



TRANSGENDER ELIGIBILITY AND PARTICIPATION  
POLICY

**Version: [0.2]**

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## 1. Introduction

- 1.1 The British Judo Association (“**BJA**”) is the national governing body (“**NGB**”) responsible for regulating within its jurisdiction the participation of persons in all the disciplines of the sport of judo in Great Britain (“**Judo**”). BJA is a Member Federation of the IBSA and IJF (as defined below) and is responsible for determining the participation framework for Judo.
- 1.2 BJA has a duty of care to all Athletes competing in Judo and it is BJA’s view that gender identity should not be a barrier to participation. The purpose of this document is to provide clear eligibility and inclusion criteria (“**Eligibility Criteria**”) and processes which enable Transgender Athletes to participate in Judo (this “**Policy**”). This Policy reflects BJA’s commitment to providing safe, fair, inclusive, and non-discriminatory opportunities for all Athletes.
- 1.3 BJA undertakes to make available (on request) electronic copies of this Policy as amended from time to time. Electronic copies of this Policy are available on the BJA website (the “**Website**”). The Website will also contain contact details in the event that (i) any person is unable to download this Policy; and/or (ii) any person requires this Policy in another format, for example, in braille or large print. All requests will be considered on their merits on a case-by-case basis. In circumstances where an individual has been recognised as having an intellectual impairment, BJA shall use all reasonable endeavours to communicate the contents of this Policy to such individual in the most appropriate manner and form in liaison with the parents of, or other persons with legal responsibility (where appropriate) for such individual.
- 1.4 BJA also agrees that in any case where there is an actual or alleged breach of this Policy by an individual who has been recognised as having an intellectual impairment, in considering whether or not there has been any such breach and/or in determining whether or not it imposes any sanction and, if so, what that sanction should be, BJA shall reasonably consider and take into account the nature and effect of the impairment. BJA will in good faith hear reasonable representations relating to this.

## 2. Definitions and Interpretation

- 2.1 The following terms have the following meanings:

<b>Affirmed Gender:</b>	the Sex that a person identifies as or has transitioned/is transitioning to as opposed to that which was assigned at birth;
<b>Athlete:</b>	any athlete including Masters-Athletes, Para-Athletes who participates in Judo under the jurisdiction of BJA;
<b>Athlete Support Personnel:</b>	any Coach, trainer, manager, agent, team staff, official, nutritionist, medical, paramedical personnel, parent or other person with legal responsibility or any other person working with, treating or assisting an Athlete participating in or preparing for sports participation under the jurisdiction of BJA;
<b>Applicable Laws:</b>	any and all: (i) laws, statutes, regulations, decisions, rulings, directives, codes of practice, government policies, enactments or instruments (including national, regional, local or principal laws, regulations or by-laws of any kind whatsoever) relevant to this Policy;
<b>Biological Sex:</b>	the chromosomes, reproductive organs and other characteristics of an individual which determine their Sex;
<b>BJA Competitions:</b>	competitive Judo competitions (including Competitive Dan competitions) where Athletes engage in contests which are adjudicated by a referee which are licenced, owned, run and/or organised by or on behalf of BJA;

<b>Chromosomal Sex:</b>	the chromosomes of an individual which determine their genetic or Biological Sex;
<b>Club:</b>	any Judo club licenced by or affiliated with BJA to which the Athlete is officially registered from time to time (including any club to which the Athlete's registration is temporarily transferred);
<b>Coach:</b>	BJA licensed Judo coaches;
<b>Competitive Dan Grade(s):</b>	BJA' Judo grading system based on physical, competitive ability;
<b>Dan Grade(s):</b>	BJA's Judo grading system aimed at Athletes 15 years and older who have completed the Kyu Grades and/or Mon Grades. Dan Grade(s) consist of two distinctive categories, Competitive Dan and Technical Dan;
<b>Data Protection Legislation:</b>	all applicable laws relating to data protection, the processing of personal data and privacy, including: the Data Protection Act 2018, the General Data Protection Regulation (EU) 2016/679 (EU GDPR) and UK General Protection Regulation (UK GDPR) , the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications), and any other data protection and/or privacy legislation applicable in the UK from time to time, (each as amended, updated, replaced or re-enacted from time to time and including all subordinate legislation made from time to time under or giving effect to the same) and references to "sensitive personal information" have the meaning set out in, and will be interpreted in accordance with, such applicable laws;
<b>DSD:</b>	differences (or disorders) in sexual development where external genital appearance is discordant with internal reproductive organs (testes and ovaries);
<b>EJU:</b>	the European Judo Union, the international union recognised by the IJF as one of five continental unions for administering Judo competitions;
<b>EJU Competitions:</b>	events, tournaments and other international competition events under the jurisdiction of the EJU;
<b>Eligible Impairment:</b>	an Impairment designated as being a prerequisite for Para-Athletes competing in Judo;
<b>England Judo:</b>	the NGB for Judo in England;
<b>Female:</b>	possession of XX chromosomes and (in the absence of medical intervention) ovaries and increased circulating oestrogen and progesterone starting at puberty;
<b>Grading(s):</b>	BJA's four grading awards (Sho Awards, Mon Grades, Kyu Grades and Dan Grades) which acknowledge the progression and achievement of Athletes in Judo;
<b>Home Nation(s):</b>	the Home Nation Bodies of Judo within Great Britain (Judo Scotland, Northern Ireland Judo Federation and the Welsh Judo Association) which are members of BJA;

<b>Home Nation Competitions:</b>	See BJA Competitions;
<b>IBSA:</b>	the International Blind Sports Federation, the international federation recognised by the IPC for administering international Judo competitions for Para-Athletes;
<b>IBSA Competitions:</b>	events, tournaments and other international competition events under the jurisdiction of the IBSA;
<b>Impairment:</b>	a visual impairment;
<b>IJF:</b>	the International Judo Federation, the international federation recognised by the IOC for administering international Judo competitions;
<b>IJF Competitions:</b>	events, tournaments and other international competition events under the jurisdiction of the IJF;
<b>IOC:</b>	the International Olympic Committee;
<b>IPC:</b>	the International Paralympic Committee;
<b>Judo Scotland:</b>	the NGB for Judo in Scotland;
<b>Kyu Grade(s):</b>	BJA's Non-Competitive Judo Grading system based on technical ability, knowledge and understanding aimed at 14 year olds and older or Athletes who are between 14 and 17 year olds who already hold Mon Grades;
<b>Legal Gender:</b>	the Sex or gender that is recognised under the law;
<b>Male:</b>	possession of XY chromosomes and (in the absence of medical intervention) testes and increased circulating testosterone starting at puberty;
<b>Masters-Athlete:</b>	athletes over the age of 30 who participate in Judo under the jurisdiction of BJA;
<b>Member Federation:</b>	a national governing body for Judo which is a member of the IBSA and IJF;
<b>Mon Grade(s):</b>	BJA's Non-Competitive Judo Grading system based on technical ability, knowledge and understanding aimed at 8-to-17-year olds;
<b>Non-Competitive Judo:</b>	General training in the club setting including, but not limited to, technical development, Randori and Sho Awards, Mon Grades, Kyu Grades and Technical Dan Grades;
<b>Northern Ireland Judo:</b>	the NGB for Judo in Northern Ireland;
<b>Para-Athlete:</b>	athletes with an Eligible Impairment who participate in Judo under the jurisdiction of BJA;
<b>Randori:</b>	All variances of Judo 'free-style exercise' between two participants as part of training in a club setting;
<b>Sex:</b>	natural biological differences between Females and Males, including chromosomes, reproductive organs, and endogenous hormonal

profiles. This Policy uses the word Sex and the term “Biological Sex” interchangeably;

<b>Sho Award(s):</b>	BJA’s Non-Competitive award system based on developing fundamental movement skills for 5 to 7 year olds;
<b>Tanner Stages:</b>	the five stages of puberty during which individuals develop secondary Sex characteristics. Tanner Stage 2 denotes the onset of puberty. The normal time of onset of puberty ranges from 8 to 13 years old in females and from 9 to 14 years old in males;
<b>Technical Dan Grade(s):</b>	BJA’s Non-Competitive Judo grading system based on knowledge and understanding rather than physical ability and/or competition results and/or points;
<b>Therapeutic Use Exemption/ TUE:</b>	a Therapeutic Use Exemption allows an Athlete with a medical condition to use a Prohibited Substance or Prohibited Method as defined in the WADA Code; but only if the conditions set out in the International Standard for Therapeutic Use Exemptions are met;
<b>Transgender:</b>	people whose gender is not the same as, or does not sit comfortably with the Sex they were assigned at birth;
<b>Transgender Athlete:</b>	any Athlete who is Transgender (Transgender Woman or Transgender Man) and participates in Judo under the jurisdiction of BJA;
<b>Transgender Woman/ Women:</b>	someone who is assigned male at birth but identifies and lives as a Female. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female;
<b>Transgender Man/ Men:</b>	someone who is assigned female at birth but identifies and lives as a Male. This may be shortened to trans man, or FTM, an abbreviation for female-to-male;
<b>UKAD:</b>	United Kingdom Anti-Doping (or any successor to, or replacement thereof). UKAD is responsible for ensuring sports bodies in the United Kingdom are compliant with the WADA Code through implementation and management of the UKAD Rules;
<b>UKAD Rules:</b>	the rules of UKAD known as the United Kingdom Anti-Doping Rules (as in place from time to time);
<b>WADA:</b>	World Anti-Doping Agency (or any successor to, or replacement thereof);
<b>WADA Code:</b>	the Code of WADA (as in place from time to time) which provides the framework for anti-doping policies, rules, and regulations within sport organisations and among public authorities. It is designed to harmonise anti-doping policies and ensure the standards are the same for all athletes within all sports and countries; and
<b>Welsh Judo Association:</b>	the NGB for Judo in Wales.

2.2 References to “include” and “including” in this Policy are to be construed without limitation.

### **3. Background to the Policy**

- 3.1 Judo is a gender-affected sport as defined by legislation<sup>1</sup> in that the physical strength, stamina, or physique of average persons of one Sex would put them at a disadvantage (or advantage) to average persons of the other Sex, as competitors in an event of that gender-affected sport. BJA Competitions are therefore, separated into men's and women's competition categories. It is generally regarded that the purpose of Sex segregation relates to the fairness of competition and safety of Athletes. Due to the performance gap that emerges at puberty between biological males as a group and biological females as a group, separate Sex competition is necessary for the attainment of these objectives. Sport, therefore, uses Sex segregation as a mechanism to protect those who are physiologically disadvantaged due to their Sex.
- 3.2 BJA is committed to: (1) ensuring equal opportunity for both male and female Athletes to participate and succeed in Judo, including through the equal representation in its programmes and competitions of Athletes of both Biological Sexes; and (2) ensuring competitive fairness and physical safety within BJA Competition categories.
- 3.3 On 12th November 2021, the IOC issued its new "Framework on Fairness, Inclusion and Non-Discrimination on the basis of Gender Identity and Sex Variations" (the "IOC Framework"). The IOC Framework granted autonomy to sporting international federations (including the IBSA and IJF) to determine the eligibility and inclusion criteria and frameworks for their particular sports. Following the IOC Framework and the earlier publication by the Sports Council Equality Group on the 30th September 2021 of "The UK's Sports Councils Guidance for Transgender Inclusion in Domestic Sport", BJA has undertaken a review of its eligibility and participation criteria resulting in the creation and adoption of this Policy. This Policy is intended to be comprehensive, fair and equitable.

### **4. The Policy Objectives**

- 4.1 BJA is committed to the inclusion of all Athletes in Judo, subject to the Eligibility Criteria set out in this Policy.
- 4.2 It is committed to the separation of Judo into men's and women's categories according to Sex, as this is necessary for the attainment of the goals that are set out in Section 3 of this Policy. It is also committed to providing the opportunity for Transgender Athletes to participate in Judo and compete in BJA Competitions pursuant to Eligibility Criteria that are consistent with and do not undermine those goals.
- 4.3 In light of these commitments, the objectives of this Policy are:
- 4.3.1 to maintain the separation of Judo into men's and women's categories according to scientifically grounded, Sex-based criteria;
  - 4.3.2 to provide opportunities for Transgender Athletes to compete in BJA Competitions in the competition category that reflects their Affirmed Gender based on Eligibility Criteria that are consistent with and do not undermine BJA's goals; and
  - 4.3.3 to provide a comprehensive, fair and equitable process by which Transgender Athletes may establish their eligibility for BJA Competitions.

### **5. Application of the Policy**

- 5.1 This Policy came into effect on the Date of Issue specified on the front cover.
- 5.2 This Policy shall apply to:

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<sup>1</sup> As defined in section 195 Equality Act 2010

- 5.2.1 all Athletes competing in BJA Competitions;
  - 5.2.2 all Athletes competing in Home Nation Competitions;
  - 5.2.3 Non-Competitive Judo; and
  - 5.2.4 all Athlete Support Personnel.
- 5.3 This Policy shall not apply to:
- 5.3.1 DSD Athletes;
  - 5.3.2 competitions outside of BJA Competitions, EJU Competitions, IBSA Competitions and IJF Competitions;
  - 5.3.3 Athletes and Athlete Support Personnel involved in training camps, other activities, or competitions wholly within the jurisdiction of IBSA, IJF and/or any other body outside of BJA's jurisdiction; and
  - 5.3.4 any case involving a prohibited substance or other offence under the WADA Code, BJA Anti-Doping Rules, IBSA Anti-Doping Rules, IJF Anti-Doping Rules and UKAD Rules (as in place from time to time) which shall be dealt with by WADA, BJA, IBSA, IJF the IJF and/or UKAD according to the relevant Anti-Doping Rules.
6. **Power to Change, Rescind or add to the Provisions of the Policy**
- 6.1 In the event an issue arises that is not foreseen in this Policy, it will be addressed by BJA in a manner that protects and promotes the objectives identified in this Policy.
  - 6.2 BJA is committed to reviewing this Policy periodically which may be amended from time to time by BJA.
7. **Laws**
- 7.1 The laws of England and Wales shall apply to this Policy.
8. **Athlete Support**
- 8.1 Parents, or other persons with parental responsibility for all Athletes aged under 18 (or such younger age if applicable law so dictates) ("**Minor**") understand and agree, in respect of the Minor for which they have legal responsibility, for the Minor as an Athlete to be bound by all aspects of this Policy.
  - 8.2 Any individual seeking information on the application of this Policy should contact BJA for assistance at [safeguarding@britishjudo.org.uk](mailto:safeguarding@britishjudo.org.uk).
9. **Eligibility Criteria**
- 9.1 All Athletes are eligible to compete in the men's category or in the women's category in BJA Competitions, whatever their Legal Gender and/or Affirmed Gender subject to the Eligibility Criteria set out below. Subject to that criteria, no Athlete is excluded from a BJA Competition based on their Legal Gender and/or Affirmed Gender.
  - 9.2 All Athletes (including Transgender Athletes) are eligible to practice Non-Competitive Judo without Sex segregation subject to Coaches ensuring that training occurs between Athletes of equivalent Grading, experience, competence, strength, weight and capability.
  - 9.3 All issues relating to the eligibility of a Transgender Athlete under this Policy to compete in BJA Competitions in a Sex category which is different to their Chromosomal Sex will be determined



by BJA's Inclusion and Participation Panel (the "**Panel**"). The Panel shall comprise of three independent representatives including one medical expert, one legal representative and one Judo representative (e.g., a Coach from the specific discipline within which the Transgender Athlete wishes to compete); all of whom shall possess the appropriate expertise ("independent" within this Section and Section 14 relates to being independent of the case and the Athlete). BJA's Head of Inclusion, Safeguarding and Wellbeing shall act as Chair and shall have the casting vote in the event that a decision is tied. The Panel shall not consist of any members of the BJA Board.

- 9.4 Where an Athlete and/or Transgender Athlete from another sport wishes to participate in Judo, BJA shall not recognise nor give effect to any decision of the other sport governing body relating to the Athlete's and/or Transgender Athlete's participation in that sport.

#### **10. Eligibility Criteria for Men's Category BJA Competitions**

- 10.1 All Male Athletes, are eligible to compete in BJA Competitions in the men's category, regardless of their Legal Gender and/or Affirmed Gender.

#### **11. Eligibility Criteria for Women's Category BJA Competitions**

- 11.1 All Female Athletes are eligible to compete in BJA Competitions in the women's category, regardless of their Legal Gender and/or Affirmed Gender.

- 11.2 Female Athletes who have previously used testosterone as part of female-to-male gender-affirming hormone treatment (with or without a TUE) but are no longer following that treatment are eligible to compete in the women's category in BJA Competitions if they can establish to BJA's reasonable satisfaction that (a) the testosterone use was for less than a year in total (i.e., from the date of first use to the date of last use) and did not take place during pubertal growth and development, and (b) their testosterone levels in serum (or plasma) are back to pre-treatment normal and any associated anabolic effects have been eliminated.

- 11.3 Female Athletes who have used testosterone in violation of the WADA Code, BJA Anti-Doping Rules, IBSA Anti-Doping Rules, IJF Anti-Doping Rules and UKAD Rules (as in place from time to time) (or any other applicable anti-doping rules) may return to competition after they have served their period of ineligibility.

#### **12. Eligibility Criteria for Transgender Athletes for BJA Competitions**

Transgender Athletes are eligible to compete in BJA Competitions in a Sex category which is different to their Chromosomal Sex if they can establish to BJA's reasonable satisfaction that they did not experience any part of puberty beyond Tanner Stage 2 or before age 12, whichever is later.

#### **13. Satisfaction of the Eligibility Criteria and Transgender Athlete Applications**

- 13.1 Any Transgender Athlete who wishes to be eligible to participate in a BJA Competition in a Sex category which is different to their Chromosomal Sex pursuant to Section 12 (above), as a condition to such eligibility, and subject always to the confidentiality provisions set out in this Policy shall:

13.1.1 fully comply with this Policy;

13.1.2 cooperate promptly and in good faith with BJA and any Panel in the discharge of their respective responsibilities under this Policy, including to provide them with all of the information and evidence they request to enable them to assess compliance and/or monitor continuing compliance with the Eligibility Criteria;

13.1.3 when providing information pursuant to this Policy provide accurate and complete information, and not provide any information in bad faith or for an improper purpose;

- 13.1.4 to the fullest extent permitted and required under Data Protection Legislation and other laws of the United Kingdom (and any other applicable jurisdictions) consent to the collection, processing, disclosure, and use of information (including their sensitive personal information) as required to implement and apply this Policy effectively and efficiently; and
- 13.1.5 follow the procedures set out in this Policy and not to bring any proceedings in any court or other forum that are not set out in this Policy.
- 13.2 If, in BJA's discretion, a case arises that requires further consideration under this Policy, that matter will be dealt with in accordance with this Policy.
- 13.3 Any Transgender Athlete who wishes to establish their eligibility under this Policy must file an eligibility and participation application in writing to the BJA Head of Inclusion, Safeguarding and Wellbeing via [safeguarding@britishjudo.org.uk](mailto:safeguarding@britishjudo.org.uk) (the "**Application**").
- 13.4 A Transgender Athlete may revoke at any time, with or without giving reasons, the Application and/or any consents granted as part of their Application, in which case they will be deemed to have withdrawn any claim to satisfy the Eligibility Criteria.
- 13.5 The Application must contain the following:
- 13.5.1 the consents and waivers necessary to allow BJA to provide the Transgender Athlete's Application to the Panel who will conduct the eligibility assessment detailed herein;
- 13.5.2 the Transgender Athlete's BJA membership number and the consents and waivers necessary to allow the Panel to review the Transgender Athlete's membership records;
- 13.5.3 a comprehensive medical history and such other information as is required to demonstrate their satisfaction of the Eligibility Criteria;
- 13.5.4 evidence as to whether the Transgender Athlete requires and/or is in possession of a TUE authorising their participation;
- 13.5.5 substantive evidence, medical, scientific or otherwise that demonstrates the safety and fairness for both the Transgender Athlete and their opponent should the Transgender Athlete be permitted to compete in in BJA Competitions;
- 13.5.6 details of the specific Judo discipline and Sex category the Transgender Athlete wishes to participate in, their participation history and to what level they aspire to participate in the future; and
- 13.5.7 in addition to the medical matters addressed in this Policy, the Transgender Athlete must confirm if they have any additional medical conditions that may affect their ability to compete, participate and/or perform which the Transgender Athlete considers the Panel should be aware of.
- 13.6 Within 14-days of receiving the Application, BJA shall acknowledge the Application and proceed to appoint the Panel and then notify the Transgender Athlete of the Panel members as soon as is practicably possible. At the time of appointment, the Panel shall be provided with a copy of the Application.
- 13.7 Upon notification of the Panel members, if the Transgender Athlete wishes to object to the appointment of a Panel member the objection must be made in writing within 7-days. The Transgender Athlete must include the basis of that objection. Unless the applicable Panel member withdraws or the other Panel members support the objection, the Chair of the Panel (unless the Chair is the subject of the objection in which case BJA shall decide), shall determine the matter and shall, if necessary, request that BJA appoint a replacement Panel member. If

no such objection is received within that 7-days, the identity of the Panel members shall be deemed accepted by the Transgender Athlete.

- 13.8 Once appointed the Panel shall write to the Transgender Athlete to confirm the Panel's appointment in addition to setting out the next stages of the process as detailed below.
- 13.9 Within 14-days of being appointed, the Panel shall convene virtually or in person to discuss the Application and to determine whether it requires further information from the Transgender Athlete in order to fully assess the Application.
- 13.10 The Panel shall then write to the Transgender Athlete to confirm whether any further information or clarity is required. If the Panel requires further information or clarity from the Transgender Athlete such information must be provided in accordance with the deadline set by the Panel. In the event that further time is required, the Transgender Athlete must write to the Panel to request such an extension.
- 13.11 As part of the Application process, the Panel may need to interview third parties associated with the Transgender Athlete for example, Coaches, Club representatives and/or medical professionals. If so, the Panel shall write to the Transgender Athlete to obtain the consents and waivers necessary to allow the Panel to contact the appropriate parties.
- 13.12 For the avoidance of doubt, the Transgender Athlete shall not approach, intimidate or influence any Panel member and/or third party involved in the Application process.
- 13.13 Once the Panel is satisfied with the information provided by the Transgender Athlete, it shall invite the Transgender Athlete to meet virtually or in person, during which the Panel and Transgender Athlete will discuss the Transgender Athlete's current circumstances, their understanding of the risks both physically and mentally arising as a result of competing in a Sex category which is different to their Chromosomal Sex and any questions the Panel may have as a result of the Transgender Athlete's disclosures and the Transgender Athlete may have.
- 13.14 Following the meeting with the Transgender Athlete, the Panel shall convene within 14-days to determine the outcome of the Application.
- 13.15 Upon the conclusion of the Panel meeting, the agreed decision of the Panel (with supporting reasons) will be communicated in writing within 14-days to the Transgender Athlete and BJA.
- 13.16 The Panel's decision will be final and binding on all parties.
- 13.17 In the event that the Application is successful the Transgender Athlete shall not be entitled to participate in their desired Judo discipline and Sex category until such time as they have been provided with written clearance by BJA.
- 13.18 The decision of the Panel shall be communicated to all appropriate third parties (for example; the IBSA, IJF, IOC, IPC, WADA, /or UKAD) for the purpose of enforcement. So far as is practicable, confidentiality will be maintained at all times in respect of all those involved unless there is an overriding obligation for such information to be shared with other interested parties. Any such information shared shall be on a need-to-know basis only.
- 13.19 The Panel shall conduct its Application assessment as expeditiously as possible and in accordance with the principles of natural justice. The Transgender Athlete should however be aware that the length of the assessment will be dictated by a number of factors, including the number and availability of persons to be interviewed or contacted their and the Transgender Athlete's co-operation. In the circumstances, the assessment process may be lengthy and potentially may span a number of months.
- 13.20 In its decision making, the Panel will consider the following factors:

- 13.20.1 the Eligibility Criteria including evidence as to whether or not the Transgender Athlete wishing to compete did not experience any part of puberty beyond Tanner Stage 2 or before age 12, whichever is later; and
  - 13.20.2 BJA's legal obligation that it must not restrict the participation of Transgender Athletes unless it is strictly necessary in order to uphold fair and/or safe competition; any other restriction would amount to direct discrimination;
  - 13.20.3 BJA's duty of care to all of its Athletes (including Transgender Athletes);
  - 13.20.4 the Transgender Athlete's competitive advantage (if any);
  - 13.20.5 the Transgender Athlete's competitive disadvantage (if any);
  - 13.20.6 the Transgender Athlete's safety and the safety of their opponent(s);
  - 13.20.7 the mental and physical risks associated with Judo; and
  - 13.20.8 any other factor that it deems necessary pursuant to this Policy.
- 13.21 For the avoidance of doubt no Transgender Athlete is required to undergo any medical assessment and/or treatment under this Policy. It is the Transgender Athlete's responsibility, in consultation with their medical team, to decide on the advisability of proceeding with any assessment and/or treatment.
- 13.22 The Eligibility Criteria operate without prejudice to all other rules and regulations that are applicable to all Athletes including of BJA, IBSA, IJF, IOC, IPC, WADA, /or UKAD) which must also be satisfied at all relevant times. In particular, nothing in this Policy is intended to undermine or affect in any way any of the requirements of the WADA Code, of the WADA International Standards (including the International Standard for Therapeutic Use Exemptions), BJA's Anti-Doping Rules, IBSA Anti-Doping Rules, IJF Anti-Doping Rules and UKAD Rules (as in place from time to time). Nothing in this Policy permits, excuses, or justifies non-compliance with any of those requirements, including any requirement for a Transgender Athlete to obtain a TUE for the use of substances on the WADA Prohibited List, such as testosterone, spironolactone, or GnRH agonists (see further the WADA Athletes Therapeutic Use Exemption Physician Guidelines, available at [www.wada-ama.org](http://www.wada-ama.org)).

#### 14. **Appeal Process**

- 14.1 In the event that the Application is not successful the Transgender Athlete shall have a right to appeal the decision of the Panel by giving written notice with reasons to the BJA Head of Inclusion, Safeguarding and Wellbeing via [safeguarding@britishjudo.org.uk](mailto:safeguarding@britishjudo.org.uk) within 14-days of receiving notification of the Panel decision (the "**Notice of Appeal**").
- 14.2 The Notice of Appeal shall:
- 14.2.1 state the date and decision against which the appeal is lodged;
  - 14.2.2 set out the statement of facts upon which the appeal is based, specifying the grounds of appeal relied upon which may include that:
    - 14.2.2.1 information was ignored or not considered by the Panel; or
    - 14.2.2.2 the process was tainted by reasonable bias or conflict of interest; or
    - 14.2.2.3 provisions of the procedure were not adhered to in a material fashion; or
    - 14.2.2.4 the findings of the Panel were irrational or otherwise exhibited in error of general law; or

- 14.2.2.5 additional information has come into the Transgender Athlete's possession which is integral to the Application;
  - 14.2.3 include any supporting documentation upon which the Transgender Athlete seeks to rely; and
  - 14.2.4 contain the consents and waivers necessary to allow BJA to provide the Transgender Athlete's Notice of Appeal to the Appeal Panel.
- 14.3 Within 14-days from receipt of the Notice of Appeal, BJA shall acknowledge the Notice of Appeal and proceed to appoint an Appeal Panel and then notify the Transgender Athlete of the Appeal Panel members as soon as is practically possible. The Appeal Panel shall comprise of three independent representatives including one medical expert, one legal representative and one Judo representative (e.g., a coach from the specific discipline within which the Transgender Athlete wishes to compete); all of whom shall possess the appropriate expertise. The Appeal Panel shall not consist of any members of the Panel, BJA's Board or BJA's Head of Inclusion, Safeguarding and Wellbeing. At the time of appointment, the Appeal Panel shall be supplied with a copy of the Notice of Appeal including any supplementary information provided by the Transgender Athlete during the course of the previous Application process.
- 14.4 The Transgender Athlete will be advised of the identity of the Appeal Panel members. If the Transgender Athlete wishes to object to the appointment of an Appeal Panel member the objection must be made in writing within 7-days. The Transgender Athlete must include the basis of the objection unless the applicable Appeal Panel member withdraws or the other Appeal Panel members support the objection, the Chair of the Appeal Panel (unless the Chair is the subject of the objection in which case BJA shall decide), shall determine the matter and shall, if necessary, request that BJA appoint a replacement Appeal Panel member. If no such objection is received within that 7-days the identity of the Panel Members shall be deemed accepted by the Transgender Athlete.
- 14.5 Within 14-days of being appointed, the Appeal Panel shall convene virtually or in person to discuss the Application and to determine whether it requires further information or clarity from the Transgender Athlete in order to fully assess the Notice of Appeal.
- 14.6 The Appeal Panel shall then write to the Transgender Athlete to confirm whether any further information or clarity is required. If the Appeal Panel requires further information or clarity from the Transgender Athlete such information must be provided in accordance with the deadline set by the Appeal Panel. In the event that further time is required, the Transgender Athlete must write to the Appeal Panel to request such an extension.
- 14.7 As part of the Appeal process, the Appeal Panel may need to interview third parties associated with the Transgender Athlete for example, Coaches, Club representatives and/or medical professionals. If so, the Appeal Panel shall write to the Athlete to obtain the consents and waivers necessary to allow the Appeal Panel to contact the appropriate parties.
- 14.8 For the avoidance of doubt, the Transgender Athlete shall not approach, intimidate or influence any Appeal Panel member and/or third party involved in the Appeal.
- 14.9 Once the Appeal Panel is satisfied with the information provided by the Transgender Athlete, the Panel shall invite the Transgender Athlete to meet virtually to discuss the Appeal.
- 14.10 Following the meeting with the Transgender Athlete the Appeal Panel shall convene within 14-days to determine the outcome of the Notice of Appeal.
- 14.11 Upon the conclusion of the Appeal Panel meeting, the agreed decision of the Appeal Panel (with supporting reasons) will be communicated in writing within 14-days to the Transgender Athlete and BJA.
- 14.12 The Appeal Panel has the power to:

- 14.12.1 dismiss the appeal and uphold the Panel's original decision; or
- 14.12.2 substitute an alternative finding.
- 14.13 The Appeal Panel's decision will be final and binding on all parties.
- 14.14 In the event that the Notice of Appeal is successful the Transgender Athlete shall not be entitled to participate in their desired Judo discipline and gender category until such time as they have been provided with written clearance by BJA.
- 14.15 The decision of the Appeal Panel shall be communicated to all appropriate third parties (for example; the IBSA, IJF, IOC, IPC, WADA, /or UKAD) for the purpose of enforcement. So far as is practicable, confidentiality will be maintained at all times in respect of all those involved unless there is an overriding obligation for such information to be shared with other interested parties. Any such information shared shall be on a need-to-know basis only.
- 14.16 The Appeal Panel shall conduct its Notice of Appeal assessment as expeditiously as possible and in accordance with the principles of natural justice. The Transgender Athlete should however be aware that the length of the assessment will be dictated by a number of factors, including, the number and availability of persons to be interviewed or contacted their and the Transgender Athlete's co-operation. In the circumstances, the assessment process may be lengthy and potentially may span a number of months.
- 15. **Compliance**
  - 15.1 BJA may monitor a Transgender Athlete's ongoing compliance with the Eligibility Criteria by any appropriate means, including (where relevant) random or targeted testing of the Transgender Athlete's testosterone level in serum (or plasma) or further assessment. The Transgender Athlete agrees to provide whereabouts information and blood samples for this purpose on request, and also agrees that any samples or whereabouts information that they provide for anti-doping purposes and/or any anti-doping data relating to them may also be used for this purpose.
  - 15.2 BJA shall maintain a confidential register of Transgender Athletes who have been approved to participate in their Affirmed Gender and each Transgender Athlete's clearance, in particular any hormone-related treatment, may continue to be reviewed every year, to ensure its continued validity.
  - 15.3 A Transgender Athlete shall not be entitled to participate in their Affirmed Gender until such time as they have been provided with written clearance pursuant to this Policy.
  - 15.4 Subject to Applicable Laws, in addition to the general power to monitor continuing compliance with the Eligibility Criteria, BJA may investigate, at any time:
    - 15.4.1 whether an Athlete who has not filed an Application under this Policy is a Transgender Athlete who needs to establish their eligibility to compete in a particular BJA Competition category in accordance with this Policy; and/or
    - 15.4.2 any circumstances that indicate actual or potential non-compliance with this Policy; and/or
    - 15.4.3 where the eligibility of an Athlete or Transgender Athlete is questioned and/or disputed by a third party. BJA will work with the Athlete or Transgender Athlete to undertake a sensitive and confidential review of their circumstances and shall have the authority to take all appropriate measures for the determination of the eligibility of the Athlete, if it considers that there are grounds to do so. Such measures may include eligibility verification processes conducted by BJA and/or BJA appointed third parties. BJA will only consider reasonable third-party requests which are submitted in writing, and which BJA considers clearly sets out the grounds upon which the Athlete's or Transgender Athlete's eligibility is questioned and/or disputed.

- 15.5 In such cases, if they wish to retain their eligibility to compete in BJA Competitions, the Athlete or Transgender Athlete must cooperate fully and in good faith with that investigation. Where necessary to safeguard the fairness and/or integrity of competition and/or the safety of the competitors, BJA may provisionally suspend the Athlete or Transgender Athlete from competing in BJA Competitions pending resolution of the matter, provided that in such cases all reasonable endeavours will be used to complete the investigation as expeditiously as possible.
- 15.6 Any investigation under Section 15.4 must be initiated in good faith and on reasonable grounds based on information derived from reliable sources, such as (without limitation) information from the affected Athlete or Transgender Athlete, results from a routine pre-participation health examination, or data as to testosterone levels and/or other data obtained from analysis of samples collected for anti-doping purposes.
- 15.7 In addition to the general power to monitor continuing compliance with the Eligibility Criteria, BJA may investigate, at any time any circumstances that indicate actual or potential non-compliance with this Policy by any Athlete (including Transgender Athletes).
16. **Disciplinary Proceedings and Sanctions**
- 16.1 BJA may take disciplinary action against a Transgender Athlete, Athlete Support Personnel and/or involved person in accordance with this Policy (as in place from time to time) where:
- 16.1.1 information that is provided pursuant to this Policy is inaccurate or misleadingly incomplete;
  - 16.1.2 a Transgender Athlete competes in a BJA Competition in a category of competition for which they have not satisfied the Eligibility Criteria;
  - 16.1.3 a Transgender Athlete who has previously been determined to have satisfied the Eligibility Conditions fails to cooperate fully and in good faith with efforts to determine their continuing compliance with the Eligibility Criteria;
  - 16.1.4 there has been any other breach of or non-compliance by a Transgender Athlete with this Policy; or
  - 16.1.5 Athlete Support Personnel and/or involved person such as a Coach, trainer, agent, or other person or entity has been complicit in a Transgender Athlete's breach of or non-compliance with this Policy.
- 16.2 In such disciplinary proceedings, the person(s) charged may not challenge the validity of this Policy, or of any decision made under this Policy.
- 16.3 In such disciplinary proceedings, the sanctions to be imposed, depending on all of the circumstances of the case, may include:
- 16.3.1 a caution, reprimand and/or warning as to future conduct;
  - 16.3.2 the disqualification of individual and/or team results obtained in BJA Competitions, with all resulting consequences, including forfeiture of any medals, ranking points, prize money, or other rewards awarded to the Athlete(s) based on those results;
  - 16.3.3 a specified period of ineligibility to participate in BJA Competitions;
  - 16.3.4 a fine; and/or
  - 16.3.5 if the breach involves more than two members of a representative team competing at a BJA Competition(s) , or if there are multiple breaches involving such a team, appropriate sanctions on the team (e.g., disqualification of team results; imposition of a period of future ineligibility to participate in BJA Competitions; a fine).

## **17. Data Protection and Confidentiality**

- 17.1 All cases arising under this Policy and in particular all Athlete (including Transgender Athlete) information provided to BJA under this Policy will be dealt with in strict confidence at all times in accordance with the provisions of Data Protection Legislation and BJA policies as in place from time to time.
- 17.2 So far as is practicable, confidentiality will be maintained at all times in respect of all those involved in any process arising under this Policy unless there is an overriding obligation in the interests of the Athlete or Transgender Athlete and safety for such information to be shared with other interested parties. Any such information shared shall be on a need-to-know basis only.
- 17.3 All medical information and data relating to an Athlete or Transgender Athlete will be treated as sensitive personal information and the Panel will ensure at all times that it is processed as such in accordance with applicable Data Protection Legislation. The information covered by this Section 17.3 will not be used for any purpose not contemplated in this Policy and will not be disclosed to any third party save as is strictly necessary for the effective application and enforcement of this Policy or otherwise as is required by law.
- 17.4 BJA will not comment publicly on the specific facts of a pending or decided case (as opposed to general descriptions of the process and science involved) except in response to public comments attributed to the Athlete or Transgender Athlete involved or their representatives.
- 17.5 Except as permitted under Clauses 17.2 and/or 17.4 above, no person is permitted to publish or circulate any Application, Appeal or decision or comment publicly on any Application, Appeal or decision without the prior written consent of the BJA.
- 17.6 The Panel and Appeal Panel will be required to sign an appropriate conflict of interest declaration and confidentiality undertaking in relation to their work carried out pursuant to this Policy.

## **18. Costs**

- 18.1 Transgender Athletes are responsible for the costs associated with their Applications under this Policy including for obtaining and transmitting their medical files to BJA and for undergoing any requested medical examinations, and (where applicable) for continuing to satisfy the Eligibility Criteria.
- 18.2 BJA is responsible for the costs associated with the Panel, the Appeal Panel and for any monitoring under this Policy.

## **19. Miscellaneous**

In no circumstances will BJA, the Panel, the Appeal Panel, or any of BJA's employees, officers, agents, representatives, or other persons involved in the administration of this Policy be liable in any way for any acts done (or omitted to be done) in good faith in connection with the administration of this Policy.

## **20. Continued Involvement**

- 20.1 BJA acknowledges that the application of this Policy means that certain Transgender Athletes may not be able to compete in the BJA Competition category that best aligns with their Affirmed Gender. Transgender Athletes who exercise the choice not to compete because of these Eligibility Criteria are encouraged to consider participating in Non-Competitive Judo, coaching, officiating, administration, and/or other ways to stay involved with Judo. For more information on how to become involved, please contact Head of Technical and Education [BJA@britishjudo.org.uk](mailto:BJA@britishjudo.org.uk).



20.2 Transgender Athletes may also seek to qualify for and compete in events that are organised and sanctioned by bodies other than BJA. BJA does not seek to limit the development by others of opportunities to participate in different competitions.