BRITISH ROWING

Trans and Non-Binary Competition Eligibility Policy and Procedures

Version	2.0
Date Last Reviewed	August 2023
Date Effective	September 2023
Editor	Transgender and Non-Binary Working Group
Approved By	BRITISH ROWING Board
Next Review	September 2024

TEAMWORK | OPEN TO ALL | COMMITMENT

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Definitions

Affiliated Member	A Club or Competition that becomes affiliated to British Rowing affiliation being subject to payment of all relevant fees.
Athlete Support Personnel	Any coach, team manager, team support staff (sport scientist, doctor, physiotherapist, S&C coach etc.), agent, official, parent or any other person working with, treating, or assisting an athlete participating in or preparing for sports Competition.
British Rowing Membership	Membership of British Rowing not including Scottish or Welsh Rowing.
Club	A club that is affiliated to British Rowing whose members take part in Rowing.
Competition	An organised group of rowing races sanctioned by British Rowing in which the result of each race is determined by the order in which boats are placed at the finish, or a processional race, being a race in which boats are started at intervals of time or distance and of which the result is determined by means other than the order of arrival at the finish but may also include other rowing events sanctioned by British Rowing.
Competitive Activity	Any activity run under the auspices of British Rowing involving any or all of official timing/results, qualification, or rankings and involving participants of 12 years of age or greater.
Cisgender or Cis	A person whose Gender Identity matches the sex they were assigned at birth based on their sex characteristics.
Eligibility Conditions	The criteria set out in Section 4 of this Policy in respect of eligibility to compete in the women's and open categories.
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 and Gender Identity are not protected under the Equality Act 2010, but Gender Reassignment is.

Gender-Affected Activity	The Equality Act 2010 defines this 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 the average persons of the other sex as competitors in events involving the activity. It is not unlawful to discriminate on the basis of Sex in relation to a person's participation in a Gender-Affected Activity. This means that an event organiser can hold separate competitions for male and female competitors or to run separate classes for either Sex within the same sporting event. Where a sport is deemed to be a Gender-Affected Activity, an event organiser can lawfully limit or refuse a transgender person (with or without a Gender Recognition Certificate) entry to a particular Competition if is necessary to do so to secure fair competition, or the safety of competitors.
Gender Dysphoria	Gender dysphoria is the medical term for the experience of discomfort or distress that a person may have in their body, due to having a gender identity that does not align with their gender assigned at birth.
Gender Identity	A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.
Gender Reassignment	The Equality Act 2010 protects people with the characteristic of Gender Reassignment. A person has this protected characteristic if they are proposing to undergo, are undergoing, or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. There is no requirement that the 'process' must be undertaken under medical supervision, or that they have had any form of surgery or hormonal treatment, or for the individual to have obtained a Gender Recognition Certificate.
Gender Recognition Certificate (GRC)	Under the Gender Recognition Act 2004 a transgender adult can apply for a legal document, known as a Gender Recognition Certificate to change their legal sex. Applicants must provide medical evidence of a diagnosis of Gender Dysphoria; evidence that they have lived in their acquired gender for at least two years; and a statutory declaration that they will continue to do so permanently. There is no requirement for applicants to have undergone Gender Reassignment surgery or hormone treatment.
International Events	Any event run under the auspices of the International Olympic Committee, International Paralympic Committee, World Rowing, European Rowing.
Non-binary	Someone who does not exclusively identify as a man or woman. A Non-binary person may or may not identify as transgender.

Pronouns	Pronouns are words that stand in place of a name such as she/her he/him they/them per/pers.
Recreational Activity	Any activity run under the auspices of British Rowing 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.
Registered Individual	A person registered with British Rowing and paying the relevant fees.
Rower	A person competing in rowing competitions organised, recognised, or convened by British Rowing
Sex	Under the Equality Act 2010, Sex is a protected characteristic that applies to men and women. A man is defined as a male of any age, and a woman a female of any age. It can also mean legal sex as recorded in a Gender Recognition Certificate. 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.
Transgender or Trans	A broad inclusive term referring to anyone whose personal experience of gender extends beyond the typical experiences of those of their assigned sex. This can include: • Trans/Transgender girl/woman, A Transgender girl/woman is a male- to-female Transgender person who was assigned male at birth but has a female Gender Identity; • Trans/Transgender boy/man, A Transgender boy/man is a female-to- male Transgender person who was assigned female at birth but has a male Gender Identity.
Transphobia	Transphobia includes discriminatory language or behaviour directed towards anyone who comes under the umbrella term of transgender; in addition, it may be directed towards a trans person's friend or supporter, or anyone who may be perceived to be a trans person (whether they are trans or not). NB. British Rowing and its affiliated Clubs will ensure that any unacceptable behaviour and language is tackled effectively and appropriately and that sanctions and/or training are implemented to ensure compliance with this policy and the creation of a safe, inclusive, and welcoming environment for trans people.

1. Introduction and policy statement

1.1 British Rowing is recognised by World Rowing as the national governing body for the sport of rowing in Great Britain in international matters and recognised by the Sports Council as responsible for the administration of rowing in England. British Rowing determine the rules of racing in Competitions and is responsible for the participation and development of rowing and indoor rowing in England. This policy has been developed in respect of Non-binary people, those who identify as Trans, and anyone whose gender identity is different to the sex assigned to them at birth. The policy applies to any Trans and Non-binary person competing in rowing Competitions organised, recognised, or convened by British Rowing. This policy does not apply to Rowers with differences of sexual development (DSD).

1.2 British Rowing is committed to promoting an environment in which rowing is accessible. We want to be inclusive and ensure we provide opportunities and enjoyment for everyone. In order to achieve this in a fair manner, we need to establish conditions for Competition in rowing, including eligibility for particular categories, such as the lightweight category, or adaptive rowing categories to guarantee fair and meaningful Competition. This also includes the need to establish conditions around the women's category. British Rowing has placed necessary and proportionate restrictions on eligibility, in the spirt of fairness in Competition.

1.3 British Rowing has determined that there is a legitimate need to ensure fairness in the women's category and that in the same way British Rowing has categories in rowing attributed to biological attributes, the women's category should also be treated as a protected category.

1.4 This policy has been developed following extensive and ongoing research and consultation with stakeholders, the rowing community, academics, and other relevant organisations since 2021 and is based on the scientific evidence available at this time. The eligibility requirements of World Rowing, our international federation, have also been considered in the context of our decisions.

1.5 Recognising that this is a fast-developing area in sport, British Rowing is committed to the annual review of this policy and its procedures within 12 months of its most recent update to ensure that our approach is consistent with latest guidance, science, information, and studies.

2. Legislative Framework and Rowing

2.1 The Gender Recognition Act 2004 (the "2004 Act") allows qualifying Trans people to change their legal sex if they wish to. 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. The 2004 Act provides stringent privacy protections for people holding a Gender Recognition Certificate to protect their privacy. It is a criminal offence for anyone to disclose any information about a person's past identity, or current status as a GRC holder, if they have obtained that knowledge in an official capacity. Anyone who has transitioned and feels their history has not been treated confidentially or has experienced Transphobia whilst involved in rowing (in any capacity), can

contact British Rowing's Head of Governance Safeguarding and Integrity for advice and support.

2.2 Under the Equality Act 2010 (the "2010 Act") treating someone less favourably than another person because of Gender Reassignment is discriminatory. Less favourable treatment can be anything that puts someone with a protected characteristic (such as Gender Reassignment) at a disadvantage compared to someone who does not have that characteristic. The 2010 Act also protects people with the protected characteristic of Gender Reassignment from being harassed. Harassment is unwanted behaviour that either violates the other person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Victimisation occurs when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint. Please refer to British Rowing's Equity, Diversity and Inclusion Policy for more information on our commitment to providing equal access to opportunity.

2.3 The 2010 Act makes specific provision for sports organisations to restrict participation by Trans people as competitors in an event, or events, involving a Gender-Affected Activities including sport. A sport is considered a Gender-Affected Activity 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.

2.4 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 Rowing 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 rowing.

2.5 British Rowing is fully committed to providing support, advice and guidance to its staff, Clubs, Competitions, committees, coaches, volunteers, and participants to ensure Trans people can continue their participation in rowing. This guidance can be found on British Rowing's policies and guidance webpage under Diversity and Inclusion.

2.6 This Trans and Non-Binary Competition Eligibility Policy and Procedures 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 sex whilst ensuring that such participation does not unfairly affect Competition and does not affect the safety of fellow competitors.

2.7 British Rowing recognises that there are significant advantages in size, strength, and power enjoyed (on average) by individuals assigned male at birth from puberty onwards, over individuals assigned female at birth. This is due to much higher levels of androgenic hormones which can impact on an individual's success in rowing. British Rowing also recognises that there are a number of additional variables that lend themselves to a competitor's success which are not restricted to hormone levels alone: technical ability, athleticism, fitness, knowledge, and the experience and confidence to apply these areas. In addition, the impact of any advantages, perceived or otherwise, may vary depending on the discipline of rowing an individual is involved in, such as indoor rowing, or individual events over crew events.

2.8 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) 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). 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]).

3. Gender, Membership and Recreational Activity

3.1 British Rowing recognises and acknowledges everyone's right to define their own gender, regardless of their sex assigned at birth. We also fully support their right to choose if, when and how to reveal their gender to others.

3.2 If an existing British Rowing member wishes to change their Gender Identity 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 the sex assigned to them at birth, they will be able to choose their Gender Identity freely when obtaining their membership.

3.3 British Rowing Community, Row, Coach or Umpire Membership does not constitute a race licence and so the Gender Identity on an individual's membership record does not override the provisions of this policy in regard to Competitive Activity.

Recreational Activity (non-competing)

3.4 British Rowing encourages Trans 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 can take part in British Rowing sanctioned Recreational Activity in their self-identified gender, without providing any evidence.

3.5 British Rowing encourages Clubs to consider whether at recreational level squads there is actually any need to be gender segregated. If squads are gender segregated for Rowing Activity, a Trans or Non-binary person should be able to participate in whichever squad they feel most comfortable with.

3.6 British Rowing will provide guidance, education, and support to all organisers of Recreational Activity and it will be made available on British Rowing's policies and guidance webpage under Diversity and Inclusion.

4. Competitive Activity Eligibility

4.1. The gender of an individual has no bearing on any kind of leisure activity within rowing,

whether on or off the water or in or out of a boat: the Trans and Non-binary Competition eligibility policy and procedures relate only to Competition, where the potential advantages discussed in Sections 1. and 2. might relate to the outcome.

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

4.2.1 Women's category

4.2.2 Open category

Women's Category:

4.3. Only people who are assigned female at birth will be eligible to compete in the women's category.

4.4. To be selected for Great Britain, or England, in International Events in the women's category, only people who are assigned

4.5. Female at birth will be eligible.

4.6. Whilst Scottish Rowing and Welsh Rowing may have different guidance for Rowers in Competition, for Great Britian Team selection this policy will take precedent.

Open Category

4.7. Trans, Non-binary and all other individuals will be eligible to compete in the Open category.

4.8. Any individual who is undergoing any type of hormone treatment or therapy, should take note of Section 7 'Anti-Doping', and ensure they understand any requirements of them should they be selected for doping control.

Mixed Category

4.9. British Rowing Rules of Racing allow for Competition organisers to offer a Mixed Event at any level of Competition, which combines male and female Rowers in a crew with a minimum number of women included (50% unless otherwise stated). For avoidance of doubt this means at least 50% of the crew must satisfy the criteria to be eligible for the women's category at 4.2.

5. Roles and Responsibilities

5.1 All Trans and Non-binary competitors in rowing must agree to:

5.1.1 comply in full with this policy and procedures;

5.1.2 cooperate promptly and in good faith with the Head of Governance Safeguarding and Integrity and the Expert Panel in the discharge of their respective responsibilities under this policy and procedures, including providing them with all the information and evidence they request to assess their compliance with the Eligibility Conditions referred to in this policy and procedures;

5.1.3 consent to the collection, processing, disclosure, and use of information (including their sensitive personal information) as required to implement and apply this policy and

procedures effectively and efficiently;

5.1.4 follow exclusively the procedures set out in Section 11 if they want to challenge this policy and procedures and/or to appeal decisions made under this policy and procedures, and not to bring any proceedings in any court or other forum that are inconsistent with that clause;

5.2 Rowers, Athlete Support Personnel, Registered Individuals, Clubs, Competitions or Affiliated Members, and any other person who brings themself under the jurisdiction of British Rowing:

5.2.1 are bound by, and must comply in full with this policy and procedures, including only providing accurate and complete information, and not providing any information in bad faith or for any improper purpose; and

5.2.2 must cooperate promptly and in good faith with the Head of Governance Safeguarding and Integrity and the Expert Panel in the discharge of their respective responsibilities under this policy and procedures.

5.2.3 At the request of a Rower whose case arises for investigation and/or assessment under this policy and procedures, British Rowing's Head of Governance Safeguarding and Integrity or an independent person will be appointed to help the Rower to understand and address the requirements of this policy and procedures.

5.3 The dignity of every individual must be respected. All forms of abuse and/or harassment are prohibited. In particular (but without limitation):

5.3.1 any person or entity that provides information to the Head of Governance Safeguarding and Integrity and/or the Expert Panel for consideration under these policy and procedures must:

i. ensure that the information is accurate and complete; and

ii. not provide any information in bad faith, to harass, stigmatise or otherwise injure a Rower, or for any other improper purpose.

5.3.2 no stigmatisation or improper discrimination on grounds of Gender Reassignment will be tolerated. In addition, persecution of, or campaigns against a Rower simply on the basis that their appearance does not conform to gender stereotypes are unacceptable. Any such conduct will be considered a serious breach of this policy and procedures and of the British Rowing Code of Conduct, as will any breach of the confidentiality provisions set out below.

5.4 Where a Trans or Non-binary individual competes in a category of Competition for which they are not eligible, as set out in this policy and procedures, British Rowing may take action against them in accordance with the Integrity Policy.

5.5 All individuals should cooperate fully and in good faith with this policy, or they, or their coach or other person complicit in a breach of non-compliance this policy will be handled under the British Rowing Disciplinary and Grievance Procedures.

6. Expert Panel

6.1 An objection to the gender eligibility of a Rower to enter an event may be made by a Registered Individual or Affiliated Member.

6.2 Any such objection shall be made in writing to the Head of Governance Safeguarding and Integrity at British Rowing with any supporting evidence on which the Registered Individual or Affiliated Member wishes to rely.

6.3 Any such objection shall be made as soon as reasonably possible once the Registered Individual or Affiliated Member becomes concerned about the gender eligibility of a Rower.

6.4 The Registered Individual or Affiliated Member making such objection shall not seek publicity for its objection or otherwise take any steps that might cause undue embarrassment or harm to the Rower who is the subject of the objection.

6.5 Any Registered Individual or Affiliated Member who seeks to campaign against an individual publicly or directly, in bad faith, to harass, stigmatise or otherwise injure a Rower may be found in breach of British Rowing's Code of Conduct and subject to disciplinary proceedings.

6.6 When the objection has been raised with the Head of Governance, Safeguarding & Integrity, they, along with an Expert Panel will make an initial assessment as to whether to accept the objection for consideration, or to dismiss an objection on the grounds either that it considers that the issue of the Rower's gender is frivolous or otherwise lacks sufficient merit to justify further consideration.

6.7 The Expert Panel will consist of two members of British Rowing's Medical Advisory Panel, and a lawyer from one of British Rowing's other Panels.

6.8 The Expert Panel, if it accepts an objection, may request any material that might assist them with a decision as to whether the Rower may continue to compete, such as medical information, to confirm the person's eligibility for the women's category.

6.9 If a Rower does not comply British Rowing may suspend the Rower from Competition until they comply with the Panel's request.

6.10 All information will be treated confidentially and securely.

6.11 If the Expert Panel has any concerns about the adequacy of the evidence provided by the Rower or on behalf of the Rower, on any particular point, it must provide the individual with a fair opportunity to try to address those concerns before it comes to its final decision.

6.12 The Expert Panel will complete its assessment as soon as is reasonably practicable in all of the circumstances of the case. However, in no circumstance will British Rowing or any member of the Expert Panel be liable for any detriment allegedly suffered by the Rower or anyone else as a result of the length of time taken by the Expert Panel to complete its assessment.

6.13 Once it has completed its assessment, the Expert Panel will send its decision in writing to the Head of Governance Safeguarding and Integrity.

6.14 If the Expert Panel decides that the Eligibility Conditions have been met, the Head of Governance Safeguarding and Integrity will inform the Rower and any Competition officials if appropriate.

6.15 If the Expert Panel decides that the Eligibility Conditions have not been met, the Head of Governance Safeguarding and Integrity will inform the Rower and any Competition officials if appropriate, and any winnings, ranking points or Competition outcome may be revoked.

6.16 The Expert Panel's decision will be final and binding on all parties. It may only be challenged by way of appeal in accordance with Section 11.

7. Anti-Doping

7.1 All Rowers should be aware they may be subject to doping control testing as per the UK Anti-Doping Rules. The use of hormones in most cases contravene the World Anti-Doping Agency Code and therefore any Rowers using hormones for the purpose of Gender Reassignment are encouraged to contact UK Anti-Doping to determine whether they are required to apply for a Therapeutic Use Exemption (TUE). More information about TUEs for Transgender Rowers can be found on World Anti-Doping Agency's website.

8. Volunteering and Employment

8.1 This policy does not affect Transgender people in any aspect of volunteering or employment and British Rowing 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.

8.2 British Rowing 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. Confidentiality and Data Protection

9.1 All information and documentation concerning information about a person's past or present Gender Reassignment status will be managed in accordance with British Rowing's Privacy and Data Protection Policies, all data protection legislation in force at the relevant time and, where relevant, the Gender Recognition Act 2004. All such information must be treated in strict confidence and shared on a need-to-know basis only.

9.2 Anyone involved in enquiries or determination of eligibility in Competition must understand and comply with confidentiality obligations that are associated with handling such a matter. Failure to do so may result in disciplinary action.

9.3 The Head of Governance, Safeguarding & Integrity will undertake all confidential communication in relation to this policy and procedures, and only share information on a needs-led basis.

9.4 British Rowing, 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:

9.4.1. 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 Rowing's Data Retention Policy.

9.4.2. British Rowing 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.

9.4.3. access to this information should be tightly controlled and on a strictly need to know basis. British Rowing will only share necessary information with international Competition organisers for the purposes of verifying the status of a Trans or Non-binary person.

9.5 British Rowing will agree with a Trans or Non-binary 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.

9.6 British Rowing will complete and keep under review a Data Protection Impact Assessment (DPIA) for this processing due to the potential privacy risks involved.

10. Contact Details and Reporting Transphobic Behaviour

10.1 British Rowing welcomes constructive feedback on this policy which can be shared via inclusion@britishrowing.org.

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

10.3 British Rowing encourages the reporting of all instances of Transphobia or discrimination based on an individual's Gender Reassignment to our Head of Governance Safeguarding and Integrity. Where support is needed by individuals or Clubs, British Rowing is able to signpost to relevant external organisations.

10.4 Concerns regarding non-compliance with this policy can also be sent to the Head of Governance Safeguarding and Integrity.

11. Appeals

11.1 If a person or entity wishes to challenge these regulations or a decision of the Expert Panel, it can only do so by bringing an appeal in accordance with this policy and its procedures.

11.2 The appellant may initiate the appeals procedure ('Notice of Appeal') by notifying the Chief Executive Officer (CEO) of British Rowing in writing, that they wish to appeal the decision of the Eligibility Panel.

11.3 The Notice of Appeal must be received by email or mail within five (5) calendar days of the decision made by the Expert Panel and addressed to: ceo@britishrowing.org or the Chief Executive Officer, British Rowing, 6 Lower Mall, London W6 9DJ.

11.4 The Notice of Appeal must include:

11.4.1. contact details for the appellant and any other parties to the appeal (if applicable);

11.4.2. a copy of the decision being appealed;

11.4.3. a statement setting out the grounds for the appeal;

11.4.4. all materials (include all information and documents) in support of the Appeal.

11.5 On receipt of the Notice of Appeal, the CEO will determine if the grounds for appeal can be accepted, and if they are, will appoint a panel of three comprising two independent arbitrators appointed from Sport Resolutions and a member of British Rowing's Medical Advisory Panel, none of whom should have been involved in the decision under appeal.

11.6 The panel will consider the application on paper and a review of the original decision will be conducted. The appeal panel's decision shall be final and binding. The final decision will be made as soon as possible and will be communicated to the Appellant in writing within twenty-one (21) calendar days.

12. Costs

12.1 The costs of any medical assessment, examination, treatment, monitoring, reporting, and any other costs involved in complying with the Regulations will be borne by the relevant individual.

13. Contact

13.1 For all enquiries or contact concerning this policy and its procedures, please email the Head of Governance Safeguarding and Integrity: inclusion@britishrowing.org.