

Transgender Participation Policy

1. Purpose or Objective

- 1.1 To approve a Transgender Participation Policy for World Sailing.
- 1.2 The draft Policy attached has had Board feedback, which is incorporated, however the Board would like to table this topic in their May Board Meeting, therefore it is subject to change.

2. Background

- 2.1. At the World Sailing 2022 Annual Conference the staff were mandated to create a transgender policy for sailing. At the 2023 Annual Conference it was agreed that further consultation was required, and the matter was deferred to the 2024 Mid-Year meeting.
- 2.2. World Sailing aspire to align with the IOC's Framework on fairness, inclusion and non-discrimination on the basis of gender identity and sex variations whilst upholding sport.
- 2.3. The updated 2022 IOC Framework:
 - 2.3.1. Encourages international federations to move away from solely testosterone-based restrictions and prioritise inclusion.
 - 2.3.2. Is focused on gender equality and inclusion, and recognises the need to ensure that everyone, irrespective of their gender identity or sex variations, can practise sport in a safe, harassment-free environment that recognises and respects their needs and identities.
 - 2.3.3. Recognises there is a need for everyone to participate in fair competitions, where no participant has an unfair or disproportionate advantage over the rest.
- 2.4. The IOC formulated a 10-principal approach to promote inclusion and non-discrimination; World Sailing included this in the initial survey circulated in September 2023.
- 2.5. World Sailing's overarching principal is to ensure integrity and fairness in the female category of our sport. This has been a guiding influence in the development of the draft policy.

3. Process to Date

- 3.1. World Sailing attended the IOC's webinar series on fairness, inclusion and transgender. During this series, valuable insight was gained into the IOC's guidance, and how to structure a transgender policy consultation process.
- 3.2. The Transgender Consultation Survey was compiled in conjunction with the Medical Commission and integrity experts. We surveyed World Sailing stakeholders in September 2023, we received 96 responses.
- 3.3. World Sailing established a working group, comprising of MNA representatives, Classes, Medical Commission representative, Class representatives and athletes (including transgender female athletes, cisgender female athletes, a non-binary athlete).

- 3.4. The Working Group had its inaugural meeting at the Annual Conference in November 2023. The Board appointed Tim O'Connor (an Irish Barrister specialising in Sports Law with specific experience of developing transgender policies for International Sports Federations) as Chair of the Working Group and the next meeting was held in January 2024.
- 3.5. The Olympic Classes met in February 2024 discussed the matter informally, their suggested approach was to implement gender rules governing what defines a woman from a sporting perspective using leading IF's policies.
- 3.6. Ahead of the coaches/classes workshop, a portfolio of medical research papers was shared with participants (attached).
- 3.7. The workshop was held virtually on 27 March, with presentations from Stephane Bermon, Director of the Health and Science Department at World Athletics, Xavier Bigard, Medical Director at the UCI, and Tim O'Connor. During the workshop, the participants broke out into groups to discuss the topic, the advantages presented in the research and whether such advantages were within the sport of sailing, and subsequently, the specific classes.
- 3.8. After the workshop, a Delphi Survey was sent out to participants, and a report was created by Dr Nebojsa Nikolic (report attached).
- 3.9. Post workshop WS created a first draft of the transgender participation policy. The policy was drafted on the basis of: the Medical Commission's original recommendations; the outcomes of the workshop and Delphi Survey; and the policies of other International Federations for sports that share characteristics with sailing.
- 3.10 The Working Group met for a third time on 12 April to discuss the workshop outcomes and next steps for the policy.
- 3.10. The updated draft policy was shared with the Medical Commission, WS Senior Management Team and the Chair of the Constitution Committee for review.

4. Policy Development Rationale

- 4.1. The Policy should:
 - Protect the integrity and fairness of our sport.
 - Ensure our sport is inclusive to all.
- 4.2. We absolutely want trans sailors to feel welcomed and accepted in sailing. But when it comes to competition, we must prioritise the right of every athlete who expects to compete in a fair environment.
- 4.3. We have carefully considered and reviewed the policies of other international sports federations and have also taken advice from world leading medical and legal experts in this field.
- 4.4. We have limited jurisdiction in a similar way to our Safeguarding Policy. Individual MNA, individual Classes and individual events can either adopt this policy or have in place their own policies in deference to their own laws and jurisdiction.

- 4.5. Similar to other international sports this policy prevents a Transgender female from competing in the female category, or as a female in a mixed category (which requires one male and one female), if they have passed puberty as a male, i.e. transitioned to female after puberty.
- 4.6. We have included a testosterone level requirement which must be maintained, although we will not be carrying out testosterone testing this is a matter for the individual to prove. The onus is on the sailor.
- 4.7. We have a two-tier system whereby the Medical Manager is the initial person dealing with applications and compliance and the Expert Panel reviews thereafter. Both Medical Manager and Expert Panel are appointed by the Board.
- 4.8. We have said that there is no right of appeal under decisions of eligibility under the policy save for if the matter relates to Olympic eligibility.
- 4.9. We have a compliance monitoring and disciplinary process for any non-compliance within the policy which falls within Regulation 35 so there would be a right of appeal against disciplinary to an Independent Panel but no right of appeal to CAS unless it relates to an athlete's ability to compete in the Olympics.
- 4.10. As this policy is new, complex and contentious, we recommend that it be reviewed on an ongoing basis and not least annually.

5. Timeline

- 30 April 2024 transgender participation policy sent to Board for input.
- 3 May 2024 revised version of policy re-submitted to Board.
- 7 May 2024 transgender participation policy published with Council Papers
- 16 May 2024 – Policy receives Council Approval
- June - November 2024
 - A. Communications strategy developed.
 - B. Review whether any Regulatory/RRS amendments are necessary to bring the policy into effect. Liaison with Committees.
 - C. If necessary, propose any Regulatory/RRS amendments as agreed with Committees.
- November 2024 any Regulatory/RRS amendments approved.
- 1 January 2025 policy comes into effect.

6. Attachments:

- a) Medical Research Portfolio.
- b) Workshop and Delphi Survey report by Dr Nebojsa Nikolic.
- c) Draft Transgender Participation Policy 2024.

7. Recommendations:

7.1 The Council is requested to note the paper and the work done to date.

7.2 The Council is requested to approve the draft policy and timeline. (Recommendation is subject to change following the Board Meeting on 15 May 2024)