



CEC Transgender Inclusion Policy

Introduction:

- CEC has adopted the [CEC Transgender Inclusion Policy](#) on June 22, 2021
- CEC believes that all individuals deserve respectful and inclusive environments for participation in our sport that values all individuals' gender identities and gender expressions.
- CEC wants to ensure that all participants have access to programming and facilities in which they feel welcome, respected and safe.
- CEC believes that if an individual does not fit our ingrained assumptions about sex and gender, it is up to the sport to adapt, not the individual.
- Trans participants must be welcomed into sport in a way that is neither discriminatory nor disproportionately burdensome to them, specifically where there is no evidence to justify additional burden.

Policy Summary:

- Individuals participating in developmental and recreational sport should be able to participate in the gender with which they identify
- Hormone therapy should not be required for an individual to participate in high-performance sport in the gender category that is consistent with their gender identity
- Individuals should not be required to disclose their trans identity or history to the sport organization in order to participate in high-performance sport
- Surgical intervention should not be required for an individual to participate in high-performance sport

References:

- Canadian Centre for Ethics in Sport (CCES): <https://cces.ca/>
- CCES Creating Inclusive Environments for Trans Participants in Canadian Sport: https://cces.ca/sites/default/files/content/docs/pdf/creating_inclusive_environments_for_trans_participants_in_canadian_sport_practice_and_policy_template_final_e.pdf
- CEC Diversity & Inclusion Committee: diversity@climbingcanada.ca

General Principles:

- CEC supports the recommendations outlined in [Creating Inclusive Environments for Trans Participants in Canadian Sport](#), the guidance document developed by the Trans Inclusion in Sport Expert Working Group and published by the Canadian Centre for Ethics in Sport (CCES).
- The following set of general principles guided the Expert Working Group:
 - Trans athletes should have equal opportunity to participate in sport and strive for excellence.
 - Policies governing the participation of trans athletes should nurture fair play, honesty and respect, and preserve the integrity of sport.
 - Policies governing the participation of trans athletes should embrace diversity and offer a positive sporting experience, free of discrimination.
 - Participation in sport should celebrate differences and focus on the benefits and the joy of sport.
 - Policies governing the participation of trans athletes should be evidence-based and recognize the necessity to protect the privacy rights of the athletes and strive to prevent physical, emotional and mental harm.
 - Policies governing the participation of trans athletes should foster access and equitable participation for all participants.
 - Practices that encourage understanding and support of trans athletes need to be enhanced to acknowledge the challenges and recognize the value of advocating for sport that is fair, safe and open to everyone.

Policy Guidance #1:

Individuals participating in developmental and recreational sport, that is LTAD stages Active Start, FUNdamental, Learn to Train, Train to Train, Train to Compete (until international federation rules apply) and Active for Life, should be able to participate in the gender with which they identify and not be subject to requirements for disclosure of personal information beyond those required of cisgender athletes. Nor should there be any requirement for hormonal therapy or surgery.

Rationale:

- Inclusion-first philosophy in line with human rights law
- It is a human right to be recognized as the gender with which you identify
- Requirement to modify someone's body is invasive and cannot rationally be justified at these levels
- Most sports do not currently regulate other participants based on their size, strength or weight (in the same category) to ensure safety (that is, a cisgender female climber would not be prohibited from the Women's division because she is taller than everyone else in the field).

Policy Guidance #2:

Hormone therapy should not be required for an individual to participate in high-performance sport, that is LTAD stages Train to Compete (once international federation rules become a factor*) and Train to Win, in the gender category that is consistent with their gender identity, unless the sport organization can prove that hormone therapy is a reasonable and bona fide requirement.

**IOC current guidelines: Female-to-male athletes can compete 'without restriction', while male-to-female athletes must undergo hormone therapy, no sex reassignment surgery is required. The IOC is waiting until after the Tokyo Olympics to publish new guidelines on transgender athletes that are meant to protect inclusivity, safety and fairness in sport. The IFSC follows the IOC policy and statements on Transgender Inclusion.*

Rationale:

- Any sport wanting to introduce an eligibility clause, such as an obligation to take hormones for a specified time, would be obligated to provide evidence that this requirement is reasonable and bona fide.
- An individual's personal choice to not use hormones does not make them any less trans nor do these choices change their right to be recognized as the gender with which they identify.
- There is no direct evidence that hormone levels significantly and consistently impact athletic performance.¹
- Whereas it is recognized that lean body mass (LBM) appears to at least partially explain the differential between elite female and male athletes in terms of their athletic performance, there is no direct scientific data to link this parameter exclusively to testosterone levels per se.²
- There are other biological as well as environmental factors such as limb length and body shape, access to superior training, socioeconomic level that contribute to accomplishment in sport.
- While we can observe that participants in men's sport, on average, out-perform participants in women's sport, current science is unable to isolate why this is the case. Growing up male likely confers physical, hormonal, social and economic factors that contribute to this performance gap, but we cannot say that it is specifically due to testosterone in a way that is significant and predictable.
- Trans athletes subject to doping control are encouraged to seek out information in confidence from the CCES to determine whether a Therapeutic Use Exemption (TUE) is required and, if so, work with their physician to complete the necessary documentation and submit this to the CCES³.

What is a "Reasonable and Bona Fide" requirement?

- "Bona fide" means "good faith". In this case, it would relate to the requirement being for a good faith purpose – that is, clear of fraud, deception or for any other perhaps devious purpose.
- Canadian human rights law states that in order for an institution to make discriminatory requirements (requirements of one segment of the population that are different from others) or place restrictions, they must be able to demonstrate on a balance of probabilities (more likely than not) that this is reasonable and necessary to achieve a specific purpose, and will not impose undue hardship (the bona fide requirement test) on the individual.
- The "test" for establishing a reasonable and bona fide requirement is:
 1. The requirement was adopted for a purpose or goal that is rationally connected to the function being performed;
 2. The requirement was adopted in good faith, in the belief that it is necessary to fulfill the purpose or goal; and
 3. The requirement is reasonably necessary to accomplish its purpose or goal, in the sense that it is impossible to accommodate the claimant without undue hardship.
- More specifically, organizations must demonstrate that:
 - there is irresolvable conflict with a competing principle (in this case, that of a fair playing field);
 - all other options have been considered; and
 - it is the least restrictive option, short of undue hardship.

¹ Bermon et al. (2014). Serum Androgen Levels in Elite Female Athletes, The Journal of Clinical Endocrinology & Metabolism. 99:11.

² Court of Arbitration for Sport. July 24, 2015. Interim Arbitral Award, p.150. Access at: www.tas-cas.org/fileadmin/user_upload/award_internet.pdf

³ More information on TUEs, including the process by which to apply, is available from the CCES at: www.cces.ca/medical-exemptions

- This suggests that if a sport can demonstrate a consistent discrepancy in performance based on male advantage that cannot be controlled through the existence of competitive categories or other arrangements, it could make the case for requiring trans participants to undergo hormone therapy. The onus of proof, however, will rest entirely with the sporting organization.

Policy Guidance #3:

Individuals should not be required to disclose their trans identity or history to the sport organization in order to participate in high-performance sport, that is LTAD stages Train to Compete (once international federation rules become a factor) and Train to Win, unless there is a justified reason requiring them to do so.

Rationale:

- An individual's trans identity or history is part of their personal information and they should not be required to disclose it, unless there is a specific, justified reason to do so.
- Unwanted or inadvertent disclosure may be a breach of privacy legislation.
- Without need to verify hormone therapy, there is no rationale for requiring disclosure to the sport organization.
- Participants can sign up in the competitive division of their choosing (Women's or Men's) without the requirement to disclose their gender.

Policy Guidance #4:

Surgical intervention should not be required for an individual to participate in high-performance sport, that is LTAD stages Train to Compete (once international federation rules become a factor) and Train to Win, in the gender category that is consistent with their gender identity

Rationale:

- While surgery may be an important part of the transition process for some, it is critical to remember that many trans individuals choose not to, or do not have the resources to, undergo surgery.
- Requirement for surgical intervention has recently been removed from the International Olympic Committee's (IOC) consensus on trans athletes.⁴

⁴IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015. Access at: www.olympic.org/Documents/Commissions_PDFfiles/Medical_commission/2015-11_ioc_consensus_meeting_on_sex_reassignment_and_hyperandrogenism-en.pdf