

## USGA Competitive Fairness Gender Policy



As a steward for the game and all who wish to play, the USGA is welcoming of all gender identities and gender expressions. At the same time, with respect to elite-level competitions, which include USGA Championships (as defined below) and USGA Team (as defined below) events, the organization is committed to ensuring that competitive fairness is maintained for all athletes competing in our events.

We recognize that scientific studies show sports performance differences exist between biological sexes and that those performance differences begin to occur during the onset of puberty. These differences are primarily due to the exposure of substantially higher levels of testosterone in biological males during puberty and beyond.

Accordingly, this USGA Competitive Fairness Gender Policy (“Policy”) establishes the gender eligibility criteria for any athlete wishing to compete in USGA Championships or as a member of a USGA Team, and places conditions on competition as necessary to ensure that competitive fairness is maintained.

This Policy applies to USGA Championships and USGA Teams in recognition of the importance for establishing eligibility conditions for our national championships and teams which are considered to be elite-level competitions. This Policy does not apply to recreational, non-elite competitions or participatory events, teams or leagues, where different considerations may be taken into account when establishing such criteria.

The USGA will continue to review and evaluate this Policy, which may evolve and change over time in accordance with relevant and current medical research, science, and learned information. The USGA may modify this Policy at any time, in its sole discretion, with or without notice.

## 2. Definitions

**Application** shall mean the application required for submission by Transgender Athletes as described in Section 6 of this Policy.

**Women’s Events** shall mean the following USGA Championships: U.S. Women’s Open, U.S. Senior Women’s Open, U.S. Women’s Amateur, U.S. Women’s Mid-Amateur, U.S. Senior Women’s Amateur, U.S. Women’s Amateur Four-Ball, U.S. Girls’ Junior, and the women’s division of the U.S. Adaptive Open.

**Women’s Teams** shall mean the following USGA/USA Teams: Curtis Cup Team, the women’s and girls’ teams of the U.S. National Development Program, the World Amateur Championship Women’s Team, and other women’s USGA Teams as designated by the USGA to be subject to this Policy.

**Men’s Teams** shall mean the following USGA/USA Teams: the Walker Cup Team, the men’s and boys’ teams of the U.S. National Development Programs, the World Amateur Championship Men’s Team, and other men’s USGA Teams as designated by the USGA to be subject to this Policy.

**Tanner Stages** refers to the five stages of puberty during which individuals develop secondary sex characteristics. Tanner Stage 2 denotes the onset of puberty. The normal time for the onset of puberty in females ranges from 8 to 13 years old and in males ranges from 9 to 14 years old.

**Transgender Athlete** shall mean an individual whose gender identity or gender expression is different from their biological sex, whether pre-puberty or post-puberty and whether or not they have completed or are currently undergoing gender-affirming treatment or other medical intervention. This includes Transgender Female athletes and Transgender Male athletes.

**Transgender Female** shall mean any individual whose biological sex is male and whose gender identity is female. This includes individuals who have either completed or are currently undergoing gender transition from male-to-female, whether or not through medical intervention.

**Transgender Male** shall mean any individual whose biological sex is female and whose gender identity is male. This includes individuals who have either completed or are currently undergoing gender transition from female-to-male, whether or not through medical intervention.

**USGA Championship** shall mean any USGA championship, including qualifiers, which is conducted by or on behalf of the USGA. This shall include the U.S. Open, U.S. Women's Open, U.S. Senior Open, U.S. Senior Women's Open, the U.S. Adaptive Open, U.S. Amateur, U.S. Women's Amateur, U.S. Mid-Amateur, U.S. Women's Mid-Amateur, U.S. Senior Amateur, U.S. Senior Women's Amateur, U.S. Amateur Four-Ball, U.S. Women's Amateur Four-Ball, U.S. Junior Amateur and U.S. Girls' Junior.

**USGA Team** shall mean any team that is selected by the USGA to represent either the USGA or the United States of America in national or international competitions. This includes the Walker Cup Team, Curtis Cup Team, U.S. National Development Teams, World Amateur Championship Teams, and other teams as designated by the USGA to be subject to this Policy.

**USGA Gender Policy Committee** shall mean a committee of USGA staff members who have been designated by the USGA to oversee the administration of this Policy, including proper processing and administration of all Applications, as well as the USGA Medical Advisor.

**USGA Medical Advisor** shall mean a licensed medical provider appointed by the USGA to provide guidance and expertise to USGA in evaluating and processing athlete Applications.

### **3. Policy Application**

- a. This Policy applies to all athletes who wish to compete in a USGA Championship or as a member of a USGA

- b. we recognize that individuals identify across a spectrum of gender identities and gender expressions, including, but not limited to non-conforming and non-binary; however, for the purposes of this Policy and administration of USGA Championships and USGA Teams, athletes must compete in accordance with a gender competition classification defined by the USGA as either male or female.
- c. At the time of registration for a USGA Championship or USGA Team, all athletes must register in accordance with their sex assigned at birth as either male or female.
- d. For any Transgender Athlete wishing to compete in USGA Championship or as a member of a USGA Team, they must promptly notify the USGA Championship Administration Director prior to registering for such championship or team in accordance with the timelines and processes set forth in Section 6 of this Policy.
- e. In addition, the Transgender Athlete must submit an Application and all required materials in accordance with the requirements set forth in Sections 4 or 5, as applicable, and Section 6 of this Policy.
- f. In the event an issue arises that is not addressed by this Policy, the USGA reserves the right to address the issue in a manner consistent with the objectives set forth in Section 1 of this Policy.

#### **4. Eligibility for Women's Events or Women's Teams.**

This Section 4 shall apply to Women's Events and Women's Teams. Any person who is not a Transgender Athlete and who is assigned female at birth, regardless of their gender identity or gender expression, may compete in a Women's Event or on a Women's Team. In addition, any Transgender Athlete may compete in a Women's Event or a Women's Team, subject to satisfying any applicable eligibility criteria set forth below:

##### ***a. Transgender Female***

Transgender Females may compete in a Women's Event or as a member of a Women's Team if the following conditions are met:

- (1) The athlete must provide a written and signed declaration, in a form satisfactory to the USGA Gender Policy Committee that their gender identity is female and that they wish to compete in Women's Events or as a member of a Women's Team, as applicable;
- (2) The athlete must demonstrate to the reasonable satisfaction of the Medical Panel that they have not experienced any part of male puberty beyond Tanner Stage 2. If, in the reasonable judgment of the Medical Panel, the athlete is unable to provide sufficient evidence to demonstrate whether or when Tanner Stage 2 occurred, the athlete must demonstrate to the reasonable satisfaction of the Medical Panel that they have not experienced any part of male puberty after age 12;
- (3) The athlete must demonstrate to the reasonable satisfaction of the Medical Panel that they have continuously maintained the concentration of testosterone in their serum of less than 2.5 nmol/L; and

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- i. For athletes competing in a Women's Event, the athlete must maintain testosterone levels below 2.5 nmol/L throughout the entire competition.
  - ii. For athletes competing as a member of a Women's Team, the athlete must maintain testosterone levels below 2.5 nmol/L throughout the entire period of time they are deemed a member of the Women's Team.
  - iii. The athlete shall comply at all times with any monitoring plans or requirements established by the Medical Panel to ensure the athlete's compliance with this eligibility criteria.
  - iv. All measurements of serum testosterone levels included for the purposes of this Policy must be conducted through means of liquid chromatography coupled with mass spectrometry.

The athlete must provide a comprehensive medical history of the athlete's gender-affirming care or other evidence to demonstrate the athlete's satisfaction of these eligibility conditions. All medical information will be submitted to the Medical Panel for review and approval in accordance with Sections 6 and 8 of this Policy.

Any Transgender Female who does not meet the requirements for the Women's Events or Women's Teams may compete in any other USGA Championships (*i.e.*, non-Women's Events that are set forth in Section 5 below) or on Men's Teams so long as they meet all other requirements of this Policy and any other eligibility requirements and policies applicable for participation in such USGA Championship or USGA Team.

#### ***b. Transgender Male***

Transgender Males may compete in a Women's Event or as a member of a Women's Team if they demonstrate to the reasonable satisfaction of the Medical Panel that they have never used exogenous testosterone or other similar anabolic androgenic substances, including in connection with gender-affirming care. In connection therewith, the athlete must provide:

- (1) a written and signed declaration that they have never used exogenous testosterone or other similar anabolic androgenic substances, including in connection with their gender-affirming care; and
- (2) a comprehensive medical history of any hormone treatment or other substances taken by or provided to the athlete relating to the athlete's gender-affirming care. All medical information will be submitted to the Medical Panel for review and approval in accordance with Sections 6 and 8 of this Policy.

The USGA reserves the right to conduct drug testing in accordance with the USGA Anti-Doping Policy to confirm that the athlete has not taken any exogenous testosterone or similar substances, whether or not in connection with their gender-affirming care, in accordance with Section 4(b).

All medical information and drug testing results (as applicable) will be submitted to the Medical Panel for review and approval in accordance with the procedures set forth in Sections 6 and 8 of this Policy.

#### **5. Eligibility for All Other USGA Championships and Men's Teams.**

Amateur, U.S. Senior Amateur, U.S. Amateur Four-Ball, and U.S. Junior Amateur. Any person who is not a Transgender Athlete and who is assigned male at birth or assigned female at birth, regardless of their gender identity or gender expression, may compete on a Men's Team or USGA Championship covered by this Section 5. In addition, any Transgender Athlete may compete on a Men's Team or USGA Championship covered by this Section 5, in each case subject to satisfying any applicable eligibility criteria set forth below.

*a. Transgender Males*

Transgender Males may compete in any USGA Championship covered by this Section 5, so long as they are in compliance with all other applicable eligibility requirements. For clarity, if the athlete is undergoing treatment involving testosterone or other anabolic substances as part of their female-to-male gender-affirming care, they are required to obtain a Therapeutic Use Exemption (TUE) for such treatment in accordance with the anti-doping rules and regulations applicable to such USGA Championship or the USGA Teams and/or team events in which the athlete intends to compete (*e.g.*, USGA Anti-Doping Policy, IGF Anti-Doping Policy, World Anti-Doping Code, where applicable). It is the responsibility of the athlete to complete any such TUE and/or comply with all other requirements under applicable anti-doping rules and regulations.

Transgender Males may compete as a member of a Men's Team so long as they are in compliance with all other applicable eligibility requirements and they provide a written and signed declaration, in a form satisfactory to the USGA Gender Policy Committee that their gender identity is male and that they wish to compete as a member of a Men's Team.

*b. Transgender Females*

Transgender Females may compete on any Men's Team or in any USGA Championship covered by this Section 5 so long as they are in compliance with all other applicable eligibility requirements.

## 6. Application Process

- a. Any Transgender Athlete wishing to compete in a USGA Championship or as a member of a USGA Team must notify the USGA Championship Administration Senior Director of their intent to compete in a USGA Championship or as a member of a USGA Team. For USGA Championships, notifications may be submitted up to six (6) months prior to the close of entries, but no later than ninety (90) days prior to the close of entries for the first USGA Championship in which the athlete wishes to compete. If wishing to be considered for a USGA Team in an upcoming calendar year, the athlete must promptly notify the USGA Championship Administration Senior Director by November 1<sup>st</sup> of the prior calendar year. Notifications may be sent via email to [genderpolicy@usga.org](mailto:genderpolicy@usga.org).
- b. USGA Championship Administration Senior Director will work with the USGA Chief Legal Officer, or their designated associate, and USGA Medical Advisor to discuss the Policy requirements as it pertains to the

( **Application** ) will be provided to the athlete to fill out for submission. The athlete must provide any required medical waivers and releases prior to submitting their Application.

- c. Once all required materials are compiled, a Transgender Athlete must submit an Application, which must include the required information and materials set forth in Sections 4, 5 or 6, including any required declarations of self-identity, as applicable to the athlete and the gender competition classification in which they wish to compete. For a USGA Championship, the Application must be submitted at least sixty (60) days prior to the close of entries of the first USGA Championship in which the athlete wishes to compete. Applications may be submitted prior to the opening of entries. If wishing to compete as a member of a USGA Team in a calendar year, the Application and required materials must be submitted by November 15<sup>th</sup> of the calendar year prior to competition. Applications for USGA Championships and USGA Teams will be reviewed provided that the athlete meets the applicable eligibility requirements such as Handicap Index and age for such event or team. Applications will be provided by the USGA Championship Administration Senior Director.
- d. Transgender Athletes must provide both a notification as set forth in Section 6(a) above and submit an Application to the USGA, whether or not a Transgender Athlete wishes to compete in a gender competition classification that is different than their sex assigned at birth.
- e. Applications which require Medical Panel evaluation, along with any communications and other materials and information received by the USGA, will be provided to the USGA Chief Legal Officer (or their designee) and USGA Medical Advisor for initial review to determine if any additional materials or information are needed for evaluation. Once all required materials are received, materials will be anonymized and provided to the Medical Panel for review and evaluation in accordance with the eligibility criteria set forth in Sections 4 and 5 of this Policy and in accordance with the evaluation processes set forth in Section 8 below. Any and all communications, Applications and materials provided under this Policy will be handled confidentially in accordance with Section 9.
- f. Self-Identity Declarations which require review by the USGA Gender Policy Committee, along with any communications and other materials and information received by the USGA, will be provided to the USGA Chief Legal Officer (or their designee) for initial review to determine if any additional materials or information are needed for review. Once all required materials are received, such materials will be provided to the USGA Gender Policy Committee for review and evaluation in accordance with the eligibility criteria set forth in Sections 4 and 5 of this Policy and in accordance with the evaluation processes set forth in Section 7 below. Any and all communications, Applications and materials provided under this Policy will be handled confidentially in accordance with Section 9.
- g. The USGA Championship Administration Senior Director and/or the USGA Chief Legal Officer (or their designee) shall serve as a liaison between the athlete and the USGA Medical Advisor, the Medical Panel and/or USGA Gender Policy Committee.
- h. The USGA Championship Administration Senior Director and/or the USGA Chief Legal Officer (or their designee) may inform any relevant USGA staff member(s) with a need to know, depending on their roles and responsibilities, of any submitted Applications and shall keep such persons informed of all relevant

circumstances or the matter. However, there is no obligation to complete an evaluation or review by any particular date, including prior to the date of competition in which the athlete wishes to compete, and in no circumstance will the USGA, the USGA Medical Advisor, or any member of the Medical Panel or USGA Gender Policy Committee be liable for any detriment allegedly suffered by the athlete or anyone else as a result of the length of time taken to complete their evaluation of an Application, including, but not limited to, the inability of the athlete to compete in competition.

- j. Athletes may request additional time to submit an Application or required materials, with permission to be granted or denied in the sole discretion of the USGA. The athlete acknowledges and agrees that the USGA, USGA Medical Advisor, and members of the USGA Gender Policy Committee or the Medical Panel shall not be responsible for any delay in making a determination under this Policy, and that the athlete may be prohibited from competing in a USGA Championship or as a member of a USGA Team in the applied-for gender competition classification until a final determination is made by the Medical Panel or the USGA Gender Policy Committee and issued by the USGA.
- k. If an athlete's Application is approved by the USGA, or if an athlete is deemed to be in compliance with this Policy following an investigation concerning an athlete's compliance with this Policy, that decision and any conditions associated with that decision, including, but not limited to, monitoring requirements, shall be communicated in writing to the athlete by the USGA Championship Administration Senior Director.
- l. If an athlete is approved for a USGA Championship or USGA Team in a particular gender competition classification, the athlete shall be approved to compete in other USGA Championships and USGA Teams in the same gender competition classification. Such approval shall be applicable to all future USGA Championships and USGA Teams that the athlete wishes to compete so long as there are no changes in circumstances and the athlete continues to meet the eligibility criteria set forth in this Policy. Should any changes in circumstances occur that may impact the athlete's eligibility under this Policy, the athlete must immediately notify the USGA Championship Administration Senior Director.
- m. Once a Transgender Athlete is approved under this Policy to compete in a gender competition classification for USGA Championships and USGA Teams (*i.e.*, either male or female), the athlete may not compete in the other gender competition classification in a USGA Championship or as a member of a USGA Team for at least a period of one (1) year following the approval of the athlete's Application. After such one (1) year period, if the athlete wishes to compete in the other gender competition classification for any USGA Championship or on USGA Team, the athlete must submit a new Application in accordance with applicable eligibility criteria set forth in the then-current Policy.
- n. If an athlete's Application is denied by the USGA, or if an athlete is deemed to be in violation of this Policy following an investigation concerning an athlete's compliance with this Policy, that decision and the reasons for such denial or violation shall be communicated in writing to the athlete by the USGA Championship Administration Senior Director.
- o. The USGA may revoke or modify its decision of an athlete's eligibility under this Policy based on relevant and material information subsequently acquired after a decision is issued.

- a. The USGA Gender Policy Committee will review all submitted declarations of gender self-identity (“**Self-Identity Declarations**”) for approval to determine whether the athlete’s gender identity declaration has been made in good faith, and that the athlete identifies as the applied-for gender in their everyday life. The USGA Gender Policy Committee may compile and review other relevant information and materials and/or request from the athlete any additional relevant information or materials deemed necessary, in their reasonable discretion.
- b. In its discretion, the USGA Gender Policy Committee may refer any Self-Identity Declarations to the Medical Panel for further review, and the Medical Panel may request any additional information or materials it deems necessary for its review. The USGA Gender Policy Committee may rely on any recommendations made by the Medical Panel, in its reasonable discretion.
- c. Any decisions by the USGA Gender Policy Committee to approve or deny an athlete’s Application based on the Self-Identity Declaration, and any conditions associated with the decision, shall be communicated in writing. If the USGA Gender Policy Committee decides that the Self-Identity Declaration and information submitted is not sufficient to demonstrate that the athlete meets the eligibility criteria set forth under this Policy, it must explain in writing the reasons for its decision. Decisions shall be communicated to the athlete by the USGA Championship Administration Senior Director in accordance with the procedures set forth in Section 6 above. All such decisions shall be final and binding unless appealed in accordance with the provisions of Section 18.

## 8. Medical Panel Evaluations

- a. All relevant information regarding an Application, including the Application information and materials, athlete communications, and other materials submitted by the athlete or the athlete’s treating physicians, shall be anonymized and submitted to the Medical Panel for evaluation under the eligibility requirements set forth in Sections 4 and 5 of this Policy.
- b. The Medical Panel shall consist of three (3) or more medical experts, with preference for those with experience related to transgender health, gender-affirming treatment, endocrinology, sports or physical performance of athletes or individuals, including cisgender and transgender persons, including specifically golf performance.
- c. The Medical Panel shall review each Application solely in accordance with the applicable eligibility criteria set forth in Sections 4 and 5 of this Policy. The Medical Panel may make inquiries as it deems necessary to carry out its evaluation of the Application and/or an individual athlete in order to ensure assessments are conducted accurately and effectively and the eligibility conditions of this Policy are upheld. In conducting its evaluations, the Medical Panel may: (i) request additional information from the athlete or the athlete’s treating physicians, as deemed appropriate and necessary; (ii) seek input or opinions from other relevant medical experts; and (iii) request additional testing from the applicant, as deemed necessary.
- d. The Medical Panel may not request any gynecological examinations or other similar invasive physical

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relevant information is not withheld.

- f. For any Transgender Athlete approved under this Policy and who may require continued monitoring of testosterone levels, the Medical Panel shall establish an internal plan for such monitoring to ensure the athlete's compliance with applicable eligibility criteria. The monitoring plan shall be communicated to the athlete, to the extent feasible.
- g. Any decisions by the Medical Panel to approve or deny an athlete's Application, and any conditions associated with the decision, shall be communicated in writing to the USGA. If the Medical Panel decides that the Application and information submitted is not sufficient to demonstrate that the athlete meets the eligibility criteria set forth under this Policy, it must explain in writing the reasons for its decision. Thereafter, decisions shall be communicated in writing to the athlete by the USGA Championship Administration Senior Director in accordance with the procedures set forth in Section 6 above. All such decisions shall be final and binding unless appealed in accordance with the provisions of Section 18.

## **9. Confidentiality & Privacy**

- a. All Applications and other matters arising under this Policy, including but not limited to any athlete information provided to the USGA, USGA Medical Advisor, USGA Gender Policy Committee or the Medical Panel under this Policy, and all results of evaluations conducted under this Policy, will be handled with care and strict confidence at all times. For clarity, all medical information and personal information of an athlete will be treated and processed in accordance with applicable privacy policies and laws. The information provided under this Policy will not be used for any purposes not expressly set forth in this Policy and will not be disclosed to any third party without proper permission, except as required by law or as necessary for the effective application and enforcement of this Policy. If consent is provided by the athlete, the USGA may share with another golf organization whether or not an athlete has been approved under this Policy to compete in a USGA Championship or as a member of a USGA Team to the extent such other golf organization will recognize the decision of the USGA for the purposes of determining eligibility of the athlete under its own gender policy. For clarity, the underlying medical information will not be shared with other golf organizations without the express written permission of the athlete.
- b. The USGA will not publicly comment on the specifics of any Applications or decisions made under this Policy, except, in its discretion, it may do so in response to public comments made by or attributed to the athlete or athlete's representatives.

## **10. Additional Terms**

- a. For the avoidance of doubt:
  - i. The conditions for eligibility set forth in this Policy operate without prejudice to all other eligibility

the requirements set forth in any applicable anti-doping rules or regulations, including, but not limited to the USGA Anti-Doping Policy, IGF Anti-Doping Policy, or WADA rules and regulations. All athletes must continue to comply with all such regulations and requirements, including any requirement to obtain a TUE for the use of any prohibited substances (e.g., WADA Prohibited List), such as testosterone, spironolactone, or other similar substances. Any athletes who have used testosterone or other similar substances in violation of the applicable anti-doping rules or regulations may return to competition after they have served their period of ineligibility.

- ii. Neither legal recognition of an athlete's gender identity nor surgical anatomical changes are required for a Transgender Athlete to be eligible to compete at a USGA Championship or as a member of a USGA Team.

- b. No athlete is required to undergo any medical assessment and/or treatment under the Policy. It is the athlete's responsibility, in consultation with their treating physicians and medical advisors, to decide on the advisability of proceeding with any assessment and/or treatment.

## **11. Non-Discrimination and Non-Harassment**

All athletes who wish to compete in any USGA Championship or as a member of a USGA Team must be treated with dignity and respect, without being subject to abuse, harassment, or discrimination based on their gender identity or gender expression. Furthermore, any actions or conduct against an athlete simply on the basis that their physical appearance does not conform to certain pre-conceived gender notions is unacceptable. All forms of harassment or discrimination are strictly prohibited under this Policy. Such matters shall be reviewed by the USGA Gender Policy Committee and USGA Safeguarding Team, and any athlete or other persons who are deemed to have engaged in such conduct shall be subject to disciplinary action by the USGA.

## **12. Monitoring and Investigations for Compliance**

- a. The USGA reserves the right to monitor any athlete's compliance with the eligibility requirements set forth in this Policy at any time, with or without notice, whether by random or targeted testing of an athlete's serum testosterone levels or by other appropriate means. The athlete agrees to provide serum samples for this purpose and that any samples provided for anti-doping testing may be used for this purpose.
- b. In addition, the USGA may investigate an athlete's compliance with the eligibility conditions under this Policy at any time. This includes, but is not limited to: (i) whether or not a Transgender Athlete has notified the USGA Championship Administration Senior Director of their intent to compete in a USGA Championship or as a member of a USGA Team and submitted an Application and necessary materials as required under this Policy; (ii) if, after a Transgender Athlete is deemed to have satisfied the eligibility conditions under this Policy, due to subsequent learnings, subsequent changes in circumstances, or otherwise, it is deemed

cases, an athlete must promptly cooperate fully and in good faith with any such investigation.

- c. Only the USGA may initiate such an investigation and may only do so in good faith and on reasonable grounds based on information derived from reliable sources, such as, by way of example, information provided by the athlete who is the subject of the investigation or data from medical records or based on serum testosterone levels.
- d. Any person or entity that provides information to the USGA for consideration under this Policy must ensure that the information is accurate and complete and shall not provide information in bad faith, to harass, harm, or otherwise injure an athlete, or for any other improper use.
- e. Investigations involving medical evaluations shall be referred to the Medical Panel and conducted in accordance with the medical evaluation procedures set forth in Section 8.
- f. Decisions regarding an athlete's compliance or non-compliance with the eligibility criteria set forth in this Policy shall be communicated in accordance with the processes set forth in Section 6 above.
- g. To the extent an athlete is deemed to be in violation of this Policy following an investigation concerning an athlete's compliance, USGA may issue appropriate sanctions, in its sole and reasonable discretion, including, but not limited to, disqualification or suspension from competing in any current or future USGA Championships or USGA Teams, and/or forfeiture of results, rankings, exemptions received or prize money awarded in connection with the athlete's participation in any USGA Championships or USGA Teams.

### 13. Athlete Agreement, Consent and Release

By submitting an Application, an athlete acknowledges and agrees that:

- a. All information submitted in connection with the Application is accurate and complete to the best of their knowledge and that no relevant information has been intentionally withheld.
- b. The athlete will fully cooperate with and provide any additional information requested by the USGA and its staff, the USGA Gender Policy Committee, the USGA Medical Advisor and/or the Medical Panel.
- c. In connection with the USGA Gender Policy Committee's review of an athlete's Self-Identity Declaration and/or the Medical Panel's evaluation of an athlete's Application, or for the continued monitoring of the athlete if that Application is approved, the athlete agrees to the following conditions:
  - i. To provide medical waivers and releases allowing (1) the USGA and its designated representatives and medical consultants, including the USGA Medical Advisor, the Medical Panel and USGA staff members with a need to know, to contact the athlete's physicians regarding the athlete's relevant medical history, and (2) the athlete's physicians to share records and information with the USGA and its designated representatives and medical consultants, including the USGA Medical Advisor, the Medical Panel and USGA staff members with a need to know any such relevant information;
  - ii. To comply with any conditions imposed by the Medical Panel as a condition of its approval of the athlete's Application, including any continuous monitoring of an athlete's concentration of serum testosterone levels;

at the USGA's expense;

- iv. To blood sample collection to evaluate the athlete's serum testosterone levels, whether or not with advance notice;
- v. To drug testing collection to evaluate the athlete's exogenous or endogenous testosterone within their body, whether or not with advance notice; and
- vi. Any blood sample or urine sample collected in connection with an anti-doping control may also be used for such purpose.

d. The athlete agrees that the USGA, any member of the Medical Panel or USGA Gender Policy Committee, the USGA Medical Advisor, or any USGA Executive Committee members, employees, directors, officers, agents, representatives, or other persons involved in the administration of this Policy shall not be liable in any way in relation to acts or omissions performed in good faith in connection with the administration of this Policy or for any detriment caused to the athlete by any delays in the evaluation process.

#### **14. Mutual Recognition**

Where a Transgender Athlete is approved to compete in a competition or as part of a membership administered by another golf organization, the USGA may, in its sole discretion, recognize and give effect to the eligibility decision by such other golf organization, provided that the Policy, including, but not limited to, the eligibility conditions and evaluation processes of applications of such other organization are materially consistent with this Policy. Any such eligibility approval shall be subject to the athlete's ongoing compliance with the conditions set forth in this Policy.

#### **15. National or International Competitions**

Athletes who are deemed eligible to compete as a member of a USGA Team under this Policy are required to satisfy any other eligibility requirements applicable to a national or international competition in which the USGA Team competes, which may include different eligibility conditions as it relates to gender or transgender athletes.

#### **16. Exemptions**

To the extent an athlete meets the eligibility conditions set forth under this Policy and, through their play in a USGA Championship or a member of a USGA Team, earns an exemption to play in another competition, membership or team administered by another golf organization, the athlete is required to satisfy the eligibility requirements applicable to such other competition, membership or team as set by such other golf organization,

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## 17. Costs

Any costs that the Medical Panel incurs, and any costs the athlete incurs at the request of the Medical Panel, associated with the panel's evaluation will be paid by the USGA. The athlete will be responsible for the costs of their personal treating physicians and/or any treatment prescribed to them by their treating physicians, including any treatment required to satisfy the eligibility conditions of this Policy.

## 18. Appeals

If either an athlete or the USGA ("**Appellant**") wishes to challenge either the decision of the USGA Gender Policy Committee regarding a Self-Identity Declaration or the decision of the Medical Panel regarding an athlete's Application or an athlete's violation or non-compliance with the eligibility criteria of this Policy, either party may appeal the decision to the USGA Appeals Committee ("**Appeals Committee**"). Appellant may initiate a request for an appeal by filing a statement of appeal within thirty (30) days after the date a written decision to approve or deny an Application or a written decision regarding an athlete's compliance or non-compliance with the Policy is issued by the USGA. Requests for an appeal, including the statement of appeal, shall be sent via email to USGA Championship Administration Senior Director at [genderpolicy@usga.org](mailto:genderpolicy@usga.org).

Appeals will be conducted and governed in accordance with the terms of this Policy and the USGA Appeals Committee Procedures. The parties to the appeal shall be the athlete and USGA, and no other person or entity shall have standing to challenge the decisions of the USGA Gender Policy Committee or Medical Panel or participate in any appeal. Minor athletes who are parties to an appeal may have parent/guardian representation. In all cases the athlete and USGA may have attorney representation during the appeals process. The Appeals Committee shall be the exclusive forum for challenges to decisions issued by the USGA Gender Policy Committee or the Medical Panel.

In any proceeding before the Appeals Committee, the Appellant may challenge only the application of the eligibility criteria to the athlete's individual circumstances. The eligibility criteria established under this Policy shall not be subject to challenge by the Appellant or review by the Appeals Committee. The Appellant has the burden of demonstrating that the underlying decision was arbitrary and capricious with no rational basis.

Pending a final decision of the appeal by the Appeals Committee, the decision under appeal shall remain in full force and effect. To the extent an athlete's Application was denied, the athlete shall remain eligible to compete in a USGA Championship or as a member of a USGA Team consistent with their sex assigned at birth. The Appeal Committee's decision shall be final and binding on both the athlete and the USGA.

## 19. Arbitration

resolved by mandatory, final, and binding arbitration, held before a neutral, single arbitrator by the Judicial Arbitration Mediation Services, Inc. ("JAMS") pursuant to the JAMS Comprehensive Arbitration Rules and Procedures, as modified herein. The place of arbitration shall be New Jersey and this Policy shall be governed by the laws of New Jersey without giving effect to the conflict of laws principles thereof. The content and existence of the arbitration shall be confidential and shall not be shared by any party with exception to the extent required by law. By agreeing to individual arbitration, you acknowledge that rights you would have in court will not be available or will be more limited in arbitration, including the right to appeal (excluding the appeals right set forth in Section 18 above). Each Party shall bear its own costs, expenses, and attorneys' fees in connection with the arbitration. The prevailing party may recover reasonable costs and attorney's fees if awarded by the arbitrator.

Any and all issues relating or pertaining to arbitration or this arbitration clause, including but not limited to the threshold question of arbitrability or the enforceability or validity of this arbitration clause shall be delegated exclusively to the single selected arbitrator pursuant to this provision. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. If any provision or part of these terms is held to be illegal or unenforceable such provision or part thereof shall be modified to the least extent necessary to render such provision legal, enforceable, and effective, or, if no such modification is possible, such provision or part thereof shall be severable, such that any and all other provisions in and referenced in these terms remain valid and binding. If it is determined that this Section 19 is not enforceable as to a particular claim or request for relief, then the parties agree that such particular claim or request for relief may proceed in court but shall be severed and stayed pending arbitration of the remaining claims. This Section shall not preclude parties from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction.

**Athletes and USGA agree that all disputes shall be arbitrated on an individual basis and waive any right to litigate in court or arbitrate any claim as a class action, representative action or class arbitration.**

## 20. Questions

For any questions regarding the application of this Policy, please contact the USGA Senior Director of Championship Administration at [genderpolicy@usga.org](mailto:genderpolicy@usga.org).

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