

THE NATIONAL SMALL-BORE RIFLE ASSOCIATION

Lord Roberts Centre, Bisley Camp, Brookwood, Woking GU24 0NP



Patron: HER MAJESTY THE QUEEN

Gender Reassignment Policy

JULY 2016

NSRA Gender Reassignment Policy

Introduction

The NSRA is fully committed to the principles of equality of opportunity and is responsible for ensuring that no job applicants, employees, consultants, Directors, 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 National Small-bore Rifle Association 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 NSRA has a responsibility to protect and consider their needs in the sporting environment. In addition to those wishing to compete, it also has a responsibility to protect those who may be staff, volunteers, recreational participants or spectators who may be transsexual people (or perceived to be so). This includes those who are associated with them such as family members.

This Policy will:

- Set out how the NSRA will deal with the issues facing transsexual people seeking to take part in target shooting 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.
- Address the needs and wishes of transsexual people to compete in their affirmed gender.
- Show how the NSRA will demonstrate this inclusivity whilst supporting the NSRA's role to regulate participants and provide fair and safe competition in men's, women's and mixed events.
- Build greater understanding amongst the shooting community of the issues, needs and rights of transsexual people in the sport.
- Address concerns from people involved in organising local competitions about any perceived, or real, unfair advantage or about the safety of all competitors
- Cover the eligibility, selection and participation of transsexual athletes in domestic and international 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, shooting 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.

International Representation

Athletes who compete (or have the potential to compete) in events governed by the International Shooting Sport Federation (ISSF) and International Olympic Committee (IOC) must comply with, and qualify under, the IOC current Gender Reassignment guidelines. These are taken from the "Stockholm consensus on sex reassignment in sports". The phrase 'sex reassignment' used by the IOC has the same meaning as 'gender reassignment used in the UK

The Stockholm Consensus

On 28 October 2003, an ad-hoc committee convened by the IOC Medical Commission met in Stockholm to discuss and issue recommendations on the participation of individuals who have undergone sex reassignment (male to female and vice versa) in sport.

In May 2004 the International Olympic Committee (IOC) announced the conditions under which transsexual athletes may compete in sports competitions.

These conditions were applied as of the Athens Olympics in 2004:

- Any transsexual women who underwent sex reassignment surgery before puberty should be accepted in sport as girls and women (female). This also applies to individuals undergoing female-to-male reassignment, who should be regarded as boys and men (male).
- Individuals undergoing sex reassignment after puberty be eligible for participation in the acquired gender 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 committee, 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.

Many international federations have overtly adopted the IOC guidance with regards to transsexual athletes and their status in international competitions. The IPC does not have a stated policy on transsexual people and 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:

- Disclose sufficient information from her GP and/or Consultant to the NSRA (and any other information, records or other material as the NSRA 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.
- 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.
- Hormone-related treatment must be verified annually to ensure its validity.
- The NSRA 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 NSRA 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 NSRA 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 NSRA 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:

- Treat the individual with dignity and respect.
- Explain the NGB policy and procedure and ask their view on how to proceed. Provide contact details of the NGB contact.
- 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 it should be shared. In general no information should be shared by the local official unless they have express permission from the transsexual.
- 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 arrive changed and ready to participate to avoid any misunderstanding should they still have the secondary sex characteristics of their former gender. In line with good safeguarding practice the governing body should recommend that adults (unless they are the 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 members or spectators so that it can be dealt with.
- Ensure a Code of Conduct is publicised indicating their zero tolerance policy towards all bullying/harassment of people with protected characteristics.

Roles and Responsibilities

The NSRA Board is accountable for the adoption, implementation and monitoring of this policy. Day to day management will be the responsibility of the Chief Executive Officer of the NSRA. The Chief Executive Officer 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 Chief Executive Officer of the NSRA

- All documentation revealing information about a person's past or present gender reassignment status must be managed in accordance with the NSRA'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.
- Anyone involved should understand the confidentiality obligations that are associated with handling such a matter.
- The nominated person at the NSRA should undertake all communication with the individual concerned only sharing information with members' e.g. county associations, districts, leagues and clubs on a 'needs-led' basis allowing them to manage player registration.
- In order to determine compliance with this policy it is recommended that the nominated NSRA representative and/or the Chief Executive and a medical representative appointed by the NSRA consider the evidence on a case-by case basis.
- An appeals process should be established for decisions made in relation to any individual.

Privacy

NSRA (and its officers and staff) and any organisers of NSRA 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.

NSRA (and its officers and staff) and any organisers of NSRA 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 shooters 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 NSRA's jurisdiction. Complaints shall be treated seriously, confidentially and respectfully, and will be managed under the NSRA complaints procedure outlined in the NSRA Equality Policy.

Appropriate disciplinary action may be taken against any NSRA Stakeholder who violates this Equality Policy under the relevant NSRA 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 NSRA's jurisdiction. Any individual whose participation is refused shall have the right to appeal to an NSRA 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 NSRA Gender Reassignment Policy is written to reflect the British Shooting Gender Reassignment Policy within the functions of the NSRA. It will remain in force until it is amended, replaced or withdrawn. The NSRA will monitor and evaluate this policy regularly and this includes any complaints or appeals by transsexual people and their involvement in shooting in all capacities. The NSRA will also take part in the British Shooting equality audit.

A review of this Gender Reassignment Policy will take place as and when required or following a British Shooting Gender Reassignment Policy review.

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



THE NATIONAL SMALL-BORE RIFLE ASSOCIATION

Lord Roberts Centre, Bisley Camp, Brookwood, Woking GU24 0NP

Email: info@nsra.co.uk

www.nsra.co.uk
