

Transgender & Non-Binary Individuals Policy

Introduction

This is the West Bridgford Tennis Club (WBTC) Transgender & Non-Binary Individuals Policy, taken from the LTA Policy.

As set out a Player assigned male sex at birth will be eligible to compete in the men's competition category (and as a man in a mixed doubles team). A player assigned female sex at birth will be eligible to compete in the women's competition category (and as a woman in a mixed doubles team).

This policy sets out the eligibility of a transgender or non-binary player to compete in the women's competition category and / or the men's competition category and / or any mixed doubles competition.

Context

This Policy seeks to balance the conflicting rights and interests of various groups, in particular cisgender women and transgender women, and is informed by the law and available scientific evidence.

For the purposes of the Equality Act 2010, tennis is a gender-affected activity of a competitive nature where the physical strength, stamina or physique of average women puts them at a disadvantage compared to average men. Accordingly, the law permits sports' governing bodies (1) to organise separate sporting competitions for men and women, and (2) to impose restrictions on the eligibility of transgender and non-binary Players to participate in sport if such restrictions are necessary to secure (A) the safety of competitors, and/or (B) fair competition.

The science is clear that there is a significant sex difference in sport performance between biological men and biological women, and the sex performance difference is driven primarily by higher circulating testosterone in biological men. That significant sex difference in sport performance is the reason a separate women's competition category is necessary. In tennis, the sex performance difference arises from – among other things – differences in strength, power, and endurance, and also from anatomical differences between men and women (men on average have larger musculoskeletal frames including longer limbs to lever, generating greater power of shot). While gender-affirming hormone treatment for transgender women (i.e. suppression of high circulating testosterone levels in the men's range to levels in the women's range) reduces to some degree muscle mass and strength and other physical attributes that contribute to sport performance, the significant sex difference is not eliminated (and residual performance advantages of men's biology remain).

Aim of the policy

The policy is intended to facilitate the provision of competitive opportunities for transgender and non-binary players in a safe and supportive environment that is free from harassment and abuse, whilst also seeking to maintain fair and meaningful competition conditions.

Scope

The policy concerns eligibility to compete in LTA sanctioned competitions as well as internal competitions at the Club.

Subject to the LTA Competition Regulation 9.1 which permits competition between boys and girls in 8U, 9U and 10U events, this policy applies to all competition age groups.

Eligibility to compete in Specified Competitions

The following players are eligible to compete in the women's competition category (and as a woman in a mixed doubles team) in Specified competitions:

- Cisgender women
- Transgender men who have never commenced gender affirming hormone treatment
- Non-binary individuals who were assigned female sex at birth and have never commenced gender affirming hormone treatment.

For the avoidance of doubt, transgender women and non-binary individuals who were assigned male sex at birth (in each case irrespective of any gender-affirming hormone treatment commenced, i.e. suppression of testosterone) are ineligible to compete in the women's competition category (and as the woman in a mixed doubles team) in Specified Competitions.

The following players are eligible to compete in the men's competition category (and as a man in a mixed doubles team) in Specified Competitions:

- Cisgender men
- Transgender men (irrespective of any gender affirming hormone treatment commenced).
- Transgender women (irrespective of any gender affirming hormone treatment commenced).
- Non-binary individuals who were assigned female sex at birth (irrespective of any gender affirming hormone treatment commenced).

Process to Obtain LTA Approval of Eligibility to compete in Specified Competitions

Anyone who wishes to compete in Specified Competition will be asked via forms on the LTA website to specify their gender identity and their sex assigned at birth. Subject always to the eligibility requirements of paragraphs above.

- If a transgender woman or a non-binary individual assigned male sex at birth wishes to compete in the men's competition category, they may do so without further notice to WBTC.
- If a transgender man or a non-binary individual assigned female sex at birth wishes to compete in the men's competition category, they may do so without further notice to WBTC.
- If a transgender man or a non-binary individual assigned female sex at birth wishes to compete in the women's competition category, they will be asked via forms on the LTA website whether or not they have ever commenced gender-affirming hormone treatment (i.e. exogenous administration of testosterone). If they state that they have not, they will be asked for evidence (i.e., medical records) to demonstrate that to the satisfaction of the LTA (in its absolute discretion). WBTC will review and determine the application.

If a transgender man or a non-binary individual assigned female sex at birth is (and remains) eligible to compete in both the men's and women's competition categories and, having competed (whether before, on or after the Effective Date) in one of those categories (referred to as the 'first category'), subsequently wishes to compete in the other category (referred to as the 'second category'), the Player will not be eligible to compete again in the first category for a period of two years from the date that they last competed in the second category. Such Player must complete the applicable form on the LTA website, and the LTA will review and determine the application in accordance with the paragraph below. For the avoidance of any doubt, where a transgender man or non-binary individual assigned female sex at birth is (or has been) playing in the men's competition category and wishes to change their competition category to the women's competition category, then the process set out in this section apply. (In addition to the ineligibility period of two years).

For any application made:

- WBTC will review the application and may request (and the Player must provide) information or documents to demonstrate the Player's satisfaction of the applicable eligibility conditions for the competition category in which the Player wishes to compete. The Player is responsible for ensuring that the information provided is accurate, complete and not misleading, and that nothing relevant to WBTC's assessment of the application is withheld.
- The application (and any required information and documents) must be provided to WBTC at least fifteen business days before the entry deadline for the first Specified Competition in the competition category in which the Player wishes to compete.
- Unless and until the application is granted by the WBTC (in its absolute discretion), the applicant Player will not be eligible to compete in the competition category in which they wish to compete.

The eligibility requirements for transgender and non-binary Players to compete in LTA Sanctioned Competitions operate without prejudice to the other requirements in the LTA Code of Conduct, LTA Disciplinary Code, LTA Competition Regulations, or other LTA rules or policies that are applicable to all Players. In particular, nothing in this Policy permits, excuses or justifies non-compliance with any of the requirements of the LTA's anti-doping regulations (forming part of the LTA Disciplinary Code), including the requirement to obtain a therapeutic use exemption before using any substance – including testosterone or testosterone suppressing substances (such as but not limited to spironolactone or GnRH agonists) – that is included on the World Anti-Doping Agency's list of prohibited substances, as in force from time to time.

Eligibility to compete in Non Specified Competitions

In a Non-Specified Competition where the Organiser is the LTA or an LTA Group company:

- transgender and non-binary Players are entitled to compete in either the men's competition category or the women's competition category (and accordingly either as the man or the woman in any mixed doubles team competition)
- if separate sex competition is not provided (for example, in some Local Tennis Leagues), transgender and non-binary Players are eligible to compete.

In a Non-Specified Competition where the Organiser is not the LTA or an LTA Group company:

- the eligibility of transgender and non-binary Players to compete in the men's competition category and/or the women's competition category and/or any mixed

- doubles competition is entirely at the discretion of the Organiser and must be communicated to Players in accordance with LTA Competition Regulation 15.2;
- the Organiser, if organising both men's and women's competition categories as part of the same competition, must ensure that Players of all gender identities are eligible to participate in (at least) one competition category; Explanatory note: For the avoidance of doubt, an Organiser must not (1) structure eligibility criteria so as to exclude a Player from all competition categories (but this does not require an Organiser to organise both a men's competition category and a women's competition category for any particular competition), or (2) impose restrictions on the eligibility of transgender men or non-binary individuals assigned female sex at birth to compete in the men's competition category (because such restrictions would be not be necessary to ensure fair competition or safety and would therefore be unlawful).
 - the Organiser may (in its absolute discretion) rename the 'men's' competition category as an 'open' category; and Explanatory note: Specified Competitions are organised into 'men's' and 'women's' competition categories for historical, regulatory, and administrative reasons. An Organiser for a Non-Specified Competition may choose to rename the 'men's' competition category as an 'open' category (because some transgender and non-binary individuals consider that descriptor more inclusive).
 - any decision regarding eligibility criteria and/or player eligibility pursuant to this that is made by an Organiser that is not the LTA or an LTA Group company is entirely a matter for that Organiser (and not a matter for the LTA).

Eligibility for other LTA products and programmes

Subject to and/or as permitted by any applicable law and/or other LTA policy (and aside from participation in Specified Competitions or as otherwise provided for in this Policy), consistent with their gender identity:

- transgender women and non-binary individuals will be eligible to use, access, and participate in (as applicable) all other LTA products, programmes, services and grants which are targeted towards or allocated for women where they are provided or delivered by LTA (or any member of LTA Group) or where such LTA products or programmes are delivered by an LTA Registered Organisation or LTA Accredited Coach at an LTA Registered Venue.
- transgender men and non-binary individuals will be eligible to use, access, and participate in (as applicable) all other LTA products, programmes, services and grants which are targeted towards or allocated for men where they are provided or delivered by LTA (or any member of LTA Group) or where such LTA products or programmes are delivered by an LTA Registered Organisation or LTA Accredited Coach at an LTA Registered Venue.

Use of changing facilities

We will provide

- appropriate provision of changing spaces and facilities will be made available to all individuals, including transgender and non-binary individuals, in a manner that respects their privacy and dignity;
- WBTC will restrict access to any communal women's changing spaces and facilities to individuals assigned female sex at birth; and
- WBTC will restrict access to any communal men's changing spaces and facilities to individuals assigned male sex at birth.

General Obligations

Each Participant (as that term is defined in the LTA Disciplinary Code and which includes, without limitation, Players) and every other person who brings themselves under the authority of the LTA by providing information to the LTA for consideration under this Policy and/or by participating, competing or seeking to compete in LTA Sanctioned Competition:

- is bound by and must comply in full with this Policy;
- must cooperate promptly, fully and in good faith with the LTA in the discharge of its responsibilities under this Policy, including providing the LTA with all of the information it requests to assess/monitor their compliance with to this Policy;
- must ensure that any information they provide to the LTA for consideration under this Policy is accurate, complete and not misleading; and
- must not provide any information in bad faith, to harass, stigmatise or otherwise injure another person, or for any other improper purpose.

The dignity of all Players must be respected at all times. Players must not be stigmatised or discriminated against on the grounds of their gender identity. In particular (but without limitation), persecution or campaigns against Players simply on the basis that their appearance does not conform to gender stereotypes are unacceptable. Any such conduct may be considered misconduct and a serious breach of the LTA Disciplinary Code.

A Player may revoke at any time, with or without giving reasons, the consent that they have granted in accordance with the paragraph above. In that event, the Player will (where relevant) be deemed to have withdrawn any claim to satisfy the eligibility conditions for transgender or non-binary players set out in this Policy, which might result in the Player being ineligible to compete in Specified Competition.

Confidentiality

All cases arising under this Policy, and in particular all Player information provided to WBTC under this Policy, will be maintained in strict confidence at all times. All medical information and data relating to a Player will be treated as sensitive personal information and WBTC will ensure that it is processed as such 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 (1) as is strictly necessary for the effective application and enforcement of this Policy; or (2) as is required by applicable law.

WBTC will not comment publicly on any case arising under this Policy except in response to public comments attributed to the individual or the individual's representatives. In appropriate circumstances and at WBTC's discretion, WBTC will consult with a Player on whether and if so how to communicate publicly about the Player's eligibility status.

Definitions and use of language

This Policy distinguishes between biological sex and gender identity, and between biological women and biological men, solely to ensure that the Policy is clear and has its intended effect. There is no intent to disrespect or question the gender identity or the dignity of any individual. In this Policy:

- **“biological sex”** refers to an individual’s status as a man or a woman based on biological (in particular chromosomal, gonadal, and hormonal) sex characteristics, which are dichotomous;
- **“gender identity”** refers to an individual’s self-identified gender. This may be the same as or different to the individual’s biological sex;
- **“transgender”** refers to an individual whose gender identity is different from their sex assigned at birth (whether or not they have commenced and/or undergone any form of medical transition);
- **“transgender woman”** refers to an individual who was assigned male sex at birth and has a female gender identity;
- **“cisgender woman”** refers to an individual who was assigned female sex at birth and has a female gender identity;
- **“transgender man”** refers to an individual who was assigned female sex at birth and has a male gender identity;
- **“cisgender man”** refers to an individual who was assigned male sex at birth and has a male gender identity;
- **“non-binary”** refers to individuals whose gender identity does not sit comfortably as ‘male’ or ‘female’. Non-binary identities are varied. Some individuals identify with some aspects of male and/or female identities, and other individuals reject binary identities entirely;
- **“Organiser”** means the person or persons administering and/or organising the relevant Specified Competition or Non-Specified Competition; and
- **“Player”** means an individual player of the Game (as defined in the LTA’s Articles of Association, as amended from time to time).

This Policy distinguishes between competitions at different levels:

“Specified Competition” refers to any LTA Sanctioned Competition that:

- is graded 1-6 (excluding Local Tennis Leagues), or
- starts below grade 6 but progresses at any stage to grade 6 or above (including but not limited to Play Your Way to Wimbledon), or
- is designated by the LTA as Specified Competition for the purposes of this Policy.

“Non-Specified Competition” refers to any competition that:

- is not Specified Competition AND the Organiser of such competition is (a) an LTA Registered Organisation, (b) an LTA Licensed Official, or (c) an LTA Accredited Coach, or
- is a Local Tennis League.