

Current 2018 Bye-Law	New proposal for APPENDIX R1	
<b>Bye-Law to Rule 20 – Determination of Eligibility</b>	<b>Bye-Law to Rule 1320 – <del>Determination of Eligibility</del> Mens and Womens Events</b>	
	<u>Eligibility by Gender</u>	
In cases requiring determination of eligibility in respect of this Rule, including sex re-assignment and hyperandrogenism, the FISA Executive Committee will refer to IOC guidelines.	1) <u>A rower is eligible to compete in a men’s event, or as a man in a mixed event, if the gender of the rower is <i>Male</i> in the rower’s passport or national identity card.</u> <del>In cases requiring determination of eligibility in respect of this Rule, including sex re-assignment and hyperandrogenism, the FISA Executive Committee will refer to IOC guidelines.</del>	
	2) <u>A rower is eligible to compete in a women’s event, or as a woman in a mixed event, if:</u> a) <u>The gender of the rower is <i>Female</i> in the rower’s passport or national identity card; and</u> b) <u>where applicable, the rower meets the requirements of paragraph 3 below</u>	
	3) <u>Where, either:</u> a) <u>the rower’s gender has changed; or</u> b) <u>the rower has otherwise been required by the Executive Committee to establish eligibility to compete as a woman;</u> <u>the rower first satisfies the FISA Gender Advisory Panel that the rowers’ serum testosterone concentration has been less than 5 nmol/L continuously for a period of at least the previous 12 months and secondly meets any other requirements</u>	

	<u>reasonably set by the Executive Committee.</u>	
	<u>FISA Gender Advisory Panel</u>	
	<p>4) <u>The Executive Committee will appoint and maintain from time to time a panel of experts in the specialist areas of Gender Identification, Sex-reassignment, Hyperandrogenism, Transgender and Differences of Sexual Development (DSD) to be known as the Gender Advisory Panel.</u></p> <p>a) <u>The Convenor of that panel will be the Chair of the Sports' Medicine Commission.</u></p> <p>b) <u>The purpose of that panel is to evaluate cases seeking a determination of gender eligibility and to provide expert advice to the Executive Director, the Executive Committee or the Council (as the case may require) on those specialist areas.</u></p> <p>c) <u>The names of the panel members and their respective areas of expertise shall be published by FISA.</u></p> <p>d) <u>The Chair of the Sports' Medicine Commission, as convenor of the panel, is responsible for protecting the confidentiality of a rower's medical records and ensuring that any issue as to the gender identification of any rower is treated with due sensitivity</u></p>	
	<u>The Executive Committee</u>	

	<p>5) <u>When considering any issue as to the eligibility of a rower to compete either as a man or as a woman under Rule 15 and this Bye-Law, the Executive Committee shall have regard to:</u></p> <p>a) <u>any report that it receives from the Gender Advisory Panel as to the medical / scientific aspects of the case;</u></p> <p>b) <u>any criteria as to gender identification adopted by the international sports community, and</u></p> <p>c) <u>any relevant decisions of the Court of Arbitration for Sport (CAS).</u></p>	
	<p><u><i>Gender Identification, Sex-reassignment, Hyperandrogenism, Transgender, and Differences of Sexual Development (DSD)</i></u></p>	
	<p>6) <u>The authority of the Executive Committee to determine any issue as to the eligibility of a rower to compete either as a man or as a woman under this Rule shall include, but is not confined to, any such issue arising in the case of Gender Identification, Sex-reassignment, Hyperandrogenism, Transgender, and Differences of Sexual Development (DSD).</u></p>	
	<p>7) <u>The Council may publish guidelines to assist rowers who have changed their gender, or intend to do so, in accordance with their national laws and regulations and who intend to seek a determination from the Executive Committee of their eligibility to compete either as a man or as a woman.</u></p>	

	<p><u>8) A member federation may request a determination from the Executive Committee as to the eligibility of one of its rowers to compete either as man or as a woman.</u></p> <p><u>a) That member federation shall present the request for such determination to the Executive Director.</u></p> <p><u>b) The Executive Committee will treat any such request as a matter confidential between the rower (not the member federation) and the Executive Committee and with due sensitivity to the interests of the rower.</u></p> <p><u>c) The member federation is entitled to be informed by the Executive Committee only as to whether the rower is eligible or not.</u></p> <p><u>d) The rower is entitled to be informed of the reasons for the decision as to eligibility.</u></p>	
	<p><u>9) The Executive Director shall refer a request under paragraph 8 above to the Gender Advisory Panel for evaluation.</u></p> <p><u>a) The panel shall undertake that evaluation and report accordingly to the Executive Committee.</u></p> <p><u>a)b) If the rower declines to comply with any reasonable requests by the panel for medical records or test results that the panel reasonably considers may assist with the evaluation, the Convenor of the panel</u></p>	

	<p><u>will advise the Executive Committee accordingly who may thereupon decline to give further consideration to the request for determination of gender eligibility until the panel's requests are complied with.</u></p>	
	<p><u>Costs</u></p>	
	<p><u>10) The costs and other expenses involved with a determination of gender eligibility shall be at the sole discretion of the Executive Committee. In principle, but without derogating from that general discretion:</u></p> <p><u>a) The costs and other expenses involved with a request for a determination as to eligibility will be payable by the member federation that submitted the request.</u></p> <p><u>b) The costs and other expenses involved with a protest under Rule 46 relating to gender eligibility will be payable either</u></p> <p><u>i) by the protestor in the event of an unsuccessful protest or</u></p> <p><u>ii) by the member federation who entered the rower (or the rower if the rower submitted the entry) in the event of a successful protest;</u></p>	