



Preciousness of Life: Making Sports Fit for the Twenty-First Century

Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport

Symposium held at Swansea University Bay Campus

Monday 11 July & Tuesday 12 July 2022

Report

Written by Alex Shaw with a foreword by Andy Harvey, August 2022



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Foreword – Dr Andy Harvey

The participation in sport of athletes with Differences of Sexual Development (DSD) and transgender athletes is posing a significant issue for sports authorities and there is a confusion of policy responses that fails to adequately meet the needs of athletes, whether cisgender, DSD or transgender.

The problem is genuinely transdisciplinary, needing researchers from human rights law, sports ethics, sociology, and history, as well as from physiology and biology to enable coherent solutions to be found.

Access to and participation in sport has well-known physical and mental health benefits. The organisation of sport must meet the needs of all participants. The symposium aimed to arm sport policymakers with the transdisciplinary tools to make policy based on the best possible evidence.

The symposium brought together academic experts and sport policymakers to interrogate the issues involved and to develop a research agenda to promote engagement with sport that can meet the needs of all participants.

The event was held at Swansea University Bay Campus on Monday 11 and Tuesday 12 July 2022. Eleven speakers and four guests attended in person with a further eight speakers contributing online, making the symposium a genuinely hybrid event.

This report is designed to be a brief record of the event and to serve as an aide memoire to the key points made by each speaker as well as to indicate the breadth and depth of knowledge that is required to adequately address the issues that are raised in this field of study and policy.

We hope that this symposium was the beginning of further collaborations between participants, whether that be in respect of bids for funds for research projects, bilateral arrangements, teaching provision, policy development or continued informal connections.

Finally, I would like to thank all the contributors to the symposium and the Morgan Advanced Study Institute for providing the funding to enable such a rich and collaborative event to take place.



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

The conference begins by considering the debate from an ethical, sociological, and human rights perspective:

Andy Harvey: Undoing Binaries of Gender and Sport

The first speaker and main organiser of the conference Andy Harvey, gives a brief introduction to gender theory. Harvey demonstrates how sex and gender can be varied in definition, yet they are so intertwined that untangling them seems impossible. Identifying, that instead of considering gender vs sex, debates should consider gender and sex combined. Harvey relates this to sport and the difficulties this can bring. However, when referring to the definition of sport and the different internal goals (competition, a sense of achievement, development of skills and virtues) and external goals (human rights, equal opportunities and social cohesion) of sport, there can be a place for sex and gender combined. Harvey develops this thinking towards trans individuals; preventing trans athletes from sport goes against certain sporting values as those values are not always being related to winning and fairness. Within the presentation, Harvey demonstrates the complexity of sport and how designing a simple criterion for a complex problem is something that needs to be considered more within policy making. Additionally, there is a reflection on how different levels and different sports have different values, for example in the participation level the aims may lead to different inclusion policies.

Francine Hetherington Raveney: Gender Equality in Sport: A Human Rights Perspective

Francine Hetherington Raveney is the deputy Executive Secretary of the Enlarged Partial Agreement on Sport (EPAS). EPAS and the Sexual Orientation and Gender Identity (SOGI) Unit was set up to address human rights challenges in sport with a focus on gender equality. It is demonstrated by the speaker how women are still underrepresented in sport. This is why EPAS are still pushing for gender equality around Europe and implementing a new project (ALL IN PLUS project). This project has a focus on working on gender mainstreaming and communication/media policies, for example producing toolkits for journalists to educate them about representing sportswomen in the media. Along with the project, they are aiming to bring everyone together (politicians, IOC, press and athletes) on promoting and protecting the human rights of transgender and intersex athletes.

Abby Barras and Verity (Vez) Smith: The Lived Experiences of Transgender and Non-Binary People in Sport

Both speakers work for Mermaids. Mermaids is a leading UK trans advocacy charity which helps to support transgender, non-binary and gender diverse individuals and their families. They are also responsible for conducting research across a range of topics including sport. Currently, their research on sport focuses on the barriers and perceived barriers for trans individuals within sport. For example, barriers include feeling uncomfortable in changing rooms, being bullied in sport lessons and many more. Additionally, trans athlete sport role models are



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

underrepresented in society, thus it is imperative to further encourage trans athlete visibility to help inspire trans people to play sport. This project is highly important because trans individuals are one of the most inactive demographics preventing many trans individuals from gaining the positive effects on wellbeing that sport participation brings.

Madeleine Pape: The promise and potential of Gender Inclusive Sport: Implications for research, policy, and practice

Pape's work focuses on the resistance female athletes have to the inclusion of trans people in sport and the feminist groups that are supportive/unsupportive. This is to aid and inform policies in addition to an academic purpose. Pape considers the knowledge that is used to inform certain groups and policies, as well as how to begin discussions with cis women around ideas of inclusion. Pape additionally deliberates why cis females or medical professionals are considered experts within this topic, instead of the voices of trans individuals and their experiences. Pape's work with the International Olympic Committee focused on how to make sport a gender inclusive environment. This vision emphasises that National Governing Bodies should begin to prioritise inclusion and move away from specific scientific research that drives exclusion. The speaker concludes that there needs to be a change in the mindset that trans women threaten gender equality for females in sport. Trans women are not the reason female athletes lack representation. Women's sport will not be weakened by including trans women, and in fact it will likely be strengthened.

The conference then follows an ethical and philosophical debate between speakers: Professor Cesar Torres and Jim Parry & Irena Martinkova

Jim Parry and Irena Martinkova demonstrate that most sports require categorisation to have maximum inclusion. Torres, on the other hand, believes categorisation focused mainly on physiological variables is insufficient and exclusive. Instead within categorisation, gender additionally needs to be considered. This is because Torres demonstrates the role gender has in shaping our embodiment and the role that then plays in sporting performance. Thus, gender and embodied experience also need to be considered when debating the inclusion of trans individuals. Parry and Martinkova consider that what Torres is proposing is implausible in real life. How are we able to gain knowledge about an athlete's background and create a criterion or measure bodily experiences? It is also far too complex to just focus on gender, with embodiment being affected by multiple variables that cause advantages and disadvantages within sport. Parry and Martinkova also believe categories are stable and relatively objective – thus using a variable such as self-identification does not work as it is subjective. What needs to be decided is how we establish a criterion for each category, and who is eligible for that category. For sex categories, the criterion relies on sex testing as there is no focus on gender. Parry and Martinkova do understand there has potential to be better options than sex categorisation, but new options should not bring more problems.

Alex Shaw and Niall Fife: The Swansea University DATES Project



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

Alex Shaw and Niall Fife are representatives of the Swansea University DATES Study. The study focuses on obtaining the opinions on trans and DSD inclusion of athletes eligible to compete in the elite female category in their identified sport before 13/06/2022. The speakers gave a brief introduction to the project and the background behind it. The research involves a survey and interviews. The survey involves multiple pathways and sections focusing on a trans section and a DSD section, with questions relating to general opinions on fairness and inclusion in different contexts of elite sport (for example, precision sports and contact sports). So far, the survey data has found that the majority of current Olympic sport athletes believe that using biological sex and a separate category for trans individuals is the most appropriate way for sport categorisation. However, the research has found differences between athlete groups and types of sport. Interviews were semi-structured and included current elite athletes from a wide variety of sporting backgrounds. Questions asked to the participants included what they believe made them successful in their sports, their understanding or level of knowledge regarding trans athletes and athletes with a DSD, and their opinions on the inclusion of these athletes within elite sport in the female category. After using Thematic Analysis, themes emerged that suggested the majority of participants were open to the idea of greater inclusion for both trans athletes and athletes with a DSD at the elite level. However, opinions on the level of inclusion for trans athletes and athletes with a DSD varied depending on the type of sport the participant competed in. It was also identified that the level of knowledge specifically about athletes with a DSD was of low quality.

The conference shifts to a focus on the sport science aspects that influence this debate:

Jo Harper: Hormone Transition in Transwomen and Sports Participation

Harper presents 3 current papers that focus on trans individuals. These involve Harper et al's own systemic review, the Hilton and Lundberg review and Roberts et al's observational study. The research so far is demonstrating hormone therapy does alter some important attributes of sporting performance for trans women, however other attributes are hardly impacted or not at all altered. Harper presents that there is still a large amount of research needed to be completed, specifically focusing on trans athletes. Harper concludes that at the recreational level there should be a focus on inclusion whereas there should be testosterone restriction policies at the elite level. Trans inclusion/exclusion policies should be reviewed regularly and the more data that is gathered the better the policies that can be developed.

Shane Heffernan: BASES Expert Statement; Sex differences in Physiology and Performance

For this presentation sex is defined as genetic/biological – i.e. how an individual is defined/observed at birth. The presentation focuses on sex differences. A few key differences are represented by Heffernan, including males having a larger total body mass (45%) but less body fat (30%). Men tend to have greater strength by over 50% (in tendon force capacity this can increase to around 83%). These variables are adaptable with training, but differences such as men having a smaller pelvis, longer humerus and femur, will not be impacted. Additionally



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

other differences that are not always discussed so openly include a larger difference between lung size, cardiovascular muscles, ability to metabolise energy and water intake. Heffernan then relates the differences between the sexes to performance. In power sports, even when body weight is controlled, males have a 30% advantage (but only increases to 39% when weight is not controlled), in ultra-endurance events men have a 14% advantage, in precision sports it is an advantage of only 1.28% difference. Additionally, age-related decline in performance is far less in males than it is in females. Heffernan concludes there is the need for more research, particularly on recovery differences. Similarly, Heffernan acknowledges that the differences represented in this presentation are between cis men and cis women, because this is all that is available presently, more research is needed in the difference between cis women and trans women.

Blair Hamilton: The FIMS 2021 Consensus Statement

Hamilton provides an overview of the recommendations produced by the International Federation of Sports Medicine (FIMS). Over 87% of the 70 authors agreed on a threshold of 5 nmol/L for trans women's testosterone levels. This was to be used as a baseline and for it to be modified as new evidence surfaces. For trans men it was agreed by 100% of the authors that their testosterone should be within the range of 9.2 to 31.8 nmol/L. Hamilton then demonstrates how they arrived at these figures. They took into account the NHS testosterone and oestrogen targets and then considered the biological research currently available. Summarising the research presented by Hamilton, when circulating testosterone increases so does fat-free mass (FFM), leg press strength, thigh muscle volume, quadricep muscle volume and total haemoglobin mass to a strong correlation. Furthermore, Hamilton concentrates on FFM, due to the significance it has on sporting performance. For trans women it is seen that their FFM decreases and for trans men it increases. Hamilton surmises that, when taking into account strength and FFM (strength/FFM), cis men and women come out equal, whereas trans women are below. Similarly, when you consider maximum rate of oxygen consumption ($VO_2\text{max}$ and FFM ($VO_2\text{max}/\text{FFM}$), cis women were the highest, cis men slightly lower and trans women the lowest. This is significant to incorporate in the trans inclusion debate.

Hamilton, additionally presents the idea behind the paper 'Integrating trans women athletes into elite competition: the case of elite archery and shooting'. The paper focuses on how each National Governing Body needs to consider their own values that are important to them to enable them to understand what to prioritise (inclusion, fairness or safety). The paper considers two examples - archery and shooting. Hamilton presents how the advantage differences between trans women and cis women are limited within these sports, thus demonstrating how these Governing Bodies can prioritise inclusion. Hamilton concludes by acknowledging the difficult decision National Governing Bodies have to make, with the limited scientific literature that uses the trans athlete population. However, Hamilton briefly gives an introduction to the research that is currently being worked on, which involves following 28 athletic women and men during transitioning. The study will measure their muscle mass, body fat and muscle memory.



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

To end the conference there is discussions around policy making and we hear from sport Governing Bodies:

Hugh Torrance: Challenges and tensions in policymaking

Hugh Torrance works for Leap Sports Scotland, which works for greater inclusion for LGBTIQ+ people in sport. At the conference Torrance focuses on inclusion and policy making at the grassroot level. Torrance presents how the grassroot level has been neglected when it comes to trans individuals and policies. Firstly, regulations focusing on testosterone are not always applicable at the lower levels as they are difficult to regulate. Similarly, the Sports Council Equality Group (SCEG) which involves the relevant officers from all the Sports Councils (such as UK Sport), aims to promote and develop equality in sport. However, the SCEG has recently produced a report that demonstrates how fairness and inclusion cannot come together. Torrance demonstrates that the SCEG report presents the idea that if you include trans athletes within your sport you will lose sporting integrity, thus placing National Governing Bodies in a difficult position. Torrance further explains how there is already a limited number of trans athletes within sport and creating hostile environments will further deter them. Similarly, if policies are already being drafted that exclude trans individuals this is further going to discourage them from playing and sharing their voices. Torrance identifies that instead excluding trans athletes, ways should be found to include them and gather their voices on this topic.

Tim Naylor: Gender inclusion in horseracing

Tim Naylor is primarily representing the British horse racing authority. However, he is also on the board for the Football Association of Wales and is a lawyer. Naylor expressed relief that there is no trans policy in horse racing as there is not enough data or input from trans athletes to produce a sufficient policy. The speaker explains how there may not be any trans regulations currently but there are multiple barriers to inclusion within horse racing. This can be seen with the ratio of male to female riders, with females being extremely underrepresented. Similarly, there is only one openly gay rider and homophobic comments are still heard within the riding community. Another challenge racing faces is weight management, which leads to the unintentional exclusion of certain individuals. They have started to aim to make some developments, for example 'racing with pride'. They also do have one open transgender jockey who has raced in one charity event since transitioning. However, Naylor acknowledges that horse racing played no role in her decision to be open about being trans and continuing to race. Naylor concludes the presentation by expressing the lack of progression they have in this area, but how they want to receive as much help as they can to make the most appropriate policy.

Sone Erikainen: History of sex category regulations in sport - implications for present and future policy



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

Sone Erikainen represented the problems categories cause. Erikainen explained how categories were created by the idea that males have an athletic advantage over females. The methods used to retain sex categories have involved sex testing as well as testing 'markers' such as testosterone levels with the aim to police and regulate categories, as well as to protect women. We are continuously seeing problems with sex categories, yet National Governing Bodies continue to employ them. For example, Erikainen reflects on the International Olympic Committee (IOC) history of sex category regulations. Erikainen presents how most of the tests were highly humiliating, invaded women's personal space and disregarded minorities. Additionally, Erikainen demonstrates that we are constantly seeing how there is not a binary difference between males and females or that they are not mutually exclusive. Categorisation does not work for those grey cases and exclusion should not be the answer. Erikainen explains how categorisation and policies should not focus on inclusion vs fairness, or trans and VSC rights vs women's rights, but there should be commitment to them all.

Genevieve Gordon-Thomson: Duty of Care: Implications for Gender Minorities. Challenges to supporting inclusion

Gordon-Thomson demonstrates the role of duty of care within sport. Duty of care is about making sure everyone in your care/environment is safe in regard to physical aspects as well as the emotional aspects. Any athlete is vulnerable due to the nature of sport, but there is still a requirement to reduce risks where possible. Gordon-Thomson acknowledges some of the difficulties of duty of care in sport. For example, there needs to be the same legal emphasis as physical safety placed on emotional safety and wellbeing of athletes. Additionally, there should be different priorities at different levels of sport - grassroot and elite require different duties of care.

When it comes to trans athletes and a duty of care, there are a range of things to consider, for example the physiological differences. Additionally, banning transgender athletes at the professional level teaches the idea that sport does not have a place for trans athletes. This may have detrimental mental health outcomes for trans individuals. Effective methods of care in sport in relation to inclusion need to focus on, *inter alia*, carefully developing policies, a creation of a safe environment, removing potential confusion (for example kit), and many more.

Jason Webber: Inclusion in Football – A Governing Body Perspective

Jason Webber is a representative from the Football Association of Wales which aims for football in Wales to be equal, inclusive and provide people with a place where they belong. Webber presents the positive work already completed around the LGBT+ community and football. For example, the two specific Welsh LGBT+ teams, visibility and allyship demonstrated at the elite level, and the positive impact on social media. When it comes to their trans policies, they understand progression is required, however they are governed by FIFA and there is limited data around the number of trans athletes within the sport. They are presently placing



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

a focus on developing their trans policy, demonstrating how they are considering inclusion options and their support to get everyone involved.

Jeff Whitley: Supporting Players – the Role of the PFA

Jeff Whitley is player wellbeing executive for the Professional Footballers' Association (PFA). They are interested in supporting the player on and off the pitch and aid players in gaining the most out of their careers. Whitley briefly divulged his personal journey with professional football and the challenges that came with it. Whitley has used his own experience to support footballers going through similar difficulties with finance, rights, and mental health.

Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

Venue: Bay Campus, SoM 010

Symposium Timetable

Day 1 – Monday 11 July

09.30 – Registration + Teas and Coffees

10.00 – Welcome and Introductions

Session 1 – Establishing the Issues – Gender Theory and Practice

10.15 – Andy Harvey (he/him), Swansea University: *Undoing Binaries of Gender and Sport*

10.35 – Discussion

10.45 – Francine Hetherington Raveney (she/her), Deputy Executive Secretary of the Enlarged Partial Agreement on Sport (EPAS), Council of Europe: *Gender equality in sport: a human rights perspective* (online). Invited international speaker

11.05 – Discussion

11.15 – Teas and Coffee

11.45 – Abby Barras (she/her) and Verity (Vez) Smith (he/him), Mermaids: *The Lived Experiences of Transgender and Non-Binary People in Sport* (online). Invited speakers

12.05 – Discussion



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

12.15 – Madeleine Pape (she/her), Postdoctoral Researcher, University of Lausanne: *The promise and potential of Gender Inclusive Sport: Implications for research, policy, and practice* (online). Invited international speaker

12.35 – Discussion

12.45 – Sone Erikainen (they/them), University of Aberdeen – *Response to Speakers*. Invited international speaker

13.00 – Lunch

Session 2 – Debates in Ethics – Embodied Experience, Embodied Advantage and Sports Policy

14.00 – Professor Cesar Torres, SUNY Brockport (Brockport, NY), USA (online). Invited international speaker

14.40 - Irena Martinkova, Associate Professor of Kinanthropology and Jim Parry, Visiting Professor of Philosophy of Sport, Charles University in Prague, Czech Republic (online). Invited international speakers

15.10 – Discussion

15.30 – Teas and Coffees

Session 3 – The Swansea University DATES Project

16.00 – Alex Shaw and Niall Fife, MSc Research Students, Swansea University.

16.20 – Discussion

Session 4 – Sport Science

16.30 – Jo Harper, Loughborough University: *Hormone Transition in Transwomen and Sports Participation* (online). Invited speaker

16.50 – Discussion

17.00 – End

20.00 – Conference Dinner at ASK Italian Restaurant

Day 2 - Tuesday 12 July

09.30 – Teas and Coffees and Networking



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

Session 4 cont. Sport Science

10.00 – Shane Heffernan, Senior Lecturer, Swansea University: *BASES Expert Statement; Sex differences in Physiology and Performance.*

10.20 – Discussion

10.30 – Blair Hamilton (she/her), Brighton University: *The FIMS 2021 Consensus Statement.* Invited speaker

10.50 – Discussion

11.00 – Teas and Coffee

Session 5 – Policy

11.30 – Hugh Torrance (he/him), LEAP Sports Scotland: *Challenges and tensions in policymaking.* Invited speaker

11.50 – Discussion

12.00 – Tim Naylor (he/him), Director of Integrity and Regulation and Naomi Howgate, Head of Diversity & Inclusion, British Horseracing Authority: *Gender inclusion in horseracing.* Invited speakers

12.20 – Discussion

12.30 – Sone Erikainen (they/them), University of Aberdeen: *History of sex category regulations in sport -- implications for present and future policy.* Invited international speaker

12.50 – Discussion

13.00 – Lunch

Session 6 – Policy cont ...

14.00 – Genevieve Gordon-Thomson, CEO Tactic Connect and Director Centre for Research of Sport, Technology and Law, De Montfort University: *Duty of Care: Implications for Gender Minorities. Challenges to supporting inclusion.* Invited speaker

14.20 – Discussion

Session 6 – Inclusion in Football

14.30 – Jason Webber (he/him), Equality, Diversity, Inclusion & Integrity Manager, Football Association Wales: *Inclusion in Football – A Governing Body Perspective.* Invited speaker



Preciousness of Life: Making Sports Fit for the Twenty-First Century: Including transgender athletes and athletes with Differences in Sexual Development (DSD) in sport.

14.50 – Discussion

15.00 – Jeff Whitley, Player Wellbeing Executive, Professional Footballers’ Association: *Supporting Players – the Role of the PFA*. Invited speaker

15.20 – Discussion

15.30 – Teas and Coffees

Session 7 – Future Planning

16.00 – Future Funding Plenary

16.45 - Concluding Remarks – Dr Shane Heffernan

17.00 - End and Depart