



## **PGA Policies**

With effect from April 2019

The following shall be the Policies referred to in the Regulations.

# **Inclusion Policy in respect of transgender people entering PGA Tournaments**

## **1. Aim of Policy**

- 1.1 The Professional Golfers' Association (The PGA) is committed to equality issues and welcomes the participation of all players in of their organised golfing tournaments. This Policy is in accordance with the Gender Recognition Act 2004 (the 2004 Act) and the Equality Act 2010 in so far as it is relevant to the sport of golf and seeks to secure fair tournament and the safety of competitors for the purposes of the 2004 Act.
- 1.2 This Policy is the Inclusion Policy in respect of transgender people entering association tournaments referred to in The PGA Regulations part 6a and 6b. Its aim is to include all transgender players. The following sets out the circumstances in which transgender players may participate in events organised and managed by The PGA.
- 1.3 For the purposes of this Policy any reference to a 'medical expert' shall refer to a medically qualified person accredited by the General Medical Council (GMC) (<http://www.gmc-uk.org>) and on the Gender Recognition Panel of recognised gender specialists, as appointed by The PGA from time to time.
- 1.4 For the purposes of this Policy any reference to a 'tournament' shall refer to a particular tournament that The PGA has organised and officiated at.
- 1.5 This policy has been prepared specifically for The PGA. Other associations and golf clubs should take separate legal advice in the event that they wish to adopt a gender policy appropriate to their specific needs.

## **2. Proof of Gender status**

- 2.1 It shall be a condition of any tournament organised by The PGA that players must be of the gender status that is specific to the tournament. Where the player has had their gender status re-assigned, proof of this must be provided in confidence to The PGA Governance Department no later than 7 days prior to the closure of tournament entry's in accordance with clause 2.3 of this Policy. The penalty for a breach of this condition may be disqualification.
- 2.2 Players are eligible to play according to their sex assigned at birth or, where re-assignment has occurred, are eligible according to

their present gender status. For the avoidance of doubt, The PGA reserves the right to carry out a confidential case-by-case evaluation at any time whether prior to or after the tournament if in its opinion such an evaluation is or becomes necessary.

- 2.3 If, in the opinion of the The PGA Governance Department there is uncertainty as to a player's gender status, either prior to, or once a tournament has commenced, then The PGA may ask a player to provide proof of gender status, in confidence, to a medical expert. Such a request for proof of gender status must be made in writing to the player and with regard to the player's right to confidentiality. Any requests should include the following information:
- (a) Details of the types of proof required to establish the gender status of a player (as detailed in clause 2.4); and
  - (b) That a player has a period of 5 working days within which to respond, albeit The PGA may authorise extensions to this time limit as required.
- 2.4 Any one or more of the following shall be regarded as proof of a player's gender status:
- (a) Evidence of legal recognition (i.e. in the UK a Gender Recognition Certificate) of a player's re-assigned gender status as conferred by an appropriate official authority (only if offered); or
  - (b) Appropriate Hormone therapy has been administered in a verifiable manner and for the sufficient length of time to minimise sex related advantages in tournaments.
- 2.5 A failure to comply with the requirements of this policy without good reasons will result in disqualification. In exceptional circumstances once a tournament has commenced and there are good reasons for non-compliance with this policy and proof of gender status is required, the player may, at the discretion of The PGA Governance Department, continue to participate in the tournament until a decision is reached in accordance with this Policy. The decision will then be made in accordance with this policy. Where the decision is made in favour of the player then it will be assumed for all purposes that the policy has been complied with. Where the decision is that proof of gender status is not sufficient, the player will be disqualified. In the event that a player is disqualified from the tournament then any award, prize and/or ranking arising from participation in the tournament shall be forfeited.
- 2.6 In exceptional circumstances where the issue of gender status is required to be determined after a tournament and there are good reasons for non-compliance with this policy and proof of gender status is required, the decision will be made at that stage in accordance with this policy. Where the decision is made in favour of the player then it will be assumed for all purposes that the policy has been complied with. Where the decision is that the player has deliberately and fraudulently deceived The PGA, after careful investigation (including the Appeals process, if invoked), the player

will be disqualified. In the event that a player is disqualified from the tournament then any award, prize and/or ranking arising from participation in the tournament shall be forfeited.

### **3 Appeal Process**

#### **3.1 Any decision by the The PGA Governance Department:-**

- (a) Refusing a player permission to participate in the tournament; or
- (b) Disqualifying or forfeiting any award, prize or ranking awarded to the player, may be appealed by the player to the National Disciplinary Committee, as referenced in The PGA disciplinary procedures.

#### **3.2 The Committee shall take decisions, after consultation with a medical expert who shall not be the same medical expert involved in consultation.**

#### **3.3 An appeal under clause 3.1 shall be made in writing by the player to The PGA Governance Department within 10 working days of the date of the initial decision, albeit the Governance Department may authorise extensions to this time limit as required. Any written appeal request shall also include a statement by the player of the reasons why they are seeking to appeal the decision and confirm that disclosure of any confidential information can be made to the National Disciplinary Committee limited to and only for the purposes of the proper and fair determination of the appeal.**

#### **3.4 The National Disciplinary Committee shall after consultation with a medical expert (who shall not be the same medical expert involved in consultation), make a decision on an appeal and communicate it to the player in writing in line with the disciplinary regulations.**

### **4 Confidentiality**

#### **4.1 In the interests of good practice the information provided or obtained in connection with an issue to which this policy relates will be treated as "protected information" as defined by the 2004 Act whether or not the Association receives the information in an "official capacity" as that term is understood in the 2004 Act.**

#### **4.2 The PGA and its officers must not disclose any information obtained from a player in accordance with this Policy and in any event shall not identify the player for such purposes unless the player to whom the information relates has agreed to its disclosure or such other circumstances exist as the Association may be required to make disclosure in order to comply with its legal obligations.**

### **5. Future Eligibility**

#### **5.1 Once a determination has been made in favour of a player they will be treated for all purposes as the affirmed gender and will not be required to prove their gender status further. Where an unfavourable decision has been made, at first instance or on appeal, then this policy applies and the player will be regarded as**

retaining their sex as assigned at birth, unless new or further evidence can be produced.

- 5.2 Where new or further evidence is produced it will be treated as a new request for eligibility.