

Bylaw to Rule 13 – GENDER ELIGIBILITY

APPENDIX R1 2022 Version	APPENDIX R1 Proposed Changes	Comments
Bye-Law to Rule 13 – Men’s and Women’s Events	Bye-Law to Rule 13 – Men’s and Women’s Events	
Eligibility by Gender	Eligibility by Gender	
<p>1) 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 not Female in the rower’s passport or national identity card.</p>	<p>1) The eligibility of a rower to compete either as a woman or as a man is subject to the over-riding authority of the Executive Committee to review and determine that rower’s gender eligibility at any time whether arising by way of:</p> <ul style="list-style-type: none"> a) A request by a member federation for a determination as to the gender eligibility of a rower who is eligible to compete for that member federation; b) An objection by a member federation as to the gender eligibility of a rower to enter a particular event; or c) Its own decision to review and determine the gender eligibility of a rower. 	

<p>2) A rower is eligible to compete in a women's event, or as a woman in a mixed event, if:</p> <ul style="list-style-type: none"> a) The gender of the rower is <i>Female</i> in the rower's passport or national identity card; and b) where applicable, the rower meets the requirements of paragraph 3 below. 	<p>2) Eligibility to compete as a woman</p> <ul style="list-style-type: none"> a) A rower who was identified as and assigned woman and/or female at the time of the rower's birth and did not medically transition to any other gender than woman by the time that the rower reached puberty shall, unless the Executive Committee determines otherwise, be eligible to compete as a woman. b) A rower may be declared by the Executive Committee, through the review and determination process under this Bye-Law, to be eligible to compete as a woman; 	
<p>3) Where, either:</p> <ul style="list-style-type: none"> a) the rower's gender has changed; or b) the rower has otherwise been required by the Executive Committee to establish eligibility to compete as a woman; <p>the rower first satisfies the World Rowing 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 reasonably set by the Executive Committee.</p>	<p>3) Eligibility to compete as a man - A rower is eligible to compete in a men's event, or as a man in a mixed event, if the rower is not eligible to row as a woman</p>	
<p><i>World Rowing Gender Advisory Panel</i></p>	<p><i>World Rowing Gender Advisory Panel</i></p>	
<p>4) 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</p>	<p>4) The Executive Committee will appoint and maintain from time to time a panel of experts in the specialty areas of Gender Identification, Sex-reassignment, Hyperandrogenism, Transgender, Differences of Sexual Development (DSD) and Medico-Legal ethics to be known as the <i>Gender Advisory Panel</i>.</p>	

<p>(DSD) to be known as the <i>Gender Advisory Panel</i>.</p> <p>a) The Convenor of that panel will be the Chair of the Sports' Medicine Commission.</p> <p>b) 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.</p> <p>c) The names of the panel members and their respective areas of expertise shall be published by World Rowing.</p> <p>d) 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.</p>	<p>a) The Convenor of that panel will be the Chair of the Sports Medicine Commission.</p> <p>b) The purpose of that panel is to evaluate cases where the issue of gender eligibility is before the Executive Committee and generally to provide expert advice to the Executive Director, the Executive Committee or the Council (as the case may require) on those specialty areas.</p> <p>c) The names of the current panel members and their respective areas of expertise shall be advised by the Executive Director to the parties involved in any current issue as to gender eligibility</p> <p>d) 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 pertaining to the gender identification of any rower is treated with due sensitivity.</p>	
<p><i>The Executive Committee</i></p>	<p><i>The Executive Committee</i></p>	
<p>5) When considering any issue as to the eligibility of a rower to compete either as a man or as a woman under Rule 13 and this Bye-Law, the Executive Committee shall have regard to:</p> <p>a) any report that it receives from the Gender Advisory Panel as to the medical / scientific aspects of the case;</p> <p>b) any criteria as to gender identification adopted by the international sports community; and</p> <p>c) any relevant decisions of the Court of Arbitration for Sport (CAS).</p>	<p>5) When ruling on the eligibility of a rower to compete either as a woman or as a man, the Executive Committee may consider:</p> <p>a) any report that it receives from the Gender Advisory Panel pertaining to the medical / scientific aspects of the case;</p> <p>b) any athlete participation criteria pertaining to gender adopted by the international sports community; and</p> <p>c) any relevant decisions of the Court of Arbitration for Sport (CAS).</p>	

<p><i>Gender Identification, Sex-reassignment, Hyperandrogenism, Transgender, and Differences of Sexual Development (DSD)</i></p>	<p>6) The authority of the Executive Committee to determine any issue pertaining to the eligibility of a rower to compete either as a woman or as a man 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).</p>	
<p>6) 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).</p>	<p>7) World Rowing may publish guidelines to assist rowers who have changed their gender, or intend to do so, and who intend to seek a determination from the Executive Committee of that rower's eligibility to compete either as a woman or as a man.</p> <p>8) As a general guideline, a rower who has changed their gender, or intends to do so, and seeks to be determined as eligible to compete as a woman, will be required:</p> <p>a) First, to satisfy the Gender Advisory Panel that the rower's serum testosterone concentration has been less than 2.5 nmol/L continuously for a period of at least the previous 24 months; and</p> <p>b) Secondly, meet any other requirements reasonably set by the Gender Advisory Panel and endorsed by the Executive Committee.</p>	
<p>10) 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.</p>	<p>9) A member federation may request a determination from the Executive Committee as to the eligibility of one of its rowers to compete either as a woman or as a man. No such request will be considered other than from a member federation.</p> <p>a) That member federation shall present the request for such determination in writing to the Executive Director together with any supporting material as well as the contact details of the rower.</p> <p>b) That supporting material shall include written confirmation from the rower that the rower seeks that determination and consents to that rower's medical and other personal details, as may be requested by the Gender Advisory Panel, being provided to the Panel;</p>	

	<ul style="list-style-type: none"> c) The Executive Committee will, however, treat any such request as a matter confidential between the rower (not the member federation) and the Executive Committee. d) The Executive Committee will inform the member federation of the rower's eligibility but will not share the athlete's private information that is the basis for that decision. e) The rower is entitled to be informed of the reasons for the decision as to eligibility. It is then for the rower to decide whether to share those reasons with that rower's member federation. 	
<p>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.</p> <ul style="list-style-type: none"> a) That member federation shall present the request for such determination to the Executive Director. 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. c) The member federation is entitled to be informed by the Executive Committee only as to whether the rower is eligible or not. d) The rower is entitled to be informed of the reasons for the decision as to eligibility. 	<p>10) Objection to gender eligibility</p> <ul style="list-style-type: none"> a) An objection to the gender eligibility of a rower to enter an event may be made only by a member federation b) Any such objection shall be made in writing to the Executive Director with any supporting material on which the member federation wishes to rely c) Any such objection shall be made as soon as reasonably possible once the member federation becomes concerned about the gender eligibility of a rower d) The member federation making such an objection shall not seek publicity for its objection or otherwise take any steps that might cause undue embarrassment to the rower who is the subject of the objection e) The Executive Committee shall then consider the written objection and decide either: <ul style="list-style-type: none"> i) to accept that objection for consideration, in which case the process for determination of gender eligibility shall apply; or 	

	<ul style="list-style-type: none"> ii) to dismiss the objection. Without limitation, the Executive Committee may dismiss an objection on the grounds either that it considers that the issue of that rower's gender eligibility has already been satisfactorily determined or that the objection is frivolous or otherwise lacks sufficient merit to justify further consideration f) If the Executive Committee accepts an objection: <ul style="list-style-type: none"> i) it shall forthwith give notice accordingly to the member federation of the rower concerned and invite the presentation of any material that might assist with a decision as to whether the rower may continue to compete while the determination process is undertaken; ii) After hearing from the member federation of the rower concerned, the Executive Committee shall decide whether or not the rower concerned may compete while the determination process is being undertaken. 	
<p>9) The Executive Director shall refer a request under paragraph 8 above to the Gender Advisory Panel for evaluation.</p> <ul style="list-style-type: none"> a) The panel shall undertake that evaluation and report accordingly to the Executive Committee. 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 will advise the Executive Committee accordingly who may thereupon decline to give further consideration to the request for 	<p>11) The Executive Director may, if the circumstances require it, refer any issue relating to gender eligibility to the Gender Advisory Panel for evaluation. The panel shall undertake that evaluation and report with its advice accordingly to the Executive Committee.</p> <p>12) If a rower does not comply with a request by the Gender Advisory Panel for pertinent medical records or for an independent medical examination organised by the panel, the Convenor of the panel will advise the Executive Committee accordingly. The Executive Committee may suspend the rower from competition until the rower complies with the panel's requests.</p>	

determination of gender eligibility until the panel's requests are complied with.		
<i>Costs</i>	<i>Costs</i>	
<p>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:</p> <ul style="list-style-type: none"> 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; b) The costs and other expenses involved with an objection under Rule 46 relating to gender eligibility will be payable either <ul style="list-style-type: none"> i) by the objector in the event of an unsuccessful objection, or ii) by the member federation who entered the rower (or the rower if the rower submitted the entry) in the event of a successful objection. 	<p>12) The burden of costs involved with a determination of gender eligibility shall be at the sole discretion of the Executive Committee. In principle:</p> <ul style="list-style-type: none"> a) The costs involved with a request for a determination as to eligibility, or a contribution towards those costs, will be payable to World Rowing by the member federation that submitted the request b) The costs involved with an objection as to gender eligibility, or a contribution towards those costs, will be payable to World Rowing either <ul style="list-style-type: none"> i) By the objector in the event of an unsuccessful objection or ii) By the member federation who entered or approved the entry of the rower in the event of a successful objection <p>13) Security for costs</p> <ul style="list-style-type: none"> a) The Executive Committee may require a member federation that makes either a request for a determination or an objection to an athlete's gender eligibility (as the case may be) to lodge funds with World Rowing that the Executive Committee may consider as sufficient and appropriate to provide security against costs. b) A failure to provide such security for costs will entitle the Executive Committee to decline to give any further consideration either to the request for determination or the objection to gender eligibility. 	