

Foreword by Chris Simon, Chief Executive Officer

The England Touch Association is proud to be publishing our first Transgender, Non-Binary and Gender Diverse Policy.

This policy is an important part of our strategy to make the game of Touch even more inclusive and with it removing any barriers to participation. It has been produced as part of the ongoing work by the Equality, Diversity and Inclusion (EDI) Working Group and in collaboration with Pride In Touch to help make Touch a sport for all.

Touch can be played by almost anyone and almost anywhere and the very diverse nature of our sport creates a more enjoyable and valued experience for all those who play, coach, officiate, administer or simply spectate. We want to make this experience accessible for the greatest number and range of people, regardless of their gender, ethnicity, age or other characteristics, or beliefs.

In producing this policy, we are seeking to create an environment from the grassroots level of the game of Touch, that is not just about enabling transgender, non-binary and gender diverse people to participate, but one that encourages them to do so, with our members welcoming them to become part of the growing Touch community.

We recognise that the introduction of this policy will present some challenges and that there is still work to do, particularly in the elite and international areas of the sport. Over the forthcoming weeks and months, we will be working with our member clubs, coaches, players, officials, league organisers, administrators and wider touch community to support its implementation across the game.

We would welcome your feedback, any issues you may face and any stories you can share on the positive impact that the role Touch can play on the physical and mental wellbeing of transgender, non-binary and gender diverse people.

We have no doubt that this policy and our wider work around inclusion will evolve over time, but we feel it is important to introduce this policy now and to provide transgender, non-binary and gender diverse people with an accessible route into participating in Touch.

We would like to thank the EDI Working Group for their continued efforts to help make Touch a sport for all. We have come a long way in a short space of time, but there is still much to do. Together we look forward to making the game of Touch even more accessible and even more enjoyable for those who wish to participate.

Many thanks for your continued support Chris Simon CEO England Touch Association



Version control

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| 1.0 | 7th May 2021 | Draft sent to ETA Board | ETA EDI Working Group | Governance Director |
| 1.1 | 26th May 2021 | Final copy approved by the Board | ETA EDI Working Group | Governance Director |

The policy should also be cross referenced with the following other documents

Complaints, Grievance and Disciplinary Policy

https://www.englandtouch.org.uk/media/1903/210124 complaints-disciplinary-and-grievance-policy.pdf

Equality, Diversity and Inclusion Policy

https://www.englandtouch.org.uk/media/1902/210124_equality-diversity-and-inclusion-policy.pdf

Privacy Notice for Members, Volunteers and Customers

https://www.englandtouch.org.uk/media/1944/210503 eta-privacy-notice-for-members-volunteers-customers.pdf

Safeguarding Children and Adults at Risk Policy

https://www.englandtouch.org.uk/media/1907/210210 safeguarding-children-and-adults-at-risk-policy-sp-v70.pdf

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1.1 Introduction

As a sport for all, the England Touch Association (ETA) celebrates and values the inclusion of transgender, nonbinary and gender diverse people in Touch and strives towards providing a safe and welcoming environment for any person to be their authentic self.

Research shows that 84% of transgender people have thought about ending their life and of those that have thought about suicide, 48% had made an actual attempt¹. Feeling welcomed and included in sports such as Touch could be the difference for some individuals.

However, more than half of all transgender people feel excluded from sport or have at one point stopped participating as a result of their gender identity. Non-cisgender people are also three times more likely to report bad experiences in sport².

In recognising this, we are committed to removing barriers to participation in Touch, including those faced by transgender, non-binary and gender diverse people.

As an Association, we seek to further promote equal opportunities to ensure that anyone who wishes to participate in the game should be able to do so without prejudice. Our core values of Inclusive, Transparent, Ambitious, United and Respectful lie at the heart of what we do and how we play.

Our aims are to ensure that all people have a genuine and equal opportunity to participate in Touch in England at all levels and in all roles and that they are treated fairly, equally and with respect.

As the national governing body for Touch in England, it is our responsibility to regulate the participation of training and playing of Touch in England in order to promote the safety and equitable treatment of all taking part. Harassment and discrimination will not be tolerated and will be dealt with in accordance with our policies.

The purpose of this Policy is to provide a clear framework to enable transgender, non-binary and gender diverse people to participate in Touch, including players, coaches, referees and staff.

For guidance on the implementation of this policy please refer to the <u>FAQ section</u>.

2.1 Commitment from the ETA

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The ETA makes the following commitments:

• We fully support transgender, non-binary and gender diverse people and their right to participate in Touch in a way that best reflects their gender identity;

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- We recognise we have a responsibility to ensure that transgender, non-binary and gender diverse people are treated with dignity, fairness and respect by England Touch, all Clubs, Leagues, other participating environments and all of their respective employees and volunteers;
- We will ensure the provision of an open and inclusive environment for all transgender, non-binary and gender diverse people to be able to participate in Touch in the way in which they feel most comfortable;
- We will ensure that any training in relation to equality, diversity and inclusion that the ETA provides will include appropriate guidance about transgender, non-binary and gender diverse people;
- In the event that the behaviour and/or actions of any ETA employee, Club, League or other body are
 considered to be inappropriate and/or offensive towards any transgender, non-binary or gender diverse
 person, the ETA will investigate that matter and, where appropriate, discipline (or procure that the relevant
 body disciplines) the relevant individual under the applicable disciplinary policies or other regulations and
 provide any victims of such behaviour with appropriate support during and after this process;
- We will promote to all Touch organisations operating under the jurisdiction of the ETA and otherwise that they ensure that transgender, non-binary and gender diverse people are treated with dignity, fairness and respect and aim to provide an open and inclusive environment for all to be able to participate in Touch in the way in which they feel most comfortable; and
- We will use our relationships with fellow National Touch Associations and the Federation of International Touch to ensure that transgender, non-binary and gender diverse inclusion is promoted through similar policies and guidelines across the sport.

3.1 Scope of the Policy

This policy sets the framework and outlines the process by which transgender participants and participants who identify as non-binary or gender diverse can participate in domestic Touch in England, which is governed under the jurisdiction of the ETA. This includes players, coaches, referees and staff. This Policy does not cover:

- Domestic Touch activity outside of England, or outside of the jurisdiction of the ETA;
- International Touch (which is subject to the FIT Policies); or
- International club competitions (such as those organised by other NTAs etc)

The ETA will use its relationships with fellow National Touch Associations and the Federation of International Touch to ensure that transgender, non-binary and gender diverse inclusion is promoted through similar policies and guidelines across the sport.

4.1 Terms of reference

For the purposes of this Policy these terms have the following meaning:

• Age Grades



A player's age grade is determined by their age at midnight on 31st December and that age grade applies for the whole Season. Players must play in their own age grade.

• Cis or cisgender

People who identify with the sex/gender they were assigned at $birth^{3}$.

Gender Diverse

Anyone with a non-cis gender identity; an inclusive term covering non-binary as well as trans identities³.

• Gender Identity

A person's innate sense of their own gender, whether male, female or something else, which may or may not correspond to the sex assigned at birth⁴.

• EDI

Equality, diversity and inclusion.

• Jurisdiction

Any Touch Rugby activity directly organised by the ETA or its member bodies, including clubs, leagues, training camps and events.

Men's Touch

A Touch event, competition, league or match governed by the ETA which are available for people who identify as male, non-binary or gender diverse to participate in.

Mixed Touch

A Touch event, competition, league or match governed by the ETA which are available for a mixture of people who identify as male, female, non-binary or gender diverse to participate in.

Misgendered

Using a pronoun or other language which is different to someone's way of describing themselves³. For example calling someone a 'man' or 'him' who identifies as female³.

• Non-binary

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Nonbinary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely⁴.

Some use the term exclusively, while others may use it interchangeably with terms like genderqueer, genderfluid, gender nonconforming, gender diverse or gender expansive.

Outing

To reveal someone's sexuality or gender identity without their consent³.

• Touch Category

This refers to the format of Touch that is being played. Currently, there are three categories, in the context of gender: Women's Touch, Men's Touch and Mixed Touch.

• Transgender or Trans



An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth⁴.

• Transphobia

The fear or dislike of someone based on the fact they are trans, including the denial or refusal to accept their gender identity^{$\frac{3}{2}$}.

• Women's Touch

A Touch event, competition, league or match governed by the ETA which is available for people who identify as female, non-binary or gender diverse to participate in.

5.1 Federation of International Touch playing rules

The <u>International Playing Rules</u> from the Federation of International Touch (FIT) v5 states the following relating to gender (there is no mention of gender in relation to Men's or Women's categories):

- In mixed gender competitions, the maximum number of males allowed on the Field of Play is three (3), the minimum male requirement is one (1) and the minimum female requirement is one (1).
- Mixed gender Teams may have no more than (2) males on the field during the Drop-Off.
- In the case of a male player serving time in the Sin Bin at the commencement of the Drop-Off the offending Team will start with no more than one (1) male on the field.
- Where a male player has been dismissed for the remainder of the match, the offending Team will be permitted to have no more than one (1) male on the field for the duration of the Drop-Off.

While there is no specific guidance within the rules on how they should be applied in the context of transgender, non-binary and gender diverse people, the ETA has chosen to apply these rules in a gender inclusive way. This is outlined below. The ETA interprets 'male' and 'female' as anyone who identifies with those genders, regardless of their gender history.

5.2 ETA application of playing rules

All individuals are welcome to participate in the Touch category that they feel most closely aligns with their chosen gender identity. Currently, there are three categories, in the context of gender: Women's Touch, Men's Touch and Mixed Touch.

The rules for Mixed Touch will be applied based on participants' chosen gender identity.

5.2.1 Gender Diverse and Non-binary

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Participants who identify as non-binary or gender diverse are welcome to participate in the Touch category that they feel most closely aligns with their chosen gender identity or that they feel most comfortable with. Specific guidance on how this can be applied to Mixed Touch can be found in the FAQ section.

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5.2.2 Declaration Process

The declaration process for gender identity and Touch category must be the same for all Touch participants. Organisations, clubs, leagues and other bodies that are within the scope of this policy must review their registration platforms and processes to ensure they are gender inclusive. Specific guidance for making registration gender inclusive can be found in the FAQ section.

6.1 Coaches, referees and staff

The ETA welcomes and encourages the inclusion of transgender, non-binary and gender diverse people amongst its coaches, referees and staff and will not tolerate any discrimination based on someone's gender identity. This extends to any clubs, leagues or organisations that are within the scope of this policy.

7.1 Facilities

The ETA recognises the existing difficulties faced in having adequate changing room and shower facilities for participants that are transgender, non-binary, or gender diverse. The ETA supports the right of people to use changing and bathroom facilities that best reflect their gender identity.

The ETA commits to assessing the facilities it provides and to communicate what is available to players. Where possible the ETA will provide facilities that are inclusive of transgender, non-binary and gender diverse people, make adaptations (to signage for example) or provide suitable alternatives where required.

8.1 Uniforms

Individuals may wear the uniform of their choosing, so long as it abides by <u>Federation of International Touch</u> <u>Playing Rules</u>.

Individuals requiring uniforms (for example, participants, officials and coaches) are to be provided with an appropriate range of uniform styles and sizes to select from.

9.1 Confidentiality and Data Protection

Please refer to the ETA Privacy Notice for members, volunteers and customers.

10.1 Acknowledgements

This policy has been developed from several sources and we express our thanks to those people and organisations who have contributed to the creation of this Policy. We have also taken inspiration from other sports organisations with progressive transgender, non-binary and gender diverse participation and playing policies.

• Baseball Softball UK (BSUK)



- Dr Ben Dawson, Clinical Psychologist at Salford Royal Foundation Trust. Director of Touch, Manchester Village Spartans RUFC
- England Touch Association (ETA) Equality, Diversity and Inclusion (EDI) Working Group
- Mermaids UK
- Men's Roller Derby Association (MRDA)
- Pride In Touch
- Pride Sports
- Touch Football Australia (TFA)
- Women's Flat Track Derby Association (WFTDA)
- Women's Sports Alliance (WSA)

11.1 Support services

The ETA's internal support and point of contact is the EDI Working Group:

EDI@englandtouch.org.uk

The ETA recommends the following external support services:

- **Stonewall** <u>https://www.stonewall.org.uk/</u>A national charity that campaigns for the equality of lesbian, gay, bi and trans people across Britain.
- Samaritans <u>https://www.samaritans.org/</u> National charity that works to make sure there's always someone there for anyone who needs someone. Samaritans has 24/7 support and can be called anytime via their helpline: 116 123

12.1 FAQ

Q. I am new to Touch and worried about asking my local club/league if I can play. What should I do? All clubs and leagues that are within the scope of this policy must NOT discriminate based on a participant's past or present gender identity. If you are worried about anything related to participation and gender identity try to contact the club/league's EDI (equality, diversity and inclusion) Officer.

If the club/league does not have an EDI Officer and/or you are still worried about anything you are welcome and encouraged to contact the ETA EDI Working Group in confidence to support with any enquiries you wish to make to a club/league. The EDI Working Group is also happy to make an inquiry on your behalf if you would prefer. Email EDI@englandtouch.org.uk

Q. I'm not out to some family and/or friends about my gender identity and/or sexual orientation. How can I be sure that this information will be kept confidential?

We outline at the bottom of this FAQ the way in which registration platforms can be gender inclusive, including an option for someone to choose not to share their gender identity. We recommend clubs, leagues and organisations adopt this approach to allow for people to keep their gender identity private if they wish to.

If someone is concerned about sharing their gender identity, it's important that any discussions around this are confidential and include an EDI officer and a pragmatic approach is taken to allow for participation based on

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individual circumstances. The ETA EDI Working Group is available to support these discussions. EDI@englandtouch.org.uk

Q. I identify as non-binary or gender diverse. Which Touch category can I participate in?

All individuals are welcome to participate in the Touch category that they feel most closely aligns with their chosen gender identity. If you identify as non-binary or gender diverse you are welcome to participate in the Touch category you feel most comfortable with. There are three Touch categories, in the context of gender: Men's Touch, Women's Touch and Mixed Touch.

Q. Can a non-binary or gender diverse player participate in Mixed Touch?

Yes. Players that identify as non-binary or gender diverse are welcome to participate in Mixed Touch just like those with traditional gender identities.

Q. How are gender rules applied to Mixed Touch if non-binary or gender diverse player/s are participating? The gender rules of Mixed Touch are applied the same regardless of whether there are non-binary or gender diverse participants or not.

The rules state that in Mixed Touch, the maximum number of males allowed on the Field of Play is three (3), the minimum male requirement is one (1) and the minimum female requirement is one (1).

Therefore, a team can have up to four non-binary or gender diverse players on the Field of Play at any time, as long as the above requirements are also met. Examples are included below:

Example 1: 1 male, 1 female, 4 non-binary / gender diverse Example 2: 2 male, 1 female, 3 non-binary / gender diverse Example 3: 2 male, 2 female, 2 non-binary / gender diverse Example 4: 3 male, 2 female, 1 non-binary / gender diverse Example 5: 2 male, 3 female, 1 non-binary / gender diverse Example 6: 1 male, 4 female, 1 non-binary / gender diverse

Where participation includes non-binary and/or gender diverse players we encourage teams to continue to field three female players to avoid introducing additional barriers to women's participation, as this is also a core focus of the ETA.

Q. I am transgender and identify as female. Which Touch category can I play in?

All individuals are welcome to participate in the Touch category that they feel most closely aligns with their chosen gender identity. If you identify as female, you are welcome to participate in Women's Touch and/or Mixed Touch as a female player.

Q. I am transgender and identify as male. Which Touch category can I play in?

All individuals are welcome to participate in the Touch category that they feel most closely aligns with their chosen gender identity. If you identify as male, you are welcome to participate in Men's Touch and/or Mixed Touch as a male player.

Q. Will I have to undergo gender examinations or tests in order to participate in Touch?

No. Any club, league, coach, administrator, referee, manager or anyone who is within the scope of this policy must NOT perform any examinations or tests related to a participant's gender identity at any time. If an examination or test is requested or performed at any time it should be reported to the ETA EDI Working Group. Email EDI@englandtouch.org.uk



Q. I'm refereeing a game. Is it my responsibility to determine a player's gender identity?

It is not a touch referee's role to make any determination of a participant's gender beyond accepting that participant's self-declaration. Suspicions that a participant is claiming to self-identify as transgender in bad faith are not a matter for on field officials and should not be raised during a game but via the ETA's complaints process, with the EDI group engaged at the earliest opportunity to participate in the panel reviewing the complaint.

Q. I was a victim of transphobia/overheard transphobic abuse while participating in Touch - what can I do? Participants who are subject to or who witness transphobia should consider raising the incident via the ETA's complaints process if they feel comfortable doing so, even if other sanctions were taken at the time.

The panel should engage a member of the EDI group and follow up with the victim if at all possible and be led by whatever further action they would like to be taken.

In both cases the incident form here can be used.

Q. I'm refereeing a game and a player just did something transphobic - what next?

Transphobic acts, such as deliberately misgendering a Touch participant or using a slur, should be considered amongst the highest degrees of misconduct alongside racist, homophobic or other prejudiced insults and dealt with by a rest of game dismissal for the participant making it, in anything other than exceptional circumstances.

Q. I am a coach/captain and have a transgender, non-binary and/or gender diverse player in my team. What can I do ahead of a match or tournament to avoid situations where my player is misgendered or there is confusion about their gender, which could harm them?

In some situations, it can be helpful to let certain people know about your player/s gender before a match starts, if the player agrees to this, to avoid situations that could be uncomfortable or harmful to them. It is important to discuss this with your player first and make sure it is something they think is necessary and they are comfortable with, particularly if there is a risk of outing them. An example could be discreetly talking with the opposition captain/coach and the referee before the match.

Q. I am a cisgender woman. How is it fair for me to compete with a transgender, non-binary or gender diverse person when their muscle mass, hormones and physique could be so different to me? Surely, they have a competitive advantage.

We understand these concerns, however until such time as any perceived competitive advantage is proven to negatively impact the participation of cisgender women in Touch, a core focus of the ETA is to offer an equal opportunity for all individuals to play our sport.

Q. The reason the rules for mixed touch provide a maximum number of males on the pitch but not a maximum number of females is because men generally have a physiological advantage in sport. These rules implicitly take that into account. If biological males can identify as women and play as a female on the pitch, this will provide an advantage to that team in a way that a biological female identifying as a man would not. Therefore, the potential negative impact will be on females playing touch, not males playing touch. Is the ETA considering mitigations for this?

We don't believe that there will be a detrimental impact on women playing touch. Touch is both a single gender and a mixed sport and a core focus of the ETA is to bring more women into our sport. We also believe that Touch is inclusive, and we want to ensure that anybody, regardless of how they identify, should have equal opportunity to participate.

We also believe it's important to note the extremely low level of participation in touch from the transgender, nonbinary and gender diverse community that we currently suspect there to be. Our focus right now is therefore to



encourage and hopefully increase the level of participation from this community through this progressive policy. We will continue to monitor participation and its impact on the game as a whole and adapt our policies accordingly at such a time it might be required, in line with the values of the ETA. What we don't want to do is introduce solutions to problems that don't exist yet at the expense of a marginalised group.

Lastly, it's important to understand the context of the issues this community faces in everyday life and where inclusion in sport could help. To put it into context, 84% of transgender people have thought about ending their life and of those that have thought about suicide 48% had made an actual attempt¹. Feeling welcomed and included in sports such as Touch could be the difference for some individuals.

Q. Can I ask someone about their choice of gender identity?

It's ok to ask someone what their gender identity is but their choice should never be questioned or challenged. Gender identity is a protected characteristic covered by the Equality Act 2010 and it is therefore against the law to discriminate against someone because of their gender identity. However, a person chooses to identify should be respected and accepted without the need for questioning, examination or tests.

Q. Would a biological male who identifies as a woman be permitted to use the changing rooms that match their gender identity? If so, has the ETA given any consideration to what would happen if women and/or parents of girls raised issues with this approach?

Yes, someone who identifies as female is welcome to use female changing rooms regardless of their gender history. We encourage incidents of inappropriate behaviour by individuals in and around changing rooms to be reported to the ETA, regardless of the individual's gender identity or gender history. However, the ETA does not consider use of gendered changing rooms by transgender, non-binary or gender diverse people to be inappropriate behaviour. Anyone is welcome to contact the ETA EDI Working Group to discuss questions around use of changing rooms by emailing EDI@englandtouch.org.uk.

Q. Is player safety compromised if transgender, non-binary and/or gender diverse people can participate in Women's and/or Mixed Touch?

No. Touch is a sport for all that is made safe by the rules of the game. As contact must be made with minimal force, Touch is considered a partial-contact sport. Touch has also been played safely in mixed gender categories for many years.

Q. Does this policy devalue the importance of Women's Touch? Surely this means anyone can play Women's Touch now.

The inclusion of transgender women and/or non-binary and gender diverse people in Women's Touch doesn't challenge the importance of having Women's Touch. Touch is a sport for all.

Q. Which facilities should transgender, non-binary and gender diverse people use?

Transgender, non-binary and gender diverse people access bathrooms, showers and changing rooms for the same reason everyone else does – to utilise the facilities – and they should have access to the facilities that align with their chosen gender identity or that they feel most comfortable with.

While many transgender, non-binary and gender diverse people prefer to use bathrooms, showers and changing rooms that align with their chosen gender identity, there is also a strong preference for privacy. People who identify as non-binary or gender diverse may prefer to use unisex, gender-neutral or private facilities.

Q. What if there are no unisex or gender-neutral facilities available?

We recommend that any clubs, leagues or organisations assess the facilities it provides and communicates what is available to players. If unisex, gender-neutral or private facilities are not available, clubs, leagues and organisations should see if the facilities can be temporarily adapted. This can be done by putting up unisex or gender-neutral



signs and seeing if anywhere is suitable as a private facility e.g.: disabled toilets. If this isn't possible, ask your players if anyone has any concerns and if so see if you can provide an alternative solution such as use of unisex, gender-neutral and/or private facilities nearby.

Further information and downloadable signs can be found here: <u>http://genderedintelligence.co.uk/professionals/resources/toilets</u>

Q. I am cisgender and don't feel comfortable sharing changing facilities or bathrooms with someone who is transgender, non-binary or gender diverse. What should I do? Similarly, what do I do as a club, league or organisation?

Transgender, non-binary and gender diverse people access bathrooms, showers and changing rooms for the same reason everyone else does – to utilise the facilities – and they should have access to the facilities that align with their chosen gender identity or that they feel most comfortable with.

If you are cisgender and don't want to share facilities with someone who is transgender, non-binary or gender diverse we recommend asking for a private facility to use. If you are a club, league or organisation we recommend you assess what facilities are available and try to ensure a private space can be provided to anyone who needs it.

Q. How does a club, league or organisation make their player registration platforms and processes gender inclusive?

It's important to acknowledge the different ways in which a person might identify regarding their gender and ensure that any platforms you use to register players allows them to do this. For example, if you need to collect information on someone's gender identity, we recommend including the following answer choices:

- Female
- Male
- Non-binary
- Gender diverse
- Prefer not to answer

The 'Prefer not to answer' option is helpful for those who are concerned about sharing their gender identity for reasons such as being outed. If you need to know the gender identity of a person who has selected this option, for the purpose of playing a competitive match, entering a tournament, knowing how many gender types you have on the pitch, etc, we recommend you discuss this with them in confidence first, with your EDI Officer and try to limit where this information is captured.

It's also important not to assume which touch category (Men's, Women's and/or Mixed) a player wishes to participate in if they identify as non-binary or gender diverse. Players should be able to select the Touch category themselves.

The ETA members registration platform has been updated to be gender inclusive and this will be available for clubs to adopt themselves.

If you have any questions about this policy that aren't answered in this FAQ or you would like further information, please contact the ETA EDI Working Group by emailing <u>EDI@englandtouch.org.uk</u>

13.1 REFERENCES

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