

# Communication No. 2595

## ISU TRANSGENDER POLICY

This Communication replaces ISU Communication No. 2440, effective October 11, 2023

### Introduction

This document recognises both the need to ensure that everyone, irrespective of their gender identity or sex variations, can practise sport in a safe, harassment-free environment that recognises and respects their needs and identities, and the interest of everyone, to participate in fair competitions where no participant has an unfair and disproportionate advantage over the rest.

The aim of the ISU Transgender Policy is to promote participation at the elite level, in a safe and welcoming environment for everyone, regardless of their gender identity, expression and/or sex variations. It is important to acknowledge the central role that eligibility criteria play in ensuring not only fairness in competitive sport but also protection of health and safety of the athletes.

This document is based on the November 2021 release of the IOC Framework on Fairness, Inclusivity and Non Discrimination on the Basis of Gender Identity or Sex Variation<sup>1</sup>, on data collected on Skaters, a thorough review of the literature, other IF policies, and the consensus reached by the ISU Transgender Working Group, which included representatives from the Athlete Commission, Medical Commission and representation from the Council.

The ISU has established this Transgender Policy to define the conditions under which Transgender Skaters may compete in ISU Championships (Rule 107, paragraph 1) and the International Competitions listed in Rule 107, paragraphs 3-14, in the category of competition that is consistent with their gender identity.

The term “**Transgender**” is used in this Policy to refer to individuals whose gender identity (i.e., how they identify themselves) is different from the sex assigned to them at birth (whether they are pre- or post-puberty, and whether or not they have undergone any form of medical intervention).

All cases arising under this Policy, and, in particular, all Skater information provided to the ISU under this Policy, and all results of examinations and assessments conducted under this Policy, will be dealt with in strict confidence at all times. All medical information and data relating to a Skater will be treated as sensitive personal information and the ISU will ensure at all times that it is processed as such in accordance with applicable data protection and privacy laws. Such information will not be used for any purpose not contemplated in this Policy and will not be disclosed to any third party except (a) as is strictly required for the effective application and enforcement of this Policy; or (b) as is required by law.

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<sup>1</sup> <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>

## Criteria

The following criteria must be followed when determining eligibility to compete in male and female competition:

- Those who transition from female to male are eligible to compete in the male category without restriction, provided that a written and signed declaration, stating that his gender identity is male, is given to the ISU. The ISU will issue a written certificate to validate the Skater's eligibility to compete as a Man in the ISU Events as defined above.

For the avoidance of doubt, a female-to-male Transgender Skater will not be eligible to participate in the Women's category in these ISU Events once they have commenced hormone treatment.

- Those who transition from male-to-female are eligible to compete in the female category under the following conditions:
  - I. The Skater has signed and submitted to the ISU a written declaration stating that her gender identity is female. Once submitted to the ISU, the declaration cannot be changed, for sporting purposes, for a minimum of four years.

In addition, the Skater must demonstrate that her total testosterone level in serum has been below 2.5 nmol/L <sup>2</sup>.

- a) If the Skater transitions before the age of 12 or Tanner stage 2, then the serum testosterone must be below 2.5 nmol/L continuously for at least 12 months prior to competing in her first ISU Event in the female category.
- b) If the Skater transitions after puberty, then the serum testosterone level must be below 2.5 nmol/L continuously for 24 months prior to competing in her first ISU Event in the female category, (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 24 months is a sufficient length of time to minimize any competitive advantage in Women's competition).

For the purpose of these regulations, all measurements of serum testosterone must be conducted by means of liquid chromatography coupled with mass spectrometry (e.g., LC-MS/MS or LC-HRMS), See Appendix

- II. Must submit a record to the ISU of the monthly testosterone levels during the period of 12 months (a above) or 24 months (b above).
- III. If the above eligibility conditions have been met, the Skater will receive an Agreement of Understanding and Compliance to sign and date, which confirms the Skater's understanding and agreement to comply timely with the following Skater responsibilities:

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<sup>2</sup> The maximum serum testosterone value is defined at 2.5 nmol/L based on data published by Handelsman et al (Circulating Testosterone as the Hormonal Basis of Sex Differences in Athletic Performance, Endocrine Reviews 2018 Oct 1;39(5);803-829). In this study, the 95% confidence interval for serum testosterone is 0.6-1.68 nmol/L. For 99.99% confidence interval (no more than 1 in 10,000 values outside the confidence interval), the highest value of serum is 2.44 nmol/L.

- a) serum testosterone levels testing every three months, as requested by the ISU and results submitted by the designated dates indicated in the eligibility certificate
  - b) filing Whereabouts in ADAMS
- IV. After the eligibility requirements have been met **AND** the skater has signed the Agreement of Understanding and Compliance, the ISU will issue a written certificate to validate the Skater's eligibility to compete as a Woman in the ISU Events as defined above.
- a) The Skater's total testosterone level in serum must remain below 2.5 nmol/L throughout the period of desired eligibility to compete in the Women's category.
  - b) If after the certificate of eligibility is issued, the level of Testosterone in the serum is above 2.5 nmol/L **OR** the Skater fails to submit the required monitoring or whereabouts filing in a timely manner as required under the Agreement of Understanding and Compliance, the following will occur:
    - i) Cancellation of all competition results achieved by the Skater from the date of issuance of the certificate.
    - ii) Loss of eligibility to compete in the female category in the ISU Events as defined above for 12 months (pre-pubertal transition) or 24 months (post pubertal transition) and Skater must reapply for eligibility to compete in the female category and provide testosterone levels on a monthly basis below 2.5 nmol/L for a period of 12 or 24 months. (Refer to 1 a and b above)
    - iii) Compliance with these conditions may be monitored by the ISU through testing.

### **Monitoring**

The ISU may monitor a Skater's compliance with the Transgender eligibility conditions at any time, with or without notice, whether by random or targeted testing of the Skater's serum testosterone levels (and the Skater agrees to provide serum samples for this purpose, and also agrees that any samples provided for anti-doping purposes and/or any anti-doping data relating to her may also be used for this purpose), or by any other appropriate means.

The Skater will comply with the ISU Whereabouts program in ADAMS to permit unannounced testing as part of the monitoring process.

### **Limitation**

Once a Transgender Skater has satisfied the eligibility requirements and has started participating in the ISU Events as defined above in the category of competition consistent with his/her gender identity, he/she may not then switch back to participating in the other gender category in these competitions unless and until (a) at least four years have passed since the first ISU Event as defined above in which he/she participated as a Transgender Skater; and (b) he/she satisfies all of the conditions for eligibility to compete in the other gender category.

Nothing in this Transgender Policy will be deemed to permit, excuse or justify non-compliance with the World Anti-Doping Code, the WADA International Standards, the ISU Anti-Doping Rules and ISU Anti-

Doping Procedures, including (without limitation) any requirement for a Skater to obtain a Therapeutic Use Exemption for the use of a prohibited substance, such as testosterone.

### **World Records**

In order to have any World Records validated, the Skater must have complied with the ISU Transgender Policy and a serum sample must be collected for measuring the level of Testosterone in the serum not later than 24 hours after the World Record has been achieved.

### **Ethics**

The dignity of every individual must be respected.

All forms of abuse and/or harassment are prohibited.

This Policy is in place for the protection of women in sport and the promotion of the principles of fair competition.

The eligibility conditions established in this Transgender Policy are driven solely by the desire to guarantee fairness and safety within the ISU sports.

In no way are the eligibility conditions intended as any kind of judgement on or questioning of the gender identity or the dignity of any Transgender Skater.

To avoid discrimination, if not eligible for Women's competition the Skater should be eligible to compete in Men's competition so long as all other eligibility requirements are met.

### **Application by ISU Members**

It is recommended that each ISU Member adopts its own regulations or transgender policy to determine the eligibility of Transgender Skaters to compete in events taking place under its own jurisdiction.

At the level of national events, it is recommended that the eligibility requirements in this Policy be followed. At lower levels, however, less stringent eligibility requirements may be imposed, where appropriate. For the avoidance of doubt, however, anything that the ISU Member does, or does not do, at national level will not affect the eligibility of Transgender Skaters to compete in International Competitions. That will instead be determined exclusively by reference to this ISU Transgender Policy and all other applicable ISU Statutes.

### **Validity of the policy**

This ISU Transgender Policy will be subject to periodic review to take into account any relevant scientific or medical developments and may be amended at any time by the ISU Council.

Seoul,

October 11, 2023

Lausanne,

**Jae Youl Kim**, President

**Fredi Schmid**, Director General

## APPENDIX #1

Guidance on the method for measuring serum Testosterone levels for eligibility purposes

1. For eligibility purposes, under the Regulations, the ISU may monitor an athlete's compliance with the Transgender Female Eligibility Conditions at any time, with or without notice, whether by random or targeted testing of the athlete's serum testosterone levels, or by any other appropriate means.
2. The method used must be validated by the laboratory carrying out the test and must also be accredited to the ISO/IEC-17025 or 15189 international standards by a recognised accreditation body that is a full member of the International Laboratory Accreditation Cooperation (ILAC).
3. The performance of the method must be monitored through participation of the performing laboratory in appropriate proficiency testing (PT) and/or external quality assessment scheme (EQAS) round(s).
4. Serum samples shall be collected using standardised sample collection procedures (for example, those used for anti-doping purposes) which include the following:
  - 1.1. Samples must be collected in the morning (as testosterone concentration in serum decreases during the day).
  - 1.2. Venous blood shall be collected, with the athlete remaining in a normal seated position with feet on the floor for at least ten minutes prior to providing the sample. Samples shall not be collected within two hours of any physical exertion.
  - 1.3. A collection tube containing a clotting agent and a gel separator shall be used e.g., BD Vacutainer SST-II Advance (a single sample only will be sufficient, but the ISU may decide to collect a reserve sample as well, at its discretion).
  - 1.4. The sample shall be transported to the laboratory in a refrigerated state. The sample shall not be allowed to freeze, and temperature shall preferably be maintained between 2-12°C (ideally around 4°C). A temperature data logger shall be used to record the temperature of the sample during transport.
  - 1.5. The sample shall arrive at the laboratory within 48 hours of sample collection. The sample shall be centrifuged as soon as possible on arrival and stored frozen if it cannot be analysed immediately.