confirms the previous recommendation that any "individuals undergoing sex reassignment of male to female before puberty should be regarded as girls and women" (female). This also applies to individuals undergoing female to male reassignment, who should be regarded as boys and men (male).*

*The group recommends that individuals undergoing sex reassignment from male to female after puberty (and vice versa) be eligible for participation in female or male competitions, respectively, under the following conditions:*

- Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy
- Legal recognition of their assigned sex has been conferred by the appropriate official authorities
- 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.

*In the opinion of the group, eligibility should begin no sooner than two years after gonadectomy.*

*It is understood that a confidential case- by- case evaluation will occur. In the event that the gender of a competing athlete is questioned, the medical delegate (or equivalent) of the relevant sporting body shall have the authority to take all appropriate measures for the determination of the gender of a competitor.*

#### **Monitoring and Evaluation:**

Basketball England will monitor and evaluate the policy, practices, procedures and operation on an on-going basis for its impact.

The Chief Executive has the overall responsibility for the implementation of this policy.

A copy of this document will be available to all employees, members and volunteers of Basketball England. A copy will be made available on the official Basketball England website of Basketball England at [www.basketballengland.co.uk](http://www.basketballengland.co.uk).

All employees, members and volunteers have responsibilities to respect, act in accordance with and thereby support and promote the spirit and intentions of this policy.

#### **Disciplinary and Grievance Procedures:**

Basketball England regards transphobia as serious misconduct and will take appropriate disciplinary action when necessary against any employee, member or volunteer who violates this policy.

To safeguard individual rights under the policy, an employee, member or volunteer who believes they have suffered or witnessed discrimination, harassment or victimisation within the scope of the policy may raise the matter through the three stage process under the Basketball England Complaints Procedure.

Basketball England expects this policy to be adhered to and appropriate disciplinary action will be taken against any employee, member or volunteer who violates this policy.

Everyone should feel able to raise or support a complaint or grievance in good faith and nobody should be subjected to victimisation or any other detriment for doing so.