



Scottish Rugby

Transgender Policy

LEADERSHIP · ENGAGEMENT · ACHIEVEMENT · ENJOYMENT · RESPECT

Foreword

The benefits from participation in sport are widely recognised, not just in terms of health but in building confidence, teamwork and friendships. Scottish Rugby's Values of **Leadership, Engagement, Achievement, Enjoyment** and **Respect** apply across all areas of our sport, from minis through to our international teams.

We all have a responsibility to look after the participants in our game, with their wellbeing and safety at the centre of everything we do. Scottish Rugby's aim is that everyone who is involved with our sport has a positive experience and goes on to achieve their full potential both within the game and in life.

Scottish Rugby wishes to be as inclusive as possible, imposing only such eligibility restrictions as are necessary and proportionate, and providing a clear path to participation for all. Our Transgender Policy recognises the need to respect the dignity and privacy of Transgender players, and to avoid improper discrimination on the grounds of gender identity. As such it is in line with World Rugby's Transgender Policy and the IOC Transgender Guideline.

To support our Policy, we will provide advice and guidance to players, clubs and to the volunteers who are the heartbeat of our game. Our Policy and associated guidance will form part of our ongoing Equality Action Plan.

We will continue to monitor best practice in this area and will, where necessary and appropriate, update our Policy accordingly.



MARK DODSON

Chief Executive
Scottish Rugby

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Policy Statement

Scottish Rugby is committed to providing a safe and supportive environment for all those participating in our sport. In doing so we will adopt inclusive policies to enable Transgender players to play in an environment which protects the wellbeing of all players and which promotes fair competition. The privacy and the dignity of Transgender players will be respected.

Everyone within the Scottish Rugby community will be made aware of our policies to promote the safety and wellbeing of those playing the game.

Key principles:

- Primary responsibility for the health and wellbeing of each player lies with the individual player. In agreeing to participate players must take seriously the risk of injury to themselves and to others.
- Scottish Rugby, and those governed by Scottish Rugby, will follow best practice in relation to the participation of Transgender players.
- We believe that best practice is currently represented by the World Rugby Transgender Policy and the IOC Transgender Guidelines.
- The principles contained within the World Rugby Policy and IOC Guidelines have been incorporated into Scottish Rugby's Transgender Policy.
- Transgender players wishing to participate in Scottish domestic rugby shall do so on the basis of Scottish Rugby's Transgender Policy. Additional requirements may arise in respect of participation in international tournaments.
- The welfare and safety of the player is paramount. The dignity and privacy of Transgender players must be respected.

Scottish Rugby Core Values

Scottish Rugby is the Governing Body of the sport of Rugby Union in Scotland and promotes these core values from our National Teams through to grassroots rugby.

Our core values are:

LEADERSHIP

ENGAGEMENT

ACHIEVEMENT

ENJOYMENT

RESPECT

Roles and Responsibilities

To ensure a safe environment in which all participants can enjoy their rugby, everyone involved in the game must work together. It is EVERYONE'S responsibility to contribute to the wellbeing of players.

Scottish Rugby will:

- Appoint a Chief Medical Officer to oversee best practice in the medical support of players at all levels.
- Develop and publish a Transgender Policy, and ensure that the Policy and any associated guidance is regularly reviewed and updated.
- Require that member clubs comply with the Transgender Policy as part of the Club Minimum Operating Standards.
- Provide advice and assistance in relation to the Policy to Transgender players and their clubs.
- Manage and respond to referrals and/or concerns in an efficient and fair manner.
- Take disciplinary action against those who breach the Transgender Policy.

Member/Affiliated Clubs will:

- Ensure that their players, coaches, medics and other club officials are aware of Scottish Rugby's Transgender Policy.
- Ensure that players and club officials comply with the terms of the Policy and any associated guidance.
- Report any suspected breaches of the Policy.

Players, Coaches and Team Medics will:

- Play the game in accordance with Scottish Rugby's Core Values.
- Take responsibility for their own safety and that of other players.
- Abide by the terms of Scottish Rugby's Transgender Policy and any associated guidance.

Definitions

Chief Medical Officer (CMO)

The person, having appropriate knowledge and expertise, who is appointed by Scottish Rugby to act on its behalf in matters arising under this Policy.

Expert Panel

A panel of individuals with appropriate knowledge and expertise, appointed by Scottish Rugby to perform the functions set out in this Policy.

Gender Identity

Gender identity is one's personal experience of one's own gender. Gender identity can correlate with assigned sex at birth, or can differ from it.

Policy

Means Scottish Rugby's Transgender Policy, as amended from time to time.

Transgender

Transgender is used in this Policy to refer to individuals whose gender identity (i.e. how they identify) is different from the sex designated to them at birth (whether they are pre- or post-puberty, and whether or not they have undergone some form of medical intervention).

Transgender Female

A male-to-female player.

Transgender Male

A female-to-male player.

Scottish Rugby

Means Scottish Rugby Union Limited.

World Rugby

The international governing body for the sport of Rugby Union.

Scottish Rugby's Transgender Policy

1. Application

- 1.1 This Policy establishes the conditions under which a Transgender player is permitted to train or play in any contact form of rugby union in the category of competition consistent with their Gender Identity. It applies to participation in all Scottish domestic rugby.
- 1.2 As a condition of participation each such player must agree to:
 - 1.2.1 Comply fully with this Policy;
 - 1.2.2 Co-operate promptly and in good faith with the Chief Medical Officer (CMO) and any Expert Panel in the discharge of their duties, including providing such information and evidence as may be required to assess the player's compliance or continuing compliance with the eligibility conditions referred to in this Policy; and
 - 1.2.3 The collection, processing, disclosure and use of such information (including sensitive personal information) as is required to properly implement this Policy.
- 1.3 The player may at any time revoke their consent to the conditions in Clause 1.2. In such an event the player will be deemed to have withdrawn any claim to satisfy the eligibility conditions in Clause 2.
- 1.4 Every person and entity under the jurisdiction of Scottish Rugby is bound by and must comply with this Policy, and must co-operate promptly and in good faith with the CMO and Expert Panel in the discharge of their duties under it.

2. Eligibility Conditions for Transgender Players

Eligibility Conditions for Transgender Males

- 2.1 To be eligible to participate in male competition a Transgender Male player must provide a written and signed declaration, in a form satisfactory to the CMO, that his Gender Identity is male.
- 2.2 On receipt of a satisfactory signed declaration the CMO will issue written certification of that player's ability to compete in male competition.
- 2.3 It shall be an offence subject to Misconduct proceedings for a Transgender Male player to participate in male competition prior to receiving certification from the CMO.

Eligibility Conditions for Transgender Females

- 2.4 To be eligible to participate in female competition a Transgender Female player must:
 - 2.4.1 Provide a written and signed declaration, in a form satisfactory to the CMO, that their Gender Identity is female;
 - 2.4.2 Demonstrate to the satisfaction of the Expert Panel (on the balance of probabilities and in accordance with the criteria set out in Section 4 of the World Rugby Transgender Policy), that the testosterone in their serum has been less than 5 nmol/L continuously for a period of at least 12 months; and
 - 2.4.3 Keep their serum testosterone concentration below 5 nmol/L for so long as they continue to compete in the female category of competition.
- 2.5 On the receipt of the signed declaration, and subject to the recommendation of the Expert Panel, the CMO will issue written certification of that player's ability to compete in female competition.
- 2.6 It shall be an offence subject to Misconduct proceedings for a Transgender Female player to participate in female competition prior to receiving certification from the CMO.

U18 Players

- 2.7 In addition to their written and signed Gender Identity Declaration, Transgender Players under the age of 16 must provide evidence of the consent of their parent or guardian.
- 2.8 For the avoidance of doubt, where the CMO has certified a player to be able to play in either male or female competitions the age banding criteria applicable to that gender will apply.

Provisions applicable to all Transgender Players

- 2.9 Once a Transgender player has satisfied the relevant requirements and received certification to participate in the category of competition consistent with their Gender Identity, they may not then switch back to participating in the other gender category unless and until:
- 2.9.1 At least four years have elapsed since they were first certified to compete as a Transgender player; and
 - 2.9.2 They satisfy all of the conditions for eligibility to compete in the other gender category
- 2.10 For the avoidance of doubt:
- 2.10.1 No player will be required to undergo medical assessment and/or treatment. It is the player's responsibility, in consultation with their medical team, to decide on the advisability of any such assessment or treatment.
 - 2.10.2 The following are not required for a Transgender player to compete in the category of competition consistent with their Gender Identity:
 - (a) legal recognition of the player's Gender Identity as their sex; or
 - (b) surgical anatomical changes.
 - 2.10.3 The eligibility conditions for Transgender players operate without prejudice to all other applicable rules and requirements in respect of their participation (including inter alia the relevant anti-doping rules and any requirement to obtain a Therapeutic Use Exemption for the use of a substance on the WADA Prohibited List).
- 2.11 The decision of the CMO and/or Expert Panel shall be final and binding on all parties.

3. Monitoring and Compliance

- 3.1 The CMO may, at any time:
- 3.1.1 Monitor a player's compliance with the Eligibility Conditions for Transgender Females, with or without notice, whether by random or targeted testing of the player's serum testosterone levels (and the player agrees to provide blood samples for this purpose, and agrees that any anti-doping samples or related data may also be used for this purpose) or by any other appropriate means;
 - 3.1.2 Investigate whether a player who has not filed a declaration under this Policy is a Transgender player who needs to establish their eligibility to compete in a particular gender category;
 - 3.1.3 Investigate whether (for any reason) a player who has previously satisfied the Transgender Female eligibility conditions should undergo further assessment by the Expert Panel to determine whether they continue to satisfy the required conditions; and/or
 - 3.1.4 Investigate any circumstances indicating potential non-compliance with this Policy.
- 3.2 Players, clubs and all other entities and individuals under the jurisdiction of Scottish Rugby must co-operate fully and in good faith with the CMO, the Expert Panel and Scottish Rugby in the operation of this Policy.
- 3.3 Where necessary to safeguard the fairness or integrity of competition, or for the safety of competitors, the CMO may provisionally suspend the participation of any player pending resolution of the matter.
- 3.4 Where the CMO or Expert Panel determine that a Transgender Female player has failed to maintain her serum testosterone level at a concentration of less than 5 nmol/L, she may not participate in female competition until such time as she demonstrates to the satisfaction of the Expert Panel that she has maintained it at a level below 5 nmol/L for a new continuous period of at least 12 months.

4. Disciplinary Proceedings

- 4.1 Misconduct Proceedings, in accordance with Scottish Rugby's Disciplinary Rules, may be brought where:
- 4.1.1 A player competes in a category of competition for which they have not satisfied the eligibility conditions set out in this Policy;
 - 4.1.2 A player fails to co-operate fully with the CMO, Expert Panel or Scottish Rugby in respect of the consideration of their application or their compliance / continuing compliance with this Policy;
 - 4.1.3 A coach, healthcare professional, sports scientist, agent or other person or entity has been complicit in a breach or non-compliance with this policy;
 - 4.1.4 Where there has been stigmatisation of a player or improper discrimination against a player on the grounds of Gender Identity; and/or
 - 4.1.5 There has been any other breach or non-compliance with this Policy.

5. Costs

- 5.1 The costs of any medical assessment, examination, treatment, monitoring, reporting, and any other costs involved in complying with the Policy will be borne by the relevant player.
- 5.2 The standing costs of the Expert Panel will be borne by Scottish Rugby.

6. Mutual Recognition

- 6.1 Where a Transgender Player from another Union wishes to participate in Scottish domestic rugby, Scottish Rugby may elect to recognise and give effect to any eligibility decision made by that Union provided that the Transgender Policy of that Union is consistent with World Rugby's Transgender Policy.
- 6.2 Where a Transgender Player from another sport wishes to participate in Scottish domestic rugby, Scottish Rugby may elect to recognise and give effect to any eligibility decision made by that sport provided that the Transgender Policy of the sport concerned is consistent with the IOC Transgender Guidelines and this Policy.

7. Confidentiality

- 7.1 All cases arising under this Policy, and in particular all player information provided to Scottish Rugby under this Policy, will be dealt with in strict confidence at all times. All medical information and data relating to the player will be treated as sensitive personal information and the CMO will ensure that at all times it is only processed in accordance with applicable data protection and privacy laws. Such information will not be used for any purpose not contemplated in this Policy, and will not be disclosed to any third party save as strictly necessary for the effective application and enforcement of this Policy or as is required by law.
- 7.2 Each member of the Expert Panel must sign an appropriate conflict of interest declaration and confidentiality undertaking where requested to do so.
- 7.3 Scottish Rugby will not comment on the specific facts of a pending case (as opposed to general descriptions of the process and science involved) except in response to public comments attributed to the player or their representatives.

Contact Us

Advice with regard to Scottish Rugby's Transgender Policy may be obtained by contacting Scottish Rugby Union's Chief Medical Officer (CMO) at:

Dr James Robson

Chief Medical Officer

BT Murrayfield Stadium

Roseburn Street

Edinburgh EH12 5PJ

T: 0131 346 5000

E: james.robson@sru.org.uk

Raising a Concern

Failure to follow Scottish Rugby's Transgender Policy shall be regarded as an act of Misconduct under Scottish Rugby's Disciplinary Rules.

Where a concern arises in the relation to the participation of a Transgender player, or where there is concern that best practice is not being followed, the matter may be referred in confidence to Scottish Rugby Union's Chief Medical Officer (CMO).

The CMO will investigate any reported concerns and, where appropriate, shall refer them to Scottish Rugby's Disciplinary Manager for consideration of Misconduct proceedings.

Policy Amendment Process

Changes to Scottish Rugby's Transgender Policy shall be approved by the Safeguarding, Wellbeing and Inclusion sub-committee of the Scottish Rugby Board, and shall be referred to the sub-committee on the recommendation of the Chief Medical Officer.



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