



WHOLE-OF-SPORT GENDER DIVERSE AND TRANSGENDER INCLUSION POLICY

INTRODUCTION

1. This policy applies to all transgender and non-binary persons who seek to participate in Rowing at an Elite or a Community level.
2. In this policy:
 - (a) “Elite Rowing Activity” means any test, trial, race, event, regatta or activity:
 - (i) which is a mandatory requirement for athletes seeking selection to a State or Territory rowing team;
 - (ii) conducted by a State or Territory Rowing Association which is deemed to be an HP event, as detailed in the ‘Guidelines’;
 - (iii) for National Institute Network (*NIN*) or State or Territory categorised pathway athletes, scholarship holders, and those on training agreements;
 - (iv) which is a mandatory requirement for athletes seeking selection to an Australian Rowing Team (including, without limitation, Under 19, Under 21, Under 23, University and Open/Senior Australian rowing teams across all disciplines); or
 - (v) which an Australian Rowing Team (including, without limitation, Under 19, Under 21, Under 23, University and Open/Senior Australian rowing teams) competes.
 - (vi) Without limiting the foregoing, “Elite Rowing Activity” shall include the Australian Rowing Championships, Australian Masters Rowing Championships, Australian Indoor Rowing Championships, and the Australian Coastal Rowing and Beach Sprint Championships.
 - (b) “Community Rowing Activity” means any test, trial, race, regatta, event or activity that is not an Elite Rowing Activity.
3. Community Rowing Activities are dealt with in accordance with the ‘Guidelines’.

APPLICATION BY TRANS WOMEN AND NON-BINARY PEOPLE TO PARTICIPATE IN WOMEN’S ELITE ROWING ACTIVITIES

4. A person who transitions from male to female or a non-binary person wishing to participate in a Women’s Elite Rowing Activity (**Applicant**) must lodge an application for approval with RA (**Application**) and have that Application approved in accordance with this policy.
5. Applications must be submitted to RA by email to GDApplication@rowingaustralia.com.au at least three months prior to the relevant activity using the form attached as ANNEXURE A. Upon receipt, RA will provide a copy of the Application to the relevant State or Territory Rowing Association.

6. The Applicant must provide the following information to enable RA to assess the relevant aspects of their strength, stamina or physique:
 - (a) medical records that establish that the Applicant's total testosterone level in serum, has been maintained below 2.5 nmol/L for at least 24 months prior to the date of the Application;
 - (b) medical records that establish the Applicant's haemoglobin levels, at any time in the 3 month period immediately prior to the date of Application, are within 12.1 to 15.1 grams per decilitre (inclusive);
 - (c) a medical report from the medical specialist who has overseen and managed any medical intervention relating to the Applicant;
 - (d) officially accepted documentation (including passport or birth certificate) which demonstrates that the Applicant's gender is female.
7. In assessing the relevant aspects of an Applicant's strength, stamina or physique, RA may have regard to data pertaining to the Applicant's:
 - (a) Concept 2 ergometer results: 7x4min Step Test & VO2 max, 2000m and 5000m; and
 - (b) strength testing (gym) results: 3RM Squat, 3RM Bench Pull and 3RM Bench Press; and
 - (c) physical measures: Height, Weight, Arm Span, DEXA scan.
8. RA may conduct testing of the Applicant (to be supervised by RA or its representative) to collect data relating to the measures set out in item 7 above and the Applicant must, as a condition of the Application process, cooperate in the provision of that data.
9. RA considers that the presence of testosterone levels above the thresholds set under this policy would provide an Applicant with a relevant and significant disparity in the Applicant's strength, stamina or physique and consequential competitive advantage. An Applicant whose Application is approved, and who subsequently participates in the Elite Rowing Activity the subject of the Application, is required to maintain their total testosterone level in serum below 2.5 nmol/L at all times (including during out-of-competition periods), and may be required to provide reasonable medical documentation or undergo periodic testing supervised by RA or its representative to verify their total testosterone level.
10. RA may also have regard to longitudinal data collected by it or by third parties which relates to measures of relative strength, stamina or physique to supplement and/ or verify the data collected. Any third-party information that is relied upon by RA must be provided to the Applicant.
11. The Applicant will be required to provide a copy of any Therapeutic Use Exemption granted to them through the Australian Sports Drug Medical Advisory Committee (ASDMAC).
12. Applications under this policy will be assessed and determined by the Application Assessment Committee (**AAC**) in accordance with the procedure set out in ANNEXURE B.

ELIGIBILITY OF TRANS MEN AND NON-BINARY PEOPLE TO PARTICIPATE IN A MEN'S ELITE ROWING ACTIVITY

13. A trans man or a non-binary person is eligible to participate in a Men's Elite Rowing Activity provided their officially accepted documentation (passport or birth certificate) shows their gender is not female.
14. RA does not consider that there is the potential for relevant competitive advantage in favour of trans men or non-binary people over cis-gender men.

ANTIDOPING

15. Nothing in this policy is intended to displace applicable World Anti-Doping Agency or Sport Integrity Australia codes, standards or guidelines, or Rowing Australia's Anti-Doping Policy. The terms of these anti-doping codes, standards and policies will prevail, to the extent of any inconsistency, over the terms of this policy.
16. Nothing in this policy will be deemed to permit, excuse or justify any non-compliance with anti-doping requirements including, without limitation, any requirement for a person to obtain a Therapeutic Use Exemption for the use of a prohibited substance, such as testosterone.

PRIVACY

17. Subject to the terms of this policy, all personal or sensitive information provided by an Applicant to RA under this policy must not be disclosed to any person who is not involved in the assessment of, or advising upon, the Application.
18. Any public disclosure made by an Applicant regarding their personal or sensitive information provided by the Applicant to RA pursuant to this policy may be taken as their implied consent for RA to publicly address its decision to refuse the Application (provided at all times that no confidential information will be disclosed by it).



ANNEXURE A – Application Form

ROWING AUSTRALIA GENDER DIVERSITY POLICY APPLICATION FORM

In accordance with the operation of the Rowing Australia (RA) Gender Diverse and Transgender Inclusion (GDTI) Policy, all transgender women and non-binary persons seeking to compete in the women’s category of racing in high performance competitions and activities (as detailed in the RA GDTI Guidelines) must complete this Application Form and provide the information listed in Requirements 1-5 (inclusive) listed in it which will form their application for approval of their participation (**Application**).

SECTION A

I (full name) Preferred pronoun
 of (address)
 Post Code Phone Email

SECTION B

In making this Application, I acknowledge and agree that:

1. I identify my gender as (tick applicable):
 - trans woman
 - trans man
 - non-binary
2. My eligibility to compete in the women’s category of racing in identified high-performance competitions and activities is strictly subject to approval of this Application and I will only be eligible to compete in this category if this Application is approved in accordance with the RA GDTI Policy.
3. I will abide by and comply with the requirements of the RA GDTI Policy and all reasonable requests made by RA and/or my respective State Rowing Association of me in connection with this Application and the operation of the RA GDTI Policy.

SECTION C

In connection with this Application, I have provided the following information as required by the RA GDTI Policy (or if not provided, I have provided an explanation as to why):

Requirement 1:	Medical and pathology (blood test) records that establish that the Rower’s: 1) total testosterone level in serum for at least 24 months prior to the date of this Application 2) haemoglobin levels, at any time in the 3-month period immediately prior to the application
Requirement 2:	A medical report outlining relevant medical treatment connected to the Rower’s gender transition over the 24 month period prior to the date of this Application
Requirement 3:	Data over the 24-month period prior to the date of this Application pertaining to the Applicant’s: <ul style="list-style-type: none"> ▪ Anthropometric measures: height, weight, arm (wing) span, DEXA body composition (if available) ▪ Strength testing: 3RM bench press, 3RM bench pull, 3RM squat ▪ Concept 2 ergometer results: 7 x 4 min Step Test & VO2 max, 2000m and 5000m
Requirement 4:	A copy of any Therapeutic Use Exemption (TUE) granted through the Australian Sports Drug Medical Advisory Committee (ASDMAC)
Requirement 5:	Any other supporting documentation relevant to the assessment of this Application



I confirm that the information provided by me as part of this Application (i.e. on this Form and in response to the Requirements noted above) is true and correct and I have not withheld any information that is relevant to consideration and determination of this Application.

THIS SECTION MUST BE SIGNED BY THE APPLICANT

Signed: Date:

PLEASE DO NOT COMPLETE BELOW THIS LINE

Lodged with the RA on: (date) at (time)

Signed:

This Application must be marked "Private and Confidential" for the attention of the "RA Principal Medical Officer". Applications must be submitted by email to GDApplication@rowingaustralia.com.au.



ANNEXURE B – Application Assessment

1. As and when required, RA will establish a committee known as the Application Assessment Committee (**AAC**) to assess and determine Applications under this Policy. The AAC will consist of up to three persons including the RA Principal Medical Officer (**PMO**). For the avoidance of doubt, the AAC may consist of the PMO sitting alone.
2. In considering the Application, the AAC will have regard to:
 - (a) all information and data provided by the Applicant;
 - (b) all data collected by RA as part of the Application;
 - (c) any relevant third-party data, including but not limited to statistical information maintained in respect of the Applicant's participation in other competitive sports;
 - (d) research and other information relating to the inclusion of gender diverse people in competitive sport; and
 - (e) any evidence of any significant difference or competitive advantage arising from the Applicant's participation in Community Rowing Activities.
3. The AAC may also have regard to independent legal, medical, gender diverse and/or other expert advice obtained by the AAC as it sees fit and in its absolute discretion in understanding and assessing information provided to it in connection with the nomination.
4. If the AAC requests the attendance of the Applicant to appear before it and/or meet with representatives of the AAC to answer any questions in connection with the Application, the Applicant will be permitted to attend such meeting with a support person.
5. The AAC may refuse an Application if it is satisfied that there is a relevant, and significant, disparity in the Applicant's strength, stamina or physique when compared to data procured from cisgender participants in the two years preceding the date of the Application (**Comparison Data**) which may reasonably be regarded to give rise to an unreasonable competitive advantage to the Applicant having regard to:
 - (a) the Applicant's maintenance of their total testosterone levels;
 - (b) mean, median and range of the Comparison Data pertaining to and of the data referred to in item 7 of this policy; and
 - (c) incidence or absence of any evidence of any significant difference or competitive advantage arising from the Applicant's participation in Community Rowing Activities.

Decision by AAC to approve an Application

6. If the AAC determines to approve an Application, the AAC will inform the Applicant, RA and the relevant State or Territory Rowing Association of that final decision confidentially.

Decision by AAC to refuse an Application

7. If the AAC determines to refuse an Application, the AAC will inform the Applicant, RA and the relevant State or Territory Rowing Association of that final decision confidentially.

RA review of final decision

8. RA may, at its own initiative and at its sole discretion, refer back to the AAC a final decision made under this Policy by the AAC to approve or refuse an Application if RA becomes aware of new information which, if available at the time of making the final decision, may reasonably have affected the outcome of the Application. A referral made under this provision shall be made no later than 1 month after the final decision of the AAC.

Applicant may request review of final decision to refuse Application

9. An Applicant whose Application is refused may request a review of the decision by the National Sports Tribunal (**NST**) within seven (7) calendar days of notification of the final decision.
10. The bases on which a final decision may be reviewed are:
 - (a) the AAC failed to have regard to relevant considerations, or had regard to irrelevant considerations;
 - (b) the AAC was affected by a conflict of interest; or
 - (c) the final decision reached, or the decision-making process followed, is inconsistent with this policy or any relevant laws.
11. The NST will determine whether to confirm or overturn the decision of the AAC and/or make any reasonable direction including remittal of the matter back to the AAC for further consideration.
12. The Applicant seeking review may provide new information only if that information was not available in the first instance.

No review of decision to approve Application

13. RA will not hear any request or application by a third party to review any decision (whether it be a decision of the AAC or on review by the NST) to approve an Application.