



Trans People Policy ID26798

(Updated February 2020)

1. Introduction and policy statement

Cycling New Zealand has developed a policy in respect of Trans people, inclusive of those who identify as transsexual and transgender, in all aspects of our Sport i.e. cyclists, employees, coaches, officials, volunteers and spectators.

Cycling New Zealand promotes a zero tolerance approach to transphobia. Transphobia includes discriminatory language or behaviour directed towards anyone who identifies as a Trans Person, anyone associated with someone who identifies themselves as a Trans person, or anyone that may be perceived to be a Trans person (whether they are a trans person or not). Discriminatory behaviour may include a reluctance or refusal to provide access to services to the same extent as that provided for a non-trans person. Cycling New Zealand, its member organisations, their clubs and their members will ensure that any discriminatory behaviour or language is addressed with appropriate sanctions and/or educational programmes implemented to ensure compliance with this policy and the creation of a safe, inclusive and welcoming environment for Trans people.

The following points are considered good practice for Cycling New Zealand, its member organisations, their clubs and members with regard to a Trans person's needs:

- Treat the individual with dignity and respect.
- Respect the private and confidential nature of the individual's situation.
- In general no information should be shared unless express permission is given by the Trans person.
- Encourage the individual to report any discriminatory language or behaviour from other individuals.
- Ensure a Code of Conduct is publicised indicating a zero-tolerance policy towards all bullying/harassment of Trans people.

Any reports of discriminatory language or behaviour should be directed to the Cycling New Zealand CEO.

2. Trans people competing:

Cycling New Zealand and its members must not restrict the participation of a Trans person in the sport unless this is strictly necessary to uphold fair or safe competition. Any other restriction would amount to direct discrimination.

Cycling New Zealand and its members should treat a Trans person as belonging to the sex in which they present (as opposed to the biological sex they were born with) unless this is deemed to give the Trans person an unfair advantage, or would be a risk to the safety of competitors. Any negative effect

of restricting the participation of Trans people must be mitigated as far as possible, to permit as much inclusion as is deemed fair and safe.

Cycling New Zealand recognises that consistency with UCI's position is appropriate for athletes to compete fairly in cycling events in New Zealand. UCI have adopted the "Guidelines on sex reassignment" adopted by the IOC in November 2015.

Cycling New Zealand will therefore adopt the IOC's statement and guidelines with regards to Trans people and their status in competition.

3. Trans people as Cycling New Zealand employees:

Any discrimination, unfair and/or unreasonable behaviour or treatment will be taken seriously and action taken in accordance with Cycling New Zealand's Constitution.

See: <http://www.employment.govt.nz/er/minimumrights> for further information.

4. Procedure for Licencing

Cycling New Zealand's protocol and procedure for obtaining a licence and maintaining a licence is outlined in Appendix 2.

5. Delegated Authority

The designated point of contact at Cycling New Zealand for all enquiries relating to the participation of Trans people in cycling is the Cycling New Zealand Membership Coordinator who will advise the Cycling New Zealand CEO and liaise with Cycling New Zealand's Medical Advisor.

All decisions relating to the eligibility to gain and retain a CNZ race licence are solely at the discretion of the Cycling New Zealand CEO.

6. Review of Policy

This policy will be reviewed regularly and updated if required to ensure it is aligned to international standards.

APPENDIX 1:

Definitions:

Sex: A person's biological and physical makeup, defined usually as either 'male' or 'female' and including indeterminate sex.

Gender: The social, and cultural construction of what it means to be a man or a woman, including roles, expectations and behaviour.

Gender Identity: A person's internal, deeply felt sense of being male or female (or wherever they find themselves on the gender continuum). A person's gender identity may or may not correspond with their sex.

Gender Expression: How someone expresses their sense of masculinity and/or femininity externally.

Trans People: People who refer to themselves, among other terms, as transsexual, male-to-female, female-to-male, transgender, whakawahine, fa'afafine or tangata ira tane.

Transgender: A person whose gender identity is different from their physical sex at birth.

Transsexual: A person who has changed, or is in the process of changing, their physical sex to conform to their gender identity.

Transitioning: Steps taken by trans people to live in their gender identity. These often involve medical treatment to change one's sex through hormone therapy and may involve gender reassignment/realignment surgeries.

FtM/trans man: Female to Male – someone born with a female body who has a male gender identity.

MtF/trans woman Male to Female – someone born with a male body who has a female gender identity.

In this document the description 'transsexual person' is used in respect of those who transition permanently.

APPENDIX 2:

Background:

Cycling New Zealand's (CNZ) licencing protocol and procedures provide guidance for Trans persons competing in cycling events in New Zealand and instructions on how to obtain and maintain a CNZ Licence.

It is prepared in accordance with the Cycling New Zealand Trans People Policy (ID26798) and in compliance with recommendations from the International Olympic Committee (IOC) Working Meeting held in Lausanne on 19 October 2019. The IOC guidelines have been adopted by CNZ, encompassing all Olympic and non-Olympic cycling disciplines in New Zealand.

Procedure:

This applies only to MtF/Trans women. FtM/Trans men are able to obtain their licence in the male category without restriction.

1. It is the responsibility of the Trans person (individual) to contact the CNZ Membership Coordinator (membership@cyclingnewzealand.nz) prior to taking out a licence in a sex that is opposite to their sex at birth.
2. The CNZ CEO and CNZ Medical Advisor will be advised.
3. The individual will be provided a copy of the Trans People Policy.
4. To obtain a CNZ licence to compete as a female, a MtF/Trans woman must:
 - a. Demonstrate Blood hormone testosterone levels consistently less than 5nmol/L.
 - b. At their own cost, complete and provide Blood hormone records) for at least 12 months (at intervals of approximately 3 months or less; i.e. at least 4 separate values). Please note all blood hormone records within this timeframe must be provided to CNZ Medical Advisor.
5. To maintain a CNZ licence to continue competing as a female athlete, a MtF/Trans woman must:
 - c. Maintain a blood hormone testosterone level of less than 5nmol/L.
 - d. At their own cost, complete blood hormone testing at (approximately) 3 monthly intervals and provide documentation to the CNZ Medical Advisor.
 - e. At their own cost, complete blood hormone evaluations within 4 weeks of any participation in key national and international events such as National Championships, Oceania Championships, Cycling New Zealand or UCI sanctioned events and/or World Cups and World Championships and provide documentation to the CNZ Medical Advisor.
6. Confirmation of the compliance or non-compliance of Clauses 5 and 6 will be advised by the CNZ Medical Advisor to the CNZ Membership Coordinator and the CNZ CEO.

7. The CNZ Membership Coordinator will contact the individual to issue the required licence if confirmation of compliance is received.

Communication and Confidentiality:

1. In alignment with the CNZ Trans People Policy confidentiality of individuals will be maintained through a controlled line of communication.
2. All blood hormone records and results, questions and/or correspondence relating to a trans persons hormone monitoring should be directed to the CNZ Medical Advisor at medicaldirector@cyclingnewzealand.nz
3. The CNZ Medical Advisor will communicate only with the CNZ Membership Coordinator and/or CNZ CEO in relation to these records and results, however the CNZ Medical Advisor may seek further confidential expert medical advice if they deem it appropriate.

Non-compliance:

Non-compliance with the conditions described may result in a loss of eligibility for a CNZ licence for a minimum of 12 months or at the discretion of the CNZ CEO.

Updates:

These guidelines may be updated at the discretion of CNZ.

Appendix 3:

Excerpt from 5 February, 2019 UCI press release

The UCI updates and clarifies its regulations on transgender athlete participation

Feb 5, 2020, 09:08 AM

In line with the announcement it made on 4 November 2019, the Union Cycliste Internationale (UCI) approved its new regulations on the eligibility of transgender athletes to compete in events on the UCI International Calendar. The decision was made at the meeting of its Management Committee in Dübendorf (Switzerland) on 30 January.

The new regulations, which will come into effect on 1 March 2020, are designed to encourage transgender athletes to compete in the category corresponding to their new gender, while guaranteeing a level playing field for all athletes in the competitions in question.

What are the eligibility criteria?

Up until then, the eligibility criteria for competing in the corresponding gender-identity category were those agreed on at a consensus meeting organised by the International Olympic Committee (IOC) in 2015. The provision of new scientific knowledge led to those eligibility criteria being reviewed – in particular for male-to-female athletes – at a working meeting held in Lausanne on 19 October 2019, and which was attended by the UCI, other International Federations, experts and representatives of transgender and cisgender athletes. As part of the new consensus, it is agreed that if a Federation decides to use testosterone as an indicator, the transgender athlete will only be eligible to compete in the Women category if their serum testosterone level is below 5 nmol/L.

What is the eligibility procedure?

- All transgender athletes wishing to compete in the category corresponding to their new gender must make their request to the medical manager appointed by the UCI, at least six weeks before the date of the first competition.
- The athlete's file will be passed on to a commission of three international experts independent of the UCI. The commission's members will assess the athlete's eligibility to compete in the new gender category and will inform the UCI's medical officer of their conclusions.
- The athlete must prove that their serum testosterone level has been below 5 nmol/L for at least 12 months prior to the eligibility date.
- Once deemed eligible, the athlete must agree to keep their serum testosterone level below 5 nmol/L for the entire time they compete in the Women category.
- The athlete must undergo serum testosterone tests conducted using a benchmark method (mass spectrometry).

Once their eligibility to compete has been confirmed, the UCI's medical manager will be responsible for ensuring the athlete complies with the eligibility regulations throughout their sporting career. Should they fail to do so, the medical manager may choose to suspend their eligibility to compete until such time as the athlete proves that they are able to comply with the criteria again.

In the event of any breach of the regulations, a penalty system shall come into effect. Penalties shall range from a mere reprimand and warning to disqualification and a fine.

The UCI has asked its National Federations to include these new directives in their regulations.

“The adoption of new directives in the UCI Regulations will provide the cycling community as a whole with a clearly defined regulatory framework that applies to everyone,” said **UCI President David Lappartient**. “Thanks to this consensus, achieved by a working group representing our sport’s various stakeholders, our Federation has given itself the wherewithal to take into consideration – and in reflection of developments in our society – the desire of transgender athletes to compete, while guaranteeing a level playing field for all competitors. This is an important step in the inclusion of transgender athletes in elite sport.”

Appendix 4:

Excerpt from 11 February UCI News Letter

Eligibility requirements for female-to-male and male-to-female transgender athletes continue to be a topic of debate for the public, the media and athletes too.

Eligibility requirements for male-to-female transgender athletes, which will enable them to compete in the new gender category, have been developed in response to major new studies, which have helped establish a more accurate normal variation range for serum testosterone in women.

The following clarifications are reflected in the articles approved by the UCI Management Committee:

- the maximum serum testosterone threshold is 5nmol/L continuously over a period of at least 12 months;
- serum testosterone levels must be below 5 nmol/L for as long as the athlete wishes to compete;
- serum testosterone levels must be determined by a benchmark method: mass spectrometry;
- the eligibility of male-to-female transgender athletes is determined by a group of independent experts, while eligibility tests are overseen by a referring doctor appointed by the UCI;
- National Federations are required to implement a plan enabling the identification of transgender athletes and giving them support with eligibility procedures.

Part XIII: Medical Rules - Amendments to regulations as from 01.03.2020