

Policy and Procedures for trans or transgender hockey players

2017

Scottish Hockey's Policy and Procedures for Trans or Transgender Hockey Players

Approved by Scottish Hockey Board 18/09/2017

Introduction

Scottish Hockey SH(SH) is committed to the principle of equality in sport. SH aims to ensure that all people within the hockey family, irrespective of their age, gender reassignment, disability, marriage or civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation have a genuine and equal opportunity to participate in hockey at all levels and in all roles.

SH will ensure that there will be open access to all those who wish to participate in any aspect of hockey activities and that they are treated fairly, equally and with respect. Under current Scottish legislation, hockey, as a gender-affected sport, may be regulated by SH in respect of the participation of a trans person.

We use the term **trans** or **transgender** to describe those people who, as defined by the Equality Act 2010, share the protected characteristic of gender reassignment and are described in the legislation as transsexual people. We do not include intersex people, androgyne and polygender people, cross-dressing and transvestite people in these terms.

SH wishes to try, as far as is possible, to permit trans people to compete in their affirmed gender while balancing this with its role in providing fair play and competition and protecting the integrity of women's, men's and mixed competitions.

In addition to those wishing to compete, it also has a responsibility to protect those who may be staff, coaches, officials, volunteers or spectators, and who may be trans people, or perceived to be so, or associated with them, such as family members. However, this document focuses only on players, or would-be players, in hockey competitions.

1. Scope

SH is the National Governing Body for the sport of hockey in Scotland. Therefore, this policy and procedures relate solely to activity within this territory. SH is responsible for setting standards and values to apply throughout hockey at every level in Scotland. It is the responsibility of SH to apply the rules of hockey and regulate participation of persons as competitors in hockey matches to ensure that it provides fair competition and has due regard for the safety of all competitors. It runs and organises a range of competitions to suit the needs of all players. SH would expect players to play at an appropriate level.

- This policy covers players in all competitions sanctioned by SH; it includes competition managed and organised by its members, district Associations, and affiliated leagues and clubs, referred to as **domestic competitions** in this paper.
- The policy also covers the eligibility and selection of trans players to represent Scotland in international hockey competitions, referred to as **international competitions** in this paper.

SH's Policy and Procedures for Trans Hockey Players applies to all individuals involved, whether paid or in a voluntary capacity. Everyone in hockey has a responsibility to ensure that trans people are treated with dignity and respect and that they are treated fairly.

Guidance and legislation

The practices and procedures within this policy and documentation are based on the principles contained within Scottish legislation and take the following into consideration:

- Equality Act 2010.
- IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015.
- Data Protection Act 1998.
- Gender Recognition Act 2004.

2. The terms we use

This policy uses several terms associated with trans people and hockey. We recognise that there are considerable differences in those that are used, and we have adopted the following terms.

Trans or transgender person – we use the term trans or transgender to describe 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. We use the term trans male or man to describe a female-to-male transsexual person and trans female or woman to describe a male-to-female transsexual person.

We do not include intersex people, androgyne and polygender people, cross-dressing and transvestite people under these terms nor do we include sexual orientation in this.

Gender reassignment – this is one of several protected characteristics defined in equality legislation (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 reassigning their sex. Although it is often associated with medical treatment, this is not a requirement to be protected by the law.

Affirmed gender – this describes the gender that the person has transitioned to as opposed to that which is assigned at birth, their ‘birth gender’.

3. What language to use

We would expect everyone in hockey to use the following preferred terms.

Preferred terms	Avoid
<ul style="list-style-type: none">• trans• trans person• transgender, transgendered person• trans man, boy or male• trans woman, girl or female• he, she, him, his, hers	<ul style="list-style-type: none">• she-he• he-she• tranny

4. Domestic competitions

Hockey is a non-contact sport and SH sanctions men’s, mixed and women’s hockey competitions; as such there are no safety concerns for any trans male or female wishing to take part in sanctioned hockey competitions, in training or friendly/recreational hockey. Accordingly, you should accept people in the gender they present and verification of their identity should be no more than that expected of any other player.

We recognise, however, that there may be some concerns about fairness in the women’s and mixed game. Our policy assumes that trans women (male-to-female trans person) wishing to compete in mixed or female sanctioned hockey competitions do so with the best of intentions and with no intent to deceive about their status to gain any competitive advantage.

Should someone have a genuine reason to believe that there may be some deception to gain a competitive advantage in the mixed or women's game or that there are genuine and substantive concerns about the trans woman's physical strength, stamina or physique that may put other female competitors at risk, they should refer their concerns to the SH Head of Domestic Game in the first instance.

5. Scottish Hockey Performance Pathway and International Competitions

Players in the performance pathway are there to train and challenge for a position in national squads. Trans players seeking to represent Scotland in hockey in any FIH sanctioned competition will need to be compliant with FIH policy. This applies from under 16 National Age Group Squads (NAGS) as this is the point from which FIH sanctions international competition. The FIH adopts with International Olympic Committee (IOC) guidance

We recognise that, for some people, the process of gender reassignment may start before joining the performance pathway or during it; we will work with each trans person on a case-by-case basis to ensure that they know about the implication of the international policy and are supported in their gender reassignment process.

The IOC¹ has the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

5.1 Those who transition from female to male are eligible to compete in the male category without restriction.

5.2 Those who transition from male to female are eligible to compete in the female category under the following conditions:

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

5.2.2. 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).

5.2.3. 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.

5.2.4. 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

For both trans men and trans women

It is generally assumed that a trans hockey player will seek to play hockey in their affirmed gender whether that is at domestic level or in the performance pathway. It is possible that a trans player may seek the opposite to this (i.e. live in one gender and play in the opposite gender). To facilitate this while maintaining fairness for all players and to protect the integrity of the sport the following will apply:

- A trans player must ensure that the competition they choose to play in at domestic level is consistent with the player pathway they want to be considered for at national level i.e. a trans female playing in female domestic competition could only be eligible for female national squads.
- A trans player living in his or her affirmed gender may choose to play in his or her birth gender as follows:
 - A trans male could choose to live in his affirmed gender and continue to play in female domestic competition and be eligible, or selected, for the female performance pathway at national level until he starts male hormone treatment.
 - A trans female could choose to live in her affirmed gender and continue to play in male domestic competition and be eligible, or selected, for the male player pathway at national level until her hormone treatment starts.

¹ IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015

For trans women only

The SH's procedure to determine eligibility for trans females to represent Scotland in international competitions

- All enquiries must be passed to SH's Head of Domestic Game.
- All documentation revealing information about a trans female's past or present gender reassignment status must be managed in accordance with SH's policies with regards 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.
- Anyone involved will understand the confidentiality obligations that are associated with handling such a matter.
- SH will undertake all communication with the trans female concerned only sharing information with international competition organisers to allow it to verify the status of the trans female.
- The trans female (and her legal guardian if under the age of 18) will be asked to permit their GP and/or consultant and the Gender Recognition Panel (where appropriate) to disclose sufficient information to SH (including such other information, records or other material as SH may require from time to time) to allow it to ascertain that the conditions that have been set by the IOC have been met.
- To determine compliance with this policy SH's Head of Domestic Game, and a medical representative appointed by SH will consider the evidence on a case-by case basis.

6. Changing personal details for international competition purposes

Players in the performance pathway are there to train and challenge for a position in national squads. Trans players seeking to represent Scotland in hockey in any FIH sanctioned competition will need to be compliant with FIH policy. This applies from under 16 National Age Group Squads as this is the point from which FIH sanctions international competition.

6.1 If the change is of a sensitive and confidential nature e.g. a sex change, then the change request will be handled by Scottish Hockey's Head of Domestic Game.

6.2 Where changes are requested that do not have any significant impact on a player's status in competition then these are made without any proof of the change. For example, a **change of name** – no evidence of proof is asked of people for a change of name e.g. following marriage; accordingly, a request for a change of name for a trans person can be made in the same way.

6.3 Where changes have a significant impact on a player's status in competition, for example a change of sex for international competition, that change will need to be backed up by proof.

6.4. Change of sex – as this is a change that will have a significant impact on a player's status, it can only be made if there is proof of the change. In the UK, people can change their name without any legal process, however proof of a change of sex could be any of the following:

- Birth certificate, Passport or Driving Licence indicating relevant sex; a Deed Poll or a Statutory Declaration (before a solicitor or magistrate in court), or a doctor's letter may also be used.
- If none of the above are available, and, as the trans person will be known to Scottish Hockey, then an alternative of a written, signed statement from the trans person to indicate that they intend to live in their acquired gender from then on can be accepted; it would help if this was endorsed by a member of the club e.g. club secretary if possible.
- Please note that some trans people will go through the process of obtaining a Gender Recognition Certificate. This allows trans people born in the UK to automatically receive a new birth certificate and provides enhanced legal protection over the disclosure of their previous gender status. A GRC indicates that the person has already lived in the affirmed gender role, for at least two years and intends to continue doing so. It would be **wholly inappropriate** for anyone to request or require a person to provide a GRC as this is a breach of the person's privacy and may be harassment.

7. Roles and Responsibilities

All hockey organisations should:

- Treat the trans person with dignity and respect.
- Welcome the player just as you would any other new attendee or member
- Accept them in the gender they present; verification of their identity should be no more than expected of any other player.
- If asked, explain that there are no restrictions on playing in domestic hockey competitions or participating in training or informal matches.
- Respect the private and confidential nature of the person's situation.
- Take your lead from the person, ask their name and use it.
- 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.
- Support the trans person with their choice of changing facilities.
- Take prompt and decisive action against anyone in the organisation whose behaviour or language is inappropriate or offensive to or about trans people. Disciplinary procedures should be employed to manage this.
- Ensure a Code of Conduct is publicised indicating your zero-tolerance policy towards all bullying/harassment of people with protected characteristics.
- Ensure that any training the organisation undertakes with regards to equality covers trans people and the policy as well as the general equality policy.
- Avoid making assumptions about the player, either in terms of their sexual orientation or their medical background, take your lead from the information they may, or may not, offer you.
- Be clear about what language to use the language you use, the trans player should be referred to as the sex that they tell you are, i.e. use 'he' or 'she' as you would with anyone else.

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