

Scottish Athletics Policy on Non-Binary Athletes Competing within Scottish National Championships

Background

Since June 2017, **scottishathletics** has licensed events with a non-binary category with a strong message that we fully support and encourage any Race Organiser who wishes to include a third gender category. In April 2018, following requests for further information and support, **scottishathletics** issued non-binary guidance for race organisers. This information was communicated to all race / event organisers who license their events through the organisation.

Since the April 2018 communication, 33 events (as of Sept 2018) had included a non-binary competition category within their events. This is a significant number of events in a short period of time and those event organisers should be applauded for their efforts and open mindset. Four of the events are in Track & Field, and one was a **scottishathletics** Championship event in trail running.

In August 2018, an article in the Daily Record criticised the Great Run Company for not including a third gender category in the Great Scottish Run this year and it attracted a great deal of interest at the time. It also coincides with questions from a) our membership, b) our Equality Advisory Group and c) the wider public and media, around the intentions on **scottishathletics** within our own championship events across all disciplines.

Scottish Government Review

In the Fairer Scotland Action Plan, the Scottish Government committed to review and reform the 2004 Gender Recognition Act so it is in line with international best practice. From November 2017 to March 2018, the Government published and opened a consultation seeking the views about how they should reform the Gender Recognition Act 2004, including questions about what to do to address issues faced by non-binary people. There were over 15,500 responses to the consultation, which are being analysed and considered along with the other available evidence to help inform the Government's decisions on taking the review further.

The consultation identified 6 broad options to advance the recognition of non-binary people, with the majority of respondents (62%) stating that Scotland should take action to recognise non-binary people. 33% did not think action should be taken.

It is also worth noting that in the Scottish Government's Programme for Scotland 2018-2019 - Delivering for Today, Investing for Tomorrow, it states "we will continue work that will enable us to bring forward legislation on gender recognition in the next legislative programme".

Of course, we cannot know how policy in this area will develop in the future. It is clear however from both conversations within and around **scottishathletics**, and policy considerations by the government, that inclusion of non-binary people is becoming a more visible issue.

The Big Question

Now that **scottishathletics** has taken steps to provide guidance and support to all event organisers in Scotland, what is our policy as an organisation within our own events or those delivered by partners on our behalf?

A scottishathletics Policy

'From April 2019, all **scottishathletics** championship events, including those external events hosting a championship on our behalf, must include a non-binary category within the event entry options. The implementation of the policy would be reviewed annually'.

We accept that at this stage, the number of non-binary competitors is nominal, but whether or not we have competitors, a category must exist.

What does this look like in practise?

There are obvious implications across the event disciplines as well as for event organisers (internal and external). Taking these by discipline, we suggest the following actions;

1. Track & Field

All national championships in track and field will be open to non-binary athletes. Given the nature of track and field competition it is not possible at this juncture, to hold specific non-binary events. However, if a non-binary athlete chooses to enter a championship in track and field, then they will be accommodated within the existing framework and timetable of events. Initially, this will be dealt with on a case by case basis.

This policy also includes district Track and Field championships and open events.

Any external event organisers must abide by these rules if they are to host a Scottish championship within their existing event.

2. Road Running

As all **scottishathletics** championship events on the road (5km – Ultra) are typically delivered as part of a mass participation event (i.e. all genders and age groups combined) then a non-binary category must be included, as a gender and race category within the entry system.

If, in the case that events have a separate men's and women's race then non-binary entrants will be timetabled to run at the same time as entrants to the men's race. It will be the intention that if there are enough non-binary entrants into a race, then it will be timetabled at a separate time to both the men's and women's race. They will not contribute to the club team event scoring and results will be removed and categorised separately, so as not to affect scoring systems and placings.

In the case of national championship road relay events, a non-binary relay team will be allowed to compete if a team exists with members from the same club. It will be looked at on a case by case basis if the race is timetabled at the same time as the male or female event. If less than three non-binary teams enter this would be a competition opportunity and would not hold Championship status.

Any external event organisers must abide by these rules if they are to host a Scottish championship within their existing event

3. Cross Country

All individual national championships in cross country will be open to non-binary athletes. Given the nature of cross country events it is not possible at this juncture, to hold specific non-binary events. In all cases, given that championship cross country events include a separate men's and women's race then non-binary entrants will be timetabled to run at the same time as entrants to the men's race. It will be the intention that if there are enough non-binary entrants into a race, then it will be timetabled at a separate time to both the men's and women's race. They will not contribute to the club team event scoring and results will be removed and categorised separately, so as not to affect scoring systems and placings.

In the case of national championship cross country relay events, a non-binary relay team will be allowed to compete if a team exists with members from the same club. It will be looked at on a case by case basis if the race is timetabled at the same time as the male or female event. If less than three non-binary teams enter this would be a competition opportunity and would not hold Championship status.

This policy also includes the east, west and north district cross country championship events.

Any external event organisers must abide by these rules if they are to host a Scottish championship within their existing event.

4. Hill Running (and Trail)

Where national championship events in hill/mountain running and trail running are delivered as part of a mass participation event (i.e. all genders and age groups combined) then a non-binary category must be included, as a gender and race category within the entry system.

If, in the case that events have a separate men's and women's race then non-binary entrants will be timetabled to run at the same time as entrants to the men's race. It will be the intention that if there are enough non-binary entrants into a race, then it will be timetabled at a separate time to both the men's and women's race.

They will not contribute to the club team event scoring and results will be removed and categorised separately, so as not to affect scoring systems and placings.

In the case of national championship relay events, a non-binary relay team will be allowed to compete if a team exists with members from the same club. It will be looked at on a case by case basis if the race is timetabled at the same time as the male or female event. If less than three non-binary teams enter this would be a competition opportunity and would not hold Championship status.

Any external event organisers must abide by these rules if they are to host a Scottish championship within their existing event.

Questions and Rationale

Q: Why can non-binary athletes not compete alongside the gender they choose, and the winner be determined by the fastest time?

Rationale: Head to head competition is a fundamental part of championship racing. Race tactics, pace judgement and race craft are important elements of determining who is the winner of any category on a given day rather than simply the fastest time. Athletes in a non-binary category competing in different gender races would have a number of advantages/disadvantages and therefore reducing the level playing field.

Men's Race

Advantages: Higher numbers, deeper strength in depth allowing athletes to be paced at a level that suits them.

Disadvantages: Higher numbers, congested fields and difficulty for an athlete to get a clear run.

Women's Race

Advantages: Less numbers, more space for athletes to run clear and free.

Disadvantages: Less numbers, athletes running at their own pace become isolated with less competitors to run with/against.

Although both races are over the same distance and course they are intrinsically different due to the faster speed, greater number of athletes and strength in depth of the Male race.

Q: Why are non-binary athletes required to run alongside the male race?

Rationale: The inclusion of a non-binary category in a women's only race must not interfere with the head to head competition at the front of the Championship race, it is feasible that a non-binary athlete who is ineligible to compete in the female category running in a women's only race could have a physiological advantage to other athletes within that race. We must consider our female membership and allow them a playing field free from potential outside interference. The larger density of athletes and range of ability within a men's only race allows for fairer competition.

Additional Notes

- ❖ Athletes who opt to compete in a non-binary category will be limited to that category for all **scottishathletics** championships events within that competition year (running from 1st October until 30th September). For a list of all **scottishathletics** championships, please see the website <https://www.scottishathletics.org.uk/events/championship-events/>
- ❖ Medals /prizes will be awarded on the same basis as the male/female categories for the first year, but it will be monitored and reviewed. As with the male/female categories, if there are less than 3 entries, then a competition only opportunity will be available, and no medals awarded.
- ❖ Any individual competing as a non-binary athlete will not count in any of the male or female prize categories and will not contribute or be counted within any team competitions out with the non-binary category.
- ❖ Please note that a non-binary category does not alter or interfere with the right of trans men and trans women to continue to compete in the male and female categories, respectively.

- ❖ Please note that a non-binary category does not alter or interfere with the right of intersex men or women to continue to compete in the male and female categories, respectively.
- ❖ Any individual competing as a non-binary athlete will currently not be able to have their performance counted towards rankings in the non-binary category. External UK ranking platforms such as www.powerof10.info and www.runbritain.com do not currently recognise third gender categories such as non-binary. Therefore, athletes who wish their performance to be recognised in this way are required to choose a binary gender for this purpose. **scottishathletics** and other event organisers are actively pursuing an update to these sites to recognise additional genders with a view to this changing in the near future.
- ❖ **International Selection**
scottishathletics International Selection policies and criteria are published annually in the International Handbook.