



INTERNATIONAL
OLYMPIC
COMMITTEE

IOC Regulations on Female Hyperandrogenism

The IOC Executive Board, in accordance with Rule 19.3.10 of the Olympic Charter, and pursuant to Rule 44 of the Olympic Charter, hereby issues the following regulations regarding female hyperandrogenism and participation in the 2014 Sochi Winter Olympic Games (hereafter the “**Regulations**”).

Competitions at the 2014 Sochi Winter Olympic Games (hereafter the “**2014 OG Competitions**”), are conducted separately for men and women (with the exception of certain events). Human biology, however, allows for forms of intermediate levels between the conventional categories of male and female, sometimes referred to as intersex. Usually, intersex athletes can be placed in the male or female group on the basis of their legal sex. However, as explained below, intersex female athletes with elevated androgen production give rise to a particular concern in the context of competitive sports, which is referred to as “female hyperandrogenism.”

In general, the performances of male and female athletes may differ mainly due to the fact that men produce significantly more androgenic hormones than women and, therefore, are under stronger influence of such hormones. Androgenic hormones have performance-enhancing effects, particularly on strength, power and speed, which may provide a competitive advantage in sports. This is one of the reasons why the exogenous administration of such hormones and/or the promotion of the endogenous production of these hormones are banned under the World Anti-Doping Code, to which the IOC is a signatory.

Nothing in these Regulations is intended to make any determination of sex. Instead, these Regulations are designed to identify circumstances in which a particular athlete will not be eligible (by reason of hormonal characteristics) to participate in 2014 OG Competitions in the female category. In the event that the athlete has been declared ineligible to compete in the female category, the athlete may be eligible to compete as a male athlete, if the athlete qualifies for the male event of the sport.

1. **OBJECTIVE**

These Regulations are intended to help regulate standard procedures in the investigation and follow-up of a possible case of female hyperandrogenism.

2. **SCOPE OF APPLICATION**

These Regulations apply to all 2014 OG Competitions.

3. SEX AND ELIGIBILITY

- A. For men's 2014 OG Competitions, only men are eligible to compete. For women's 2014 OG Competitions, only women are eligible to compete. For mixed gender 2014 OG Competitions, such as mixed doubles in tennis, only teams composed of one male and one female are eligible to compete. For open 2014 OG Competitions, such as equestrian, both men and women are eligible to compete.
- B. Each NOC shall ensure that its athletes are eligible for selection in accordance with IOC rules and regulations. As a consequence, each NOC shall, as appropriate, prior to the registration of its national athletes, actively investigate any perceived deviation in sex characteristics and keep complete documentation of the findings, to the extent permitted by the applicable law of legal residence of the concerned athlete.

4. THE IOC EXECUTIVE BOARD

The IOC Executive Board may sanction any breach of these Regulations, pursuant to the provisions of the Olympic Charter, including Rules 40 and 59 thereof.

5. THE CHAIRMAN OF THE IOC MEDICAL COMMISSION AND AN EXPERT PANEL

The Chairman of the IOC Medical Commission (hereafter the "**Chairman**") may delegate one or more of the members of the IOC Medical Commission or the OCOG Medical Officer to supervise doping controls and to manage and coordinate all the health and medical issues at the venues, including medical services for teams. The Chairman may also delegate part of his/her tasks to the IOC Medical and Scientific Director.

An Expert Panel shall be appointed to evaluate a suspected case of female hyperandrogenism. The experts are appointed by the IOC Executive Board for the duration of the 2014 OG Competitions on the recommendation of the Chairman.

An Expert Panel for the purpose of these Regulations consists of one gynaecologist, one genetic expert and one endocrinologist. Additional specialists may be appointed to an Expert Panel.

The responsibilities of the Chairman and the Expert Panel are addressed in further detail in Section 8 below.

The experts convene and/or communicate *ad hoc* in the event that a female hyperandrogenism investigation is initiated.

6. PERSONS WHO CAN REQUEST A FEMALE HYPERANDROGENISM INVESTIGATION

- A. In order to request a female hyperandrogenism investigation, a person must be:
- i. an athlete who is concerned about personal symptoms of hyperandrogenism;
 - ii. a Chief NOC Medical Officer;
 - iii. an IOC Medical Commission¹ member or OCOG Medical Officer; or
 - iv. the Chairman.
- B. A request for a female hyperandrogenism investigation shall be made to the Chairman in the form of a written statement regarding the eligibility of an athlete, and must include:
- i. the reasons and basis for the request, including any evidence which might suggest that an athlete may have female hyperandrogenism;
 - ii. the relevant eligibility rules of the concerned International Federation (IF); and
 - iii. the name, title, address, contact information and signature of the requesting person.

7. INADMISSIBILITY AND REJECTION OF A REQUEST FOR A FEMALE HYPERANDROGENISM INVESTIGATION

Requests for a female hyperandrogenism investigation that do not satisfy the formal requirements set forth in Section 6 above, or which lack substance, shall be rejected and declared inadmissible by the Chairman.

If the relevant IF has rules concerning eligibility to compete as a female, any decision under such rules, whenever taken, shall take precedence over any IOC ruling and shall be subject to any appeals process contained in the IF rules. Requests for an investigation where there has already been a ruling by the IF on eligibility to compete as a female shall be rejected and declared inadmissible by the Chairman.

Such decisions are final and binding and not subject to any appeal. Subsequent requests which comply with the formal requirements of Section 6 above shall be considered.

The Chairman may also refer a request considered to have been made in bad faith to the IOC Executive Board, which may impose sanctions on the requesting person. The requesting person shall have an opportunity to be heard prior to any sanctions being imposed.

¹ For the purpose of these Regulations, the IOC Medical Commission shall mean the IOC Medical Commission as appointed by the President of the IOC, plus the Games Group Members and OCOG IOC Medical Commission Representative.

8. PROCEDURE FOR INVESTIGATING FEMALE HYPERANDROGENISM DURING THE 2014 OG COMPETITIONS

If the request for a female hyperandrogenism investigation is considered to have potential merit by the Chairman, he/she shall initiate an investigation.

- A. After the Chairman has decided to initiate a female hyperandrogenism investigation, he/she shall instruct the IOC Medical and Scientific Director to proceed with the investigation.
- B. At the request of the IOC Medical and Scientific Director, all relevant documents (if available) of the athlete investigated (e.g., medical history, sex hormone levels, diagnosis, treatment, current findings, etc.) shall be provided by the athlete investigated and/or her team physician. The IOC Medical and Scientific Director will then provide this information to the Chairman.
- C. If the Chairman considers that no further investigation is needed based on the information provided, he/she will declare the case to be closed.
- D. If the Chairman considers that the information provided (or the lack of information provided) warrants further investigation, he/she shall recommend appointing an Expert Panel (see Section 5 above) to investigate the matter further.
- E. The Expert Panel may request that the investigated athlete and/or her team physician provide further information and/or that the investigated athlete undergo further examinations to determine whether female hyperandrogenism is present and can be considered to confer a competitive advantage.
- F. The Expert Panel shall examine all available information and establish (i) whether the investigated athlete's androgen level, measured by reference to testosterone levels in serum, is within the male range, and if so, (ii) whether such hyperandrogenism is functional or not.²
- G. The investigated athlete and team physician shall have an opportunity to be heard before the Expert Panel prior to any determination on female hyperandrogenism.
- H. Should the athlete (to be investigated), the respective team physician or any relevant person of the athlete's entourage refuse to provide the requested information, or should the athlete refuse to undergo any examinations, the athlete may be provisionally suspended from the 2014 OG Competitions by the IOC Executive Board, based upon a recommendation from the Chairman.
- I. The IOC Executive Board may impose further sanctions on the respective team physician and/or any relevant person in the athlete's entourage.
- J. The Expert Panel shall take into consideration all of the available information, including any testimony from the investigated athlete, and shall have the following procedural options:

² There are some cases of hyperandrogenism that do not confer a competitive advantage because of non-functional androgen receptors.

- i. If, in the opinion of the Expert Panel, the investigated athlete does not have female hyperandrogenism, the Chairman shall close the case, and the concerned athlete shall be eligible to compete in the female 2012 OG Competitions. Such decision in respect of the 2014 OG Competitions is final and binding and not subject to appeal. If, in the opinion of the Expert Panel, the investigated athlete has female hyperandrogenism that does not confer a competitive advantage because it is non-functional or the androgen level is below the male range, the Chairman shall close the case, and the concerned athlete shall be eligible to compete in the 2014 OG Competitions. Such decision in respect of the 2014 OG Competitions is final and binding and not subject to appeal.
 - ii. If, in the opinion of the Expert Panel, the investigated athlete has female hyperandrogenism that confers a competitive advantage (because it is functional and the androgen level is in the male range), the investigated athlete may be declared ineligible to compete in the 2014 OG Competitions by the IOC Executive Board, based upon the opinion of the Expert Panel and the recommendation of the Chairman. The IOC Executive Board may impose further sanctions on the respective team physician and/or any relevant persons in the investigated athlete's entourage.
- K. In order to help protect the dignity and privacy of the athlete concerned, requests for investigations, information gathered during investigations, results of investigations and decisions regarding a case (or potential case) of female hyperandrogenism, shall be kept confidential and not released or made public by the IOC.

Notwithstanding the above, should an athlete be declared ineligible for the 2014 OG Competitions pursuant to these Regulations, the IOC may hand the case over to the Chief Medical Officer of the relevant International Federation, subject to the informed consent of the athlete, for any follow-up, as appropriate.

- L. Only decisions to declare an athlete ineligible due to female hyperandrogenism pursuant to Section 8(J)(ii), decisions for provisional suspension and decisions to sanction the respective team physician and/or any relevant person in the athlete's entourage pursuant to Section 8(I) may be appealed exclusively to the Court of Arbitration for Sport ("**CAS**") in accordance with the provisions applicable before such court. Such decisions shall remain in effect while under appeal.

Only the following parties shall have the right to appeal to CAS: (a) the investigated athlete or other person who is the subject of the decision being appealed; and (b) the relevant International Federation, subject to the informed consent of the concerned athlete. The time to file an appeal to CAS shall be within twenty-one (21) days from the date of communication by the IOC to the appealing party of the decision. Any such appeals shall be kept confidential and not released or made public by CAS or by any other person.