

Bye-law to Rule 13- Proposal from GBR, GER, BEL, HUN, DEN, AUS, EST

Appendix R1 Bylaw to Rule 13 – ~~SEX~~ GENDER ELIGIBILITY

APPENDIX R1 2024 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 Sex	
<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> <p>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;</p> <p>b) An objection by a member federation as to the gender eligibility of a rower to enter a particular event; or</p> <p>c) Its own decision to review and determine the gender eligibility of a rower.</p>	<p>1) The eligibility of a rower to compete in women’s events is subject to the over-riding authority of the Executive Committee to review and declare that rower’s eligibility at any time whether arising by way of:</p> <p>a) An application by a member federation for a declaration as to the eligibility of a rower to compete in women’s events, or as a woman in mixed events.</p> <p>b) A protest or objection by a member federation as to the eligibility of a rower to compete in women’s events, or as a woman in mixed events; or</p> <p>c) Its own decision to review and declare the eligibility of a rower to compete in women’s events, or as a woman in mixed events.</p>	

<p>2) Eligibility to compete as a woman</p> <p>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.</p> <p>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>	<p>2) Eligibility to compete as a woman</p> <p>a) A rower is eligible to compete as a woman in woman's events or in a mixed event, if the rower is female.</p> <p>b) The authority of the Executive Committee to determine any issue as to the eligibility of a rower to compete in women's events, or as a woman in mixed events, under this Rule shall include, but is not confined to, any such issue arising in the case of Gender Identification, Gender Transition Medical Treatment, Sex-reassignment, Hyperandrogenism, Transgender, and Variations of Sexual Development. The Executive Committee will prioritize fairness for female rowers during any such determination.</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>3) Eligibility to compete as a man</p> <p>a) A rower is eligible to compete in men's events, or as a man in mixed events, if the rower is not eligible to compete as a woman.</p> <p>3) Rule 13 (3) provides that to be eligible to compete in a women's event, a rower must be either:</p> <p>a) Assigned and recognised as female at the time of the rower's birth (AFAB); or</p> <p>Declared as eligible to compete as a woman pursuant to this Rule and its Bye-Law</p> <p>4) Declared Eligibility</p> <p>a) A rower who is not eligible to compete in a women's event on the basis of may be declared by the Executive Committee as-</p>	

	<p>eligible to compete in a women's event through the review process under this Bye-Law.</p> <p>b) The Executive Committee may make a declaration as to eligibility subject to such restrictions and conditions as it considers as reasonably necessary to maintain the integrity of the women's category.</p>	
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<i>World Rowing Gender Advisory Panel</i>	<i>World Rowing Sex Eligibility Gender Advisory Panel</i>	
<p>4) 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>d) The Convenor of that panel will be the Chair of the Sports Medicine Commission.</p> <p>e) 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>f) 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>g) 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>4) The Executive Committee will appoint and maintain from time to time a panel of experts in the specialist areas of Sports Physiology, Sex Differences in Athletic Performance, Gender Identification, Gender Transition Medical Treatment, Sex-reassignment, Hyperandrogenism, Transgender, Variations of Sexual Development (DSD) and Medico-Legal ethics to be known as the Sex Eligibility Gender <i>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 involved with sex gender eligibility that have been referred to it by the Executive Committee 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) Where the Executive Committee has referred an issue as to sex gender eligibility to the Sex Eligibility Gender <i>Advisory Panel</i>, it shall inform the member federation(s) involved of the names of the current panel members and their respective areas of expertise.</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 sex or gender identification of any rower is treated with due sensitivity.</p>	

	e) It is not the function of the Sex Eligibility Gender-Advisory Panel to provide advice to a member federation or rower.	
<i>The Executive Committee</i>	<i>The Executive Committee</i>	
<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>5) When considering any issue as to the eligibility of a rower to compete as a woman, in a women's event, the Executive Committee may consider:</p> <p>a) any report that it receives from the Sex Eligibility Gender-Advisory Panel as to the medical / scientific aspects of the case; and</p> <p>b) any criteria as to eligibility based on sex 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>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>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</p>	<p>6) The Executive Director may, if it considers that the circumstances require it, refer an issue related to sex as to gender eligibility to the Gender Sex Eligibility Advisory Panel for evaluation.</p> <p>a) The Sex Eligibility Gender Advisory Panel shall undertake that evaluation and report with its advice accordingly to the Executive Committee.</p> <p>b) To assist with its evaluation, the Sex Eligibility Gender Advisory Panel may request that the rower concerned provide to it any medical records or test results that the panel considers may assist it with its evaluation. The Sex Eligibility Gender-Advisory Panel may also request that the rower submit to further tests and/or clinical examination as the panel considers as necessary for it to complete its evaluation</p>	

<p>seeks to be determined as eligible to compete as a woman, will be required:</p> <ul style="list-style-type: none"> 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 b) Secondly, meet any other requirements reasonably set by the Gender Advisory Panel and endorsed by the Executive Committee. 	<ul style="list-style-type: none"> c) If the rower concerned declines to comply with any such reasonable requests by the Sex Eligibility Gender Advisory Panel, the Convenor of the Sex Eligibility Gender-Advisory Panel will advise the Executive Committee accordingly. In that event: <ul style="list-style-type: none"> i) Where the issue arises from an application for a declaration as to sex gender eligibility, the Executive Committee may then decline to consider the request further until the panel's requests have been complied with. ii) Where the issue arises from an objection as to sex gender eligibility, or in any other case where the sex gender-eligibility of a rower is in issue, the Executive Committee may suspend the rower from competition until the panel's requests are complied with. 	
	<p><i>Application for a Declaration as to Eligibility</i></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> <ul style="list-style-type: none"> 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. b) That supporting material shall include written confirmation from the rower that the rower seeks that determination and 	<p>7) A Member Federation may apply to the Executive Committee for a declaration as to the eligibility of one of its rowers to compete in women's events or as a woman in mixed events. No such application will be considered other than from a member federation.</p> <ul style="list-style-type: none"> a) That Member Federation shall present the application in writing to the Executive Director together with any supporting material including the contact details of the rower. b) It is for the Member Federation to satisfy the Executive Committee and/or the Sex Eligibility Gender Advisory Panel (as the case may require) 	

<p>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> <p>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.</p> <p>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.</p> <p>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>	<p>that the subject rower should be declared to be eligible to compete in women's events, or as a woman in mixed events.</p> <p>c) The Executive Committee will treat any such application as a matter confidential between the rower (not the Member Federation) and the Executive Committee and with due sensitivity to the privacy interests of the rower.</p> <p>d) The Member Federation is entitled to be informed by the Executive Committee only as to whether the rower is eligible or not but not the reasons for that decision.</p> <p>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>	
	<p><i>Objection to Eligibility</i></p>	
<p>10) Objection to gender eligibility</p> <p>a) An objection to the gender eligibility of a rower to enter an event may be made only by a member federation</p> <p>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</p> <p>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</p>	<p>9) An objection to the eligibility of a rower to compete in women's events or as a woman in mixed events may be made only by a Member Federation</p> <p>a) Any such objection shall be made in writing to the Executive Director with any supporting material on which the Member Federation wishes to rely.</p> <p>b) The Member Federation making such an objection shall not seek publicity for its objection or otherwise take any steps that might cause embarrassment to the rower who is the subject of the objection</p>	

<p>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</p> <p>e) The Executive Committee shall then consider the written objection and decide either:</p> <p>i) to accept that objection for consideration, in which case the process for determination of gender eligibility shall apply; or</p> <p>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</p> <p>f) If the Executive Committee accepts an objection:</p> <p>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;</p> <p>ii) After hearing from the member federation of the rower concerned, the Executive Committee shall decide</p>	<p>c) The Executive Committee shall then consider the objection on those papers and decide either:</p> <p>i) to dismiss the objection summarily if the Executive Committee considers that the application is frivolous, vexatious, or otherwise without merit. In that event, the Executive Committee will be under no obligation to give other than the briefest reasons for its decision.</p> <p>ii) to accept that objection for further consideration, in which case the process for the determination of sex gender eligibility under this Bye-law shall apply.</p> <p>d) If the Executive Committee accepts an objection for consideration:</p> <p>i) it shall forthwith give notice accordingly both to the Member Federation of the rower concerned as well as the objecting Member Federation that a sex gender eligibility consideration will follow pursuant to this Bye-Law;</p> <p>ii) <i>Interim suspension from competition</i></p> <p>(1) The Member Federation of the rower shall be given the opportunity to be heard on whether the rower should be suspended from competition while the objection is being considered.</p> <p>(2) After hearing from the Member Federation of the rower on interim suspension, or in the absence of any</p>	
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<p>whether or not the rower concerned may compete while the determination process is being undertaken.</p> <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>i) 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>	<p>submission presented by the Member Federation of the rower, the Executive Committee shall decide whether the rower may compete while the sex gender eligibility consideration is being undertaken;</p>	
<p><i>Costs</i></p>	<p><i>Costs</i></p>	
<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> <p>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</p> <p>b) The costs involved with an objection as to gender eligibility, or a contribution towards</p>	<p>10) The costs involved with a determination of gender eligibility, or a contribution towards those costs, shall be payable at the sole discretion of the Executive Committee. In principle, but without derogating from that general discretion:</p> <p>a) The costs involved with an application for a declaration as to eligibility, or a contribution towards those costs, will generally be payable to World Rowing by the Member Federation that submitted the application.</p> <p>b) The costs involved with an objection as to sex gender eligibility, or a contribution towards</p>	

<p>those costs, will be payable to World Rowing either</p> <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. <ul style="list-style-type: none"> i) 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. 	<p>those costs, will generally be payable to World Rowing either:</p> <ul style="list-style-type: none"> i) In the event of an unsuccessful objection, by the objecting Member Federation. ii) In the event of a successful objection, by the Member Federation who entered or approved (as the case may be) the entry of the rower. <p>b) <i>Security for costs</i> The Executive Committee may require a Member Federation who makes an application for a declaration as to sex gender eligibility or an objection as to sex gender eligibility (as the case may be) to lodge such funds with World Rowing that the Executive Committee may consider as sufficient and appropriate to provide security against costs. 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 to the objection to gender eligibility</p>	
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