

WBSC

WORLD
BASEBALL SOFTBALL
CONFEDERATION

Game Time!

Guidelines Gender

28th June 2021



WBSC

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1. Introduction

Even though Baseball does not have any gender specification despite the Female Baseball Championships, it is necessary to have separate competition categories for males and females in order to preserve the safety, fairness and integrity of the sports, for the benefit of all of its participants and stakeholders.

The WBSC covers the following competition categories:

- Women Baseball
- Baseball
- Women Softball
- Men Softball
- Mixed Baseball5

A Male athlete can participate in the following competition categories:

- Baseball
- Men Softball
- Mixed Baseball5

A Female athlete can participate in the following competition categories:

- Women Baseball
- Baseball
- Women Softball
- Mixed Baseball5

Athlete's licences and competition registration are made based on the gender written in their passport. However, this document outlines exceptions and how they are managed.

2. Transgender

Transgender describes an individual whose gender identity does not match the person's biological sex. Gender identity refers to one's internal psychological identification as a male or female, both, neither, or anywhere along the gender spectrum. As referred to below, a transgender female (MTF) refers to a transgender person who was assigned male at birth but who identifies as female, and a transgender male (FTM) refers to a transgender person who was assigned female at birth but who identifies as male. Gender transition refers to the process of developing and assuming a gender expression to match one's gender identity.

- 2.1 The WBSC, as the international federation responsible for the global governance and regulation of Baseball and Softball, supports diversity and inclusion in all aspects. The purpose of this policy is to define a gender policy and provide transgender and X Gender Passport holder athletes an avenue to participate in



international Baseball and Softball in an inclusive sporting environment and to do so in a fair and safe manner for them and the rest of the community.

2.2 Nothing in this policy is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.

2.3 This policy is a living document and will be subject to review in light of any scientific or medical developments.

2.4 WBSC has adopted the Regulations in order to facilitate the participation of Transgender athletes at the international level in the category of competition that is consistent with their gender identity, in accordance with the following imperatives:

2.4.1 WBSC needs to establish conditions for participation, including eligibility categories that (a) protect the health and safety of participants and (b) guarantee fair and meaningful competition that displays and rewards the fundamental values and meaning of the sports:

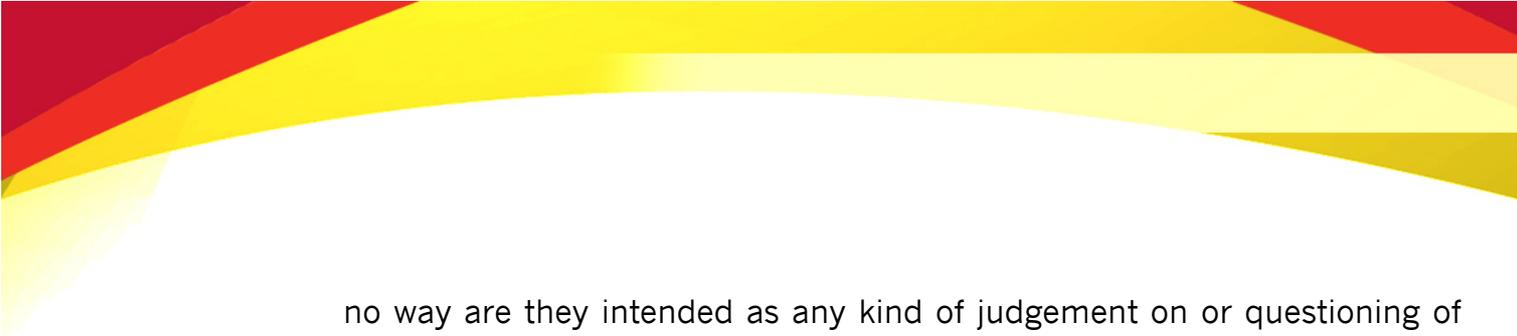
(a) WBSC wants its athletes to be incentivized to make the huge commitments required to excel in the sports, and so to inspire new generations to join the sports and aspire to the same excellence. It does not want to risk discouraging those aspirations by permitting competition that is not fair and meaningful.

(b) Most relevantly for present purposes, because of the significant advantages in size, strength and power enjoyed (on average) by men over women from puberty onwards, due in large part to much higher levels of androgenic hormones, and the impact that such advantages can have on sporting performance.

2.4.2 WBSC is aiming towards an inclusive environment for everyone, to impose only necessary and proportionate restrictions on eligibility, and to provide a clear path to participation in the sports for all:

(a) WBSC recognizes that Transgender athletes may wish to compete in Baseball / Softball in accordance with their gender identity. WBSC wishes to encourage and facilitate such participation, on conditions that go only so far as necessary to protect the safety of all participants and to deliver on the promise of fair and meaningful competitions.

(b) The eligibility conditions established in these Regulations are driven solely by the desire to guarantee fairness and safety within the sports. In



no way are they intended as any kind of judgement on or questioning of the gender identity or the dignity of any Transgender athlete.

- 2.4.3 The need to respect and preserve the dignity and privacy of Transgender athletes, and to avoid improper discrimination and stigmatization on grounds of gender identity, is paramount. All cases arising under these Regulations must be handled and resolved in a fair, consistent and confidential manner, recognizing the sensitive nature of such matters.
- 2.5 These regulations are based on a medical, scientific and legal consensus as to the approach required to achieve the requirements identified above and are based on the following principles:
- 2.5.1 IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism - November 2015: <https://www.olympic.org/medical-and-scientific-commission#ancre13>
- 2.5.2 Medical Information to support the decisions of TUE's as outlined by WADA <https://www.wada-ama.org/en/resources/therapeutic-use-exemption-tue/medical-information-to-support-the-decisions-of-tuecs-7>
- 2.5.3 The subsequent discussions and exchanges between the Medical Commission members and the WBSC Integrity Unit.
- 2.6 These Regulations will come into effect on June 28, 2021, and will apply both, to cases arising prior to that date and to cases arising after that date. They are binding on and must be complied with by athletes, Continental Associations, National Member Associations, Athlete Representatives, Member Association Officials and all other applicable persons. These Regulations will be subject to periodic review to take account of any relevant scientific or medical developments and may be amended from time to time by the WBSC, with such amendments to take effect from the date specified by WBSC when it issues the amendments.
- 2.7 Since the Regulations are intended to operate globally, regulating the conditions for participation in WBSC international-level events, they are to be interpreted and applied not by reference to national or local laws, but rather as an independent and autonomous text, and in a manner that protects and advances the imperatives identified above.
- 2.8 In the event an issue arises that is not foreseen in these Regulations, it will be addressed by the WBSC in a manner that protects and promotes the imperatives identified above.

3. Application

- 3.1 These Regulations establish the conditions enabling Transgender athletes to compete in International Competition, in the competition category that is consistent with their gender identity.
- 3.2 A Transgender athlete who wishes to participate in an International Competition, agrees, as a condition to such participation:
 - 3.2.1 to comply in full with these Regulations;
 - 3.2.2 to cooperate promptly and in good faith with the Medical Commission in the discharge of their respective responsibilities under these Regulations, including providing them with all of the information and evidence they request to assess his/her compliance and/or monitor his/her continuing compliance with the eligibility conditions referred to in these Regulations;
 - 3.2.3 to the collection, processing, disclosure and use of information (including his/her sensitive personal information) as required to implement and apply these Regulations effectively and efficiently;
 - 3.2.4 to follow exclusively the procedures set out in clause 8 to challenge these Regulations and/or to appeal decisions made under these Regulations, and not to bring any proceedings in any court or other forum that are inconsistent with that clause; and
 - 3.2.5 to provide written confirmation of his/her agreement with clauses 3.2.1 to 3.2.4 upon request by the WBSC.
- 3.3 An athlete may revoke at any time, with or without giving reasons, the consent that he/she has granted in accordance with clause 3.2. In that event, the athlete will be deemed to have withdrawn any claim to satisfy the eligibility conditions for Transgender athletes set out in clause 4.
- 3.4 Every person and entity under the jurisdiction of the WBSC (including any person who brings him/herself within the jurisdiction of the WBSC by providing information to the WBSC pursuant to clause 6.4 of these Regulations):
 - is bound by and must comply in full with these Regulations, including in particular only providing accurate and complete information, and not providing any information in bad faith or for any improper purpose; and



- must cooperate promptly and in good faith with the Medical Commissioner and the Medical Commission in the discharge of their respective responsibilities under these Regulations.

3.5 Each must cooperate with and support the WBSC in the application and enforcement of these Regulations, and to observe strictly the confidentiality obligations set out below.

3.6 Each National Member Association shall adopt its own regulations to determine the eligibility of Transgender athletes to compete in events taking place under its own jurisdiction. At the national level, equal, less or more stringent eligibility requirements may be imposed, where appropriate. For the avoidance of doubt, anything that the National Member Association does, or does not do, at national level will not affect the eligibility of Transgender athletes to compete in International Competition. That will instead be determined exclusively by reference to these Regulations.

4. Eligibility Conditions

4.1 Eligibility conditions for transgender male athletes

To be eligible to participate in the male category at an International Competition, a Transgender male athlete must provide a written and signed declaration issued by an endocrinologist, in a form satisfactory to the Medical Commission, that his gender identity is male. As soon as reasonably practicable following receipt of such declaration, the Commission will issue a written certification of that athlete's eligibility to compete in the male category of competition in International Competition.

4.1.1 To ensure that certification is received in good time, the athlete should provide the declaration at least **three months in advance of the first International Competition** in which he wishes to participate in the male category of competition.

4.1.2 After the issue of the abovementioned certification, the athlete will be considered a Male athlete. Therefore, eligible to participate in the following competition categories:

- Baseball
- Men Softball
- Mixed Baseball5

4.2 Eligibility conditions for Transgender female athletes



To be eligible to participate in the female category at an International Competition, a Transgender female athlete must meet the following requirements to the satisfaction of a Medical Commission, in accordance with clause 5:

4.2.1 She must provide a written and signed declaration issued by an endocrinologist, in a form satisfactory to the Medical Commission, that her gender identity is female;

4.2.2 She must demonstrate to the satisfaction of the Medical Commission (on the balance of probabilities), in accordance with clause 5, that the concentration of testosterone in her serum has been less than **10 nmol/L** continuously for a period of at least 12 months; and

4.2.3 She must keep her serum testosterone concentration below **10 nmol/L** for so long as she wishes to maintain her eligibility to compete in the female category of competition.

4.2.4 To avoid discrimination, if not eligible for female competition, the athlete should be eligible to compete in male competition.

4.2.5 Once a Transgender female athlete has satisfied all eligibility requirements, the Medical Commission will issue a written certification of that athlete's eligibility to compete in the female category of competition in International Competition.

4.2.6 After the issue of the abovementioned certification, the athlete will be considered a Female athlete. Therefore, eligible to participate in the following competition categories:

- Women Baseball
- Baseball
- Women Softball
- Mixed Baseball⁵

4.3 Provisions applicable to all Transgender athletes

4.3.1 For the avoidance of doubt, no athlete will be forced to undergo any medical assessment and/or treatment. It is the athlete's responsibility, in close consultation with his/her medical team, to decide on the advisability of proceeding with any assessment and/or treatment.

4.3.2 For the further avoidance of doubt, the following are not required in order for a Transgender athlete to compete at an International Competition, in the category of competition that is consistent with his/her gender identity



(because such requirements are not relevant to the imperatives identified above):

- legal recognition of the athlete's gender identity as the athlete's sex
- surgical anatomical changes

4.3.4 Once a transgender has satisfied the relevant eligibility requirements and has started participating in International Competition 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 International Competition unless and until:

- (a) At least four years have passed since the first International Competition in which he/she participated as a Transgender athlete
- (b) He/she satisfies all of the conditions for eligibility to compete in the other gender category
- (c) He/she recognises what the medical certificate states and the rights as outlined on that.

4.3.5 For the avoidance of doubt, the eligibility conditions for Transgender athletes set out in this clause 4 operate without prejudice to the other eligibility requirements that are applicable to all athletes (Transgender or otherwise) under the rules of the WBSC, which must also be satisfied at all relevant times. In particular, nothing in these Regulations is intended to undermine or affect in any way any of the requirements of the World Anti-Doping Code, of the WADA International Standards (including the International Standard for Therapeutic Use Exemptions), or of the WBSC Anti-Doping Rules. Nothing in these Regulations permits, excuses or justifies non-compliance with any of those requirements, including any requirement for an athlete to obtain a Therapeutic Use Exemption for the use of substances on the WADA Prohibited List, such as testosterone, spironolactone, or GnRH agonists.

**For purposes of these Regulations, all measurements of serum testosterone must be conducted by means of liquid chromatography coupled with mass spectrometry.*

4.4 Disorder of Sexual Differentiation – X – Gender Passport

4.4.1 Disorders of Sexual Differentiation are extremely complex and individual in their nature. It is a situation where an individual cannot be assigned as a male or female. The individual may wish to play Baseball / Softball. This policy has been developed to provide a process whereby decisions can be made bearing in mind that Baseball and Softball are a gender affected sport but needs to deal sensitively with an individual with a DSD who wishes to play the sports.



4.4.2 Due to the individuality of each situation, assessment will be on a case-by-case basis. An accredited specialist (ordinary an endocrinologist) will be required to assess the player and provide a report as to the diagnosis (if possible) and determine the dominant active hormone(s). The individual's supervising physician will also be required to provide medical comment on the perceived dominant gender characteristics displayed by the individual.

5. Assessment by the Medical Commission

5.1 A Transgender female athlete who wishes to compete in the female category of competition at an International Competition must file the appropriate declaration with the Medical Commissioner, along with a comprehensive medical history and such other evidence as is required to demonstrate her satisfaction of the Transgender Female Eligibility Conditions, including evidence addressing any of the factors set out at clause 5.4 that are applicable to her case. The athlete is responsible for ensuring that the information provided is accurate and complete, and that nothing relevant to the Medical Commission's assessment of the case is withheld. The athlete must also provide the appropriate consents and waivers to enable her physician(s) to disclose to the Medical Commissioner and the Medical Commission any information that the Medical Commission deems necessary to its assessment.

5.1.1 Subject always to clause 5.6 of these Regulations, to ensure that certification is received in good time, the athlete should (assuming the 12-month period has already been complied with) provide the declaration to the Medical Commissioner at least three months in advance of the first International Competition in which she wishes to participate in the female category of competition.

5.2 The Medical Commissioner will review the submission and after communicating with the athlete and/or the athlete's physician to remedy any obvious deficiencies, will refer the file (in anonymised form) to the Medical Commission for assessment in accordance with the following provisions of this clause 5.

5.3 The Medical Commission will assess cases referred to it by the Medical Commissioner to determine whether the Transgender Female Eligibility Conditions have been met (or, if not then what else the athlete must do to satisfy those conditions). It may make such enquiries or investigations as it considers necessary to carry out the required assessment effectively, including requesting further information from the athlete or the athlete's physician and/or obtaining additional expert opinion(s).



5.4 In making its assessment, the Medical Commission will take into account all relevant and reliable evidence, including:

5.4.1 Any reassignment surgeries the athlete has undertaken, including the date(s) of any such procedures and whether they took place before or after puberty;

5.4.2 Any other relevant treatment the athlete has received (including any pre- or post-reassignment treatment), including the dosage and frequency of such treatment.

See, further the WADA Transgender Athletes TUE Physician Guidelines, available at www.wada-ama.org.

5.4.3 The levels of testosterone in the athlete's serum during the relevant 12 months period, as well as the current level of testosterone in the athlete's serum; and

5.4.4 The results of any pre- or post – reassignment monitoring.

5.5 If the Medical Commission has any concerns about the adequacy of the evidence provided by the athlete on any particular point, it must give the athlete a fair opportunity to try to address those concerns before it comes to its final decision.

5.6 The Medical Commission will complete its assessment as soon as is reasonably practicable in all of the circumstances of the case. However, in no circumstance will the WBSC or any member of the Medical Commission be liable for any detriment allegedly suffered by the athlete or anyone else as a result of the length of time taken by the Medical Commission to complete its assessment.

5.7 Once it has completed its assessment, the Medical Commission will send its decision in writing to the Medical Commissioner.

5.7.1 If the Medical Commission decides that the Transgender Female Eligibility Conditions have not (yet) been met, it must explain in writing the reasons for its decision. Where applicable, it should also specify what else the athlete may do in order to satisfy those conditions (including, for example, maintaining the concentration of testosterone in her serum at less than **10 nmol/L** for a longer period; monitoring; reporting; and further reviews).

5.7.2 If the Medical Commission decides that the Transgender Female Eligibility Conditions have been met, the Medical Commissioner will issue a written certification of that athlete's eligibility to compete in the female category of competition in International Competition. That eligibility will be subject in every case to the athlete's continuing satisfaction of the Transgender



Female Eligibility Conditions, including continuously maintaining her serum testosterone at a concentration of less than **10 nmol/L**. The Medical Commission may specify particular means of demonstrating such continuing compliance. In any event, the athlete must produce, on request, evidence satisfactory to the Medical Commissioner of such continuing compliance.

- 5.8 The Medical Commission's decision will be final and binding on all parties. It may only be challenged by way of appeal in accordance with clause 8.

6. Monitoring / Investigating Compliance

- 6.1 The Medical Commissioner 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 (and the athlete agrees to provide whereabouts information and blood samples for this purpose, and also agrees that any samples or whereabouts information that she provides 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.
- 6.2 In addition to the general power to monitor continuing compliance with the Transgender Female Eligibility Conditions, the Medical Commissioner may investigate, at any time:
- 6.2.1 Whether an athlete who has not submitted a declaration under these Regulations is a Transgender athlete who needs to establish his/her eligibility to compete in a particular competition category in accordance with these Regulations;
 - 6.2.2 Whether (because of a subsequent change in circumstances, subsequent learning or experience, or otherwise) it is necessary to require a Transgender athlete who has previously been determined to satisfy the Transgender Female Eligibility Conditions to undergo further assessment by the Medical Commission to determine whether she still satisfies those conditions; and/or
 - 6.2.3 Any circumstances that indicate potential non-compliance with these Regulations; and in such cases the athlete in question must cooperate fully and in good faith with that investigation, including by providing blood samples upon request. Where necessary to safeguard the fairness and/or integrity of competition and/or the safety of the competitors, the Medical Commissioner may provisionally suspend the athlete from competing in International Competition pending resolution of the matter, provided that



in such cases all reasonable endeavours should be used to complete the investigation as expeditiously as possible. Any such provisional suspension may be appealed in accordance with clause 8.2.

- 6.3 Only the Medical Commissioner may initiate an investigation under clause 6.2, and he/she should any do so in good faith and on reasonable grounds based on information derived from reliable sources, such as (for example) the affected athlete him/herself, the National Member Association to which the affected athlete is affiliated, results from a routine pre-participation health examination, or data as to serum testosterone levels and/or other data obtained from analysis of samples collected for anti-doping purposes.
- 6.4 The dignity of every individual must be replaced. All forms of abuse and/or harassment are prohibited. In particular (but without limitation):
- 6.4.1 Any person or entity (including, without limitation, any other athlete, official or National Member Association) that provides information to the Medical Commissioner for consideration under these Regulations is under a strict obligation:
- (a) to ensure that the information is accurate and complete; and
 - (b) not to provide any information in bad faith, to harass, stigmatise or otherwise injure an athlete, or for any other improper purpose.
- 6.4.2 No stigmatisation or improper discrimination on grounds of gender identity will be tolerated. In particular (but without limitation), persecution or campaigns against athletes simply on the basis that their appearance does not conform to gender stereotypes are unacceptable. Any such conduct will be considered a serious breach of these Regulations.
- 6.5 Where the Medical Commissioner or the Medical Commission determines that a Transgender female athlete who has previously been declared eligible to compete in the female category of competition in International Competition has failed to maintain her serum testosterone level at a concentration of less than **10 nmol/L**, she may not compete in the female category of competition in International Competition until such time as she demonstrates to the satisfaction of the Medical Commission that she has maintained her serum testosterone below **10 nmol/L** for a new continuous period of at least 12 months.
- 6.6 If it is determined at any time that a Transgender female athlete has competed in the female category of competition at an International Competition while having serum testosterone levels of **10 nmol/L** or more, then (without prejudice to any other action that may be taken, but subject to clause 6.7) the Medical Commissioner, as per the WBSC Chief Executive Officer's delegation of authority,



may in its absolute discretion disqualify the individual results obtained by the athlete at that competition.

- 6.7 In cases arising under clause 6.5 or clause 6.6, the athlete will be given an opportunity to provide any explanations or comments she sees fit before any action is taken. If the Medical Commissioner is satisfied that the athlete's failure to maintain her circulating levels of blood testosterone below **10 nmol/L** was temporary and inadvertent, he will not impose any period of ineligibility pursuant to clause 6.5 or disqualify any results pursuant to clause 6.6.

7. Disciplinary Proceedings

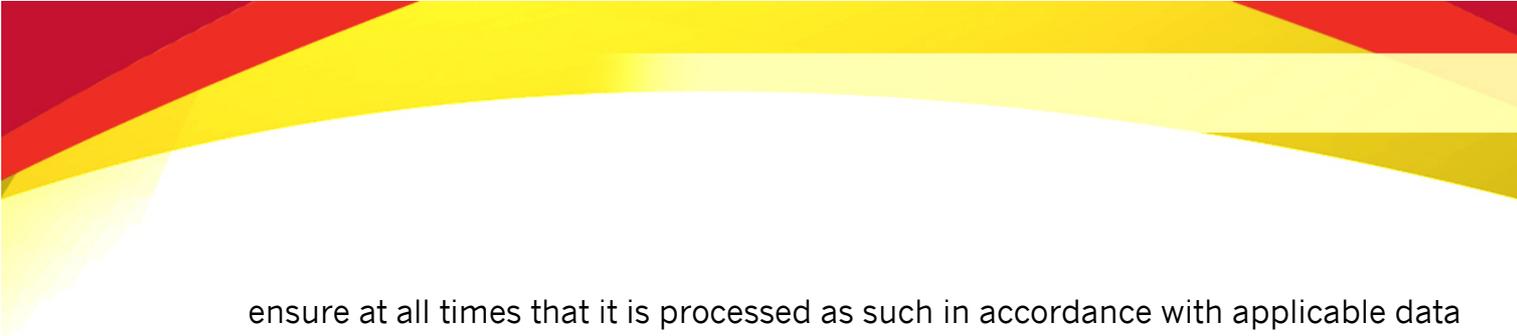
- 7.1 Disciplinary proceedings may be initiated (without limitation) where:
- an athlete competes in an International Competition in a category of competition for which he/she has not satisfied the eligibility conditions set out in these Regulations;
 - a Transgender athlete who has been determined to be eligible to compete in the female category of competition in an International Competition, and has not renounced that eligibility, fails to cooperate fully and in good faith with the efforts of the Medical Commissioner determine her continuing compliance with the Transgender Female Eligibility Conditions;
 - a coach, trainer, agent or other person or entity has been complicit in a breach of or non-compliance with these Regulations by an athlete;
 - a person or entity breaches clause 6.4; and/or
 - there has been any other breach of or non-compliance with these Regulations.
- 7.2 In such disciplinary proceedings, an athlete may not challenge the validity of these Regulations or of any decision made under these Regulations. Instead, such challenge may only be brought by way of challenge or appeal in accordance with clause 8.
- 7.3 In such disciplinary proceedings, the sanctions that may be imposed, depending on all of the circumstances of the case, will include (without limitation):
- a caution, reprimand and/or warning as to future conduct;
 - the disqualification of a team when more than three transgender athletes did not follow the guidelines (e.g., disqualification of team results; imposition of a period of future ineligibility to participate in International Competition; a fine).
 - a specified period of ineligibility to participate in International Competition
 - a fine

8. Dispute Resolution

- 8.1 The validity of these Regulations may only be challenged by way of ordinary proceedings filed before the CAS and/or as part of an appeal to the CAS made pursuant to clause 8.2.
- 8.2 The following decision (and only the following decisions) made under these Regulations may be appealed to the CAS, in accordance with this clause 8:
- a decision by the Medical Commissioner to suspend an athlete provisionally from competition pursuant to clause 6.2 may be appealed by the athlete, in which case the WBSC will be the respondent to the appeal;
 - a decision by the Medical Commissioner or the Medical Commission that the athlete may not compete in International Competition that is consistent with his/her gender identity may be appealed by the athlete, in which case the WBSC will be the respondent to the appeal; and
 - a decision by the Medical Commission that the athlete may compete in International Competition that is consistent with his/her gender identity may be appealed by the WBSC, in which case the athlete will be the respondent to the appeal.
- 8.3 Any such challenge or appeal will be governed by the Statutes, rules and regulations (in particular these Regulations), with the laws of **Switzerland** applying subsidiarity, and in the case of any conflict between any of the above instruments and the CAS Code of Sports-Related Arbitration currently in force, the above instruments will take precedence. The CAS will hear and determine the challenge/appeal definitively in accordance with the CAS Code of Sports-Related Arbitration provided that in any appeal the athlete will have fifteen days from the filing of the Statement of Appeal to file his/her Appeal Brief, and WBSC will have thirty days from its receipt of the Appeal Brief to file its Answer. Pending that determination, the Regulations under challenge and/or the decision under appeal (as applicable) will remain in full force and effect unless the CAS orders otherwise.
- 8.4 The decision of the CAS will be final and binding on all parties, and no right of appeal or other challenge will lie from that decision on any ground, except as set out in Chapter 12 of the Swiss Federal Code on Private International Law.

9. Confidentiality

- 9.1 All cases arising under these Regulations, and in particular all athlete information provided to WBSC under these Regulations, and all results of examinations and assessments conducted under these Regulations, will be dealt with in strict confidence at all times. All medical information and data relating to an athlete will be treated as sensitive personal information and the Medical Commissioner 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 these Regulations and will not be disclosed to any third party save

(a) as is strictly necessary for the effective application and enforcement of these Regulations; or

(b) as is required by law.

9.2 WBSC will not comment publicly on the specific facts of a pending case (as opposed to general descriptions of the process and science involved) except in response to public comments attributed to the athlete or the athlete's representatives.

9.3 Each member of the Medical Commission must sign an appropriate conflict of interest declaration and confidentiality undertaking in relation to his/her work as a member of the panel.

10. Costs

10.1 The costs of any medical assessment, examination, treatment, monitoring, reporting, and any other costs involved in complying with the Regulations will be borne by the relevant athlete. The standing costs of the Medical Commission will be borne by the WBSC.

11. Mutual Recognition

11.1 Where a Transgender athlete from another sport wishes to participate in the sport of Baseball and/or Softball, the WBSC may elect to recognise and give effect to the eligibility decision of the international federation of the other sport with respect to that athlete, provided that it is consistent with the principles set out in these Regulations, and subject to ongoing compliance by the athlete with the requirements of these Regulations.

12. Limitation of Liability

12.1 In no circumstances will the WBSC, any member of the Medical Commission, or any of WBSC's employees, officers, agents, representatives and other persons involved in the administration of these Regulations be liable in any way in relation to acts done or omitted to be done in good faith in connection with the administration of these Regulations.

This Policy came into force on 28th June 2021