



7 January 2022

DECISION OF THE IPC LEGAL AND ETHICS COMMITTEE

Complaint concerning alleged breaches of the IPC Code of Ethics

International Paralympic Committee

Complainant

and

Mr. Charley Nordin

Respondent

IPC Legal and Ethics Committee Hearing Panel:

Mark Copeland, Committee Chair

Gizem Girişmen, Committee Member

Tiago Carvalho, Committee Member

Assistants:

Louis Muncey, Clerk

Mark Linnane, Clerk

Leen Coudenys, IPC Executive Assistant

Complainant:

International Paralympic Committee, represented by Elizabeth Riley, General Counsel

Respondent:

Mr. Charley Nordin

National Paralympic Committee:

the United States Olympic & Paralympic Committee ('**USOPC**')



1. Introduction

1.1 This is the reasoned decision of the IPC Legal and Ethics Committee Hearing Panel (**'Hearing Panel'**) in relation to a complaint brought by the Complainant against the Respondent (**'Complaint'**) in respect of alleged breaches of the 'IPC Handbook, Section 2, Chapter 1.1. IPC Code of Ethics April 2021' (**'Code'**) and the 'Supplementary Regulations (Paralympic Games Tokyo 2020 Demonstrations)' (**'Demonstration Regulations'**).

1.2 The Complainant is the International Paralympic Committee. The Respondent is Mr. Charley Nordin, a US athlete who competed at the Tokyo 2020 Paralympic Games in Para rowing.

2. Jurisdiction and Proceedings

2.1 The Demonstration Regulations were approved by the IPC Governing Board on 21 July 2021 and adopted as the supplementary regulations referred to in Article 2.2.2 of the Paralympic Games Principles, located at section 1, chapter 3 of the IPC Handbook.

2.2 The Demonstration Regulations apply during the "Games Period" meaning the period which commenced on 14 August 2021 (which was ten days before the opening ceremony of the Paralympic Games Tokyo 2020) and which ended at midnight on 5 September 2021 (the day of the closing ceremony of the Paralympic Games Tokyo 2020) (see Article 1.3 of the Demonstration Regulations).

2.3 Pursuant to Article 1.4 of the Demonstration Regulations, each "Participant", meaning a *"person participating in the Paralympic Games in any capacity, including (without limitation) each athlete..."* (as defined in Clause 2.1 of the Paralympic Games Principles), is bound by and required to comply with the Demonstration Regulations as a condition of participation with the Paralympic Games.

2.4 The Respondent competed at the Paralympic Games, within the "Games Period", as an athlete, and therefore is a "Participant" for the purposes of the Demonstration Regulations and is accordingly bound by and required to comply with the Demonstration Regulations.

2.5 The Respondent is also subject to the Code which states in the "Scope" section that it shall apply to the Paralympic Games and to any member of the Paralympic Family, which includes athletes.

2.6 Clause 1.1 of Appendix A of the Code, the 'IPC Regulations Governing the Procedures for Dealing with Complaints Regarding Alleged Breaches of the IPC Code of Ethics' (the **'Ethics Regulations'**) grants exclusive authority to deal with complaints brought under the Ethics Regulations to the IPC Legal and Ethics Committee (the **'Committee'**).

2.7 Clause 1.2 of the Ethics Regulations permits any person or body that falls within the scope of the Code to bring a complaint to the Committee that some other person or body (also falling within the Code) has breached the Code. Article 3.1 of the Demonstration Regulations requires that any complaint be heard and determined by the Committee and governed by the Ethics Regulations.

2.8 Clause 8.1 of the Ethics Regulations details that the Chairperson of the Committee shall form a hearing panel of three people to hear the Complaint (the **'Hearing Panel'**). Article 3.1(c) of the Demonstration Regulations requires the Hearing Panel to include at least one Paralympian who has competed in at least one of the previous three editions of the summer or winter



Paralympic Games at the time of appointment (such Paralympian may be a member of the Committee or co-opted ad hoc to sit on the Hearing Panel). The appointment of Gizem Girişmen satisfies this requirement.

- 2.9 The Hearing Panel was therefore formed in accordance with Article 3.1(c) of the Demonstration Regulations and Clause 8.1 of the Ethics Regulations, and has jurisdiction to hear the Complaint.
- 2.10 Both the Complainant and the Respondent consented to the Hearing Panel to determine the Complaint on the papers, without an oral hearing. In accordance with Clause 7.5 of the Ethics Regulations, the Committee decided it appropriate to deal with the Complaint on the papers.

3. Background to the Complaint

- 3.1 The Respondent is an athlete from the United States who competed at the Tokyo 2020 Paralympic Games in Tokyo.
- 3.2 On 29 August 2021, the Respondent competed in the PR3 Mixed Coxed Four Finals (Final A) of Para rowing, in which he and his teammates won a silver medal.
- 3.3 After the medals had been awarded, but while still on the podium and during the photo opportunity, the Respondent unzipped his jacket to reveal a t-shirt bearing the words "JUSTICE FOR OSCAR GRANT" (the '**Demonstration**'). The Respondent then zipped his jacket back up, hiding the t-shirt.
- 3.4 After the Demonstration, the Respondent answered a question from the media in the mixed zone as to his motivations for wearing the t-shirt. The transcript of the Respondent's comments is as follows:

Q: "Charlie, what was the message you were trying to send today?"

A: "Oscar Grant was murdered, the police officer that shot him while he was handcuffed facing down only served 11 months, uh, it's not justice, it's representative of a corrupt system in America that has been oppressing and murdering minorities for all of our history, and I wanted to raise awareness of that. Being from the Bay Area it hits especially close to home. And yeah, I just wanted to show Oakland that I'm still here for them and still representing them, and there hasn't been justice and his name deserves to be known."

4. Alleged Breaches of the IPC Code of Ethics

- 4.1 The Complainant asserts that the Respondent breached Article 2.2 of the Demonstration Regulations which states:

"2.2 During the Games Period, Participants may not demonstrate, protest, and/or make political statements at any Paralympic venue or other area related to the Paralympic Games (including, without limitation, during Official Ceremonies, on the Field of Play, and/or in the Paralympic Village), save as set out in Article 2.3."

- 4.2 Article 2.3 of the Demonstration Regulations states:



"As the sole exception to Article 2.2, during the Games Period, Participants may demonstrate, protest, and/or make political statements as follows, provided always that no Impermissible Elements are involved:

(a) in the mixed zones, the International Broadcasting Centre and the Main Media Centre, including when speaking to the media; and/or

(b) during press conferences and media interviews; and/or

(c) during team meetings; and/or

(d) using traditional media and/or digital media and/or social media channels. Such channels may be used at the above times and places and at any other time and place (except only that the Participant may not use these channels to demonstrate, protest, or make any political statement when on the Field of Play or when participating in any Official Ceremonies)."

4.3 Article 1.12 of the Code states:

"Members of the Paralympic Family shall abide by and respect the IPC Code of Ethics at all times and, in particular, adhere to the following ethical standards:

[...]

1.12 Respect the principle of neutrality in sport, including by (without limitation) complying with Article 2.2.2 of the Paralympic Games Principles and any related supplementary regulations issued by the IPC."

4.4 The Complainant submitted that the Respondent breached Article 2.2.2 of the Paralympic Games Principles and Article 2.2 of the Demonstration Regulations, and thereby breached Article 1.12 of the Code.

5. Burden and Standard of Proof

5.1 As set out in Clause 4.1 of the Ethics Regulations, the Complainant must prove its case on the balance of probabilities.

6. Written Submissions

6.1 On the 30 September 2021, the Complainant sent a letter to the USOPC detailing the Complaint. In that letter, the Complainant detailed the prior written correspondence between the Complainant, the Respondent and USOPC in relation to the Complaint:

(a) On the 30 August 2021, the Complainant wrote to the USOPC explaining that the Complainant was investigating whether the actions of the Respondent on the 29 August 2021 had breached the Demonstration Regulations. The Complainant asked that the Respondent be made aware of the letter and provide the Complainant with an explanation of the Demonstration and any further relevant information about the Demonstration.

(b) On the 4 September 2021, the USOPC responded to the Complainant:



- (i) noting that the Respondent provided a response to the media in the mixed zone (as repeated at paragraph 3.4 above);
 - (ii) confirming that the Respondent waited for what they thought was the most considerate moment to reveal their t-shirt, specifically after the medal ceremony and once the national anthem of the winning team (Great Britain) had concluded; and
 - (iii) acknowledging that the Respondent acted alone in deciding to perform the Demonstration and did not involve his teammates.
- (c) The USOPC letter included a letter prepared by the Respondent explaining his actions, specifically:
- (i) that there were multiple factors in his decision to perform the Demonstration, but it was "*rooted in the desire to give voice to the voiceless and help those who are so often thrown aside and abused due to their skin color*"; and
 - (ii) that he did not reveal his t-shirt until the medals had been awarded, the winner's national anthem had concluded, and his team was standing separately from the other medallists.

6.2 The Complainant subsequently provided written submissions in a Statement of Case to the Hearing Panel in relation to the Complaint.

6.2.1 The Complainant detailed the applicability of the Demonstration Regulations and the Code to the Athlete. The Complainant specifically noted that:

- (a) Applicability of the Demonstration Regulations and Code: As a participant of the Paralympic Games, the Respondent is subject to the Demonstration Regulations.
- (b) Jurisdiction: Pursuant to Clauses 1.1 and 1.2 of the Ethics Regulations and Article 3.1 of the Demonstration Regulations, the Committee has exclusive authority to deal with the Complaint.

6.2.2 The Complainant submitted that the Respondent had breached the Demonstration Regulations since:

- (a) the Respondent is a Participant in the Games;
- (b) the Respondent's conduct amounted to a demonstration;
- (c) the Respondent's conduct occurred on 29 August 2021, within the "Games Period"; and
- (d) the Respondent has accepted that his conduct was a demonstration in support of racial equality and against the racism, injustice and abuse suffered by black Americans.

6.2.3 In the Statement of Case, when considering the breach, the Complainant stated that:



- (a) the Complainant wished to express unequivocally there is no suggestion that the content of the Respondent's demonstration was not in support of an undeniably important and worthy cause. However, the Complainant's rules are intended to strike a balance between protecting the athlete experience; advancing the vision and mission of the Complainant and the Paralympic Movement; reflecting the global nature of the Paralympic Movement; and allowing participants to demonstrate or protest on matters that are important to them.
- (b) the Complainant's rules, as set out in the Ethics Regulations, Demonstration Regulations and other linked regulations, have been applied by the Complainant in relation to a wide range of demonstrations, and the Complainant works with members to proactively identify ways in which demonstrations can be carried out in compliance with the rules; and that
- (c) the Demonstration Regulations were drafted following a lengthy, global consultation process, which provided athletes with opportunities to express their views.

6.3 In response to the Complainant's Statement of Case, the Respondent sent a letter to the Committee providing more detail on his explanation for the Demonstration.

6.3.1 The Respondent impliedly accepted that his conduct was a Demonstration but submitted that he made every effort to ensure the Demonstration was not disruptive and noted that it was not held out of a desire for personal gain or individual media attention.

6.3.2 The Respondent further noted that it was his "*utmost priority to make certain that I did not take away from my fellow teammates and competitors' accomplishments*" and that by timing his Demonstration accordingly he felt as though this aim was achieved.

6.3.3 The Respondent confirmed he agreed to having the Hearing Panel decide the case on the basis of written submissions, without the need for a hearing.

6.4 The Complainant noted in their Statement of Case that, while indicating sanctions were a matter for the Hearing Panel, a public apology would be sufficient.

7. Decisions and Reasons

The Hearing Panel finds that the Complaint has been proven on the balance of probabilities.

7.1 The Hearing Panel is satisfied that the Respondent's conduct constitutes a breach of Article 2.2 of the Demonstration Regulations as:

7.1.1 pursuant to Article 1.4 of the Demonstration Regulations, the Respondent is bound and required to comply with the Demonstration Regulations as a "Participant" in the Paralympic Games;

7.1.2 the Code applies to the Respondent as an athlete participating in the Paralympic Games and as a member of the Paralympic Family;

7.1.3 the Respondent's conduct, as detailed at paragraph 3.3 above, was a demonstration pursuant to Article 2.2 of the Demonstration Regulations which did not fall within any of the exemptions detailed in Article 2.3 of the Demonstration Regulations (set out at paragraph 4.2 above); and



7.1.4 the Demonstration occurred on 29 August 2021 within the "*Games Period*" and during a podium/medal presentation/victory ceremony i.e. an "*Official Ceremony*"; and in any event took place at a Paralympic venue.

7.2 In line with the assertion of the Complainant, and for the avoidance of doubt, the Hearing Panel does not find that the Respondent's statement to the media in the mixed zone, as detailed at paragraph 3.4 above, constitutes a breach of Demonstration Regulations. As the statement was made in the mixed zone, and did not contain any Impermissible Elements, it is covered by the exemption in Article 2.3(a) of the Demonstration Regulations.

8. Sanctions

8.1 As the Hearing Panel has found that a breach of the Code has occurred, the matter of sanctions arises.

8.2 The possible sanctions for breaches of the Demonstration Regulations are set out in Article 4.1 of the Demonstration Regulations.

8.3 Pursuant to Article 4.3 of the Demonstration Regulations, the Hearing Panel assess proportionality to determine the appropriate sanction. Specifically, The Hearing Panel acknowledged that:

- (a) the Demonstration did not cause harm to others (Article 4.3(d));
- (b) the Demonstration did take place during an Official Ceremony, therein potentially causing disappointment to the other athletes present at that time (Article 4.3(f)); and
- (c) this would constitute a first offence by the Respondent (Article 4.3(i)).

8.4 Considering all the circumstances, the Hearing Panel finds, having regard to all the relevant circumstances, that the appropriate sanction is the:

- (a) issuance of a public written warning in accordance with Article 4.1(b) of the Demonstration Regulations which states:

"4.1 The Hearing Panel may impose any one or more of the following sanctions for a Demonstration Violation, based on what it considers to be proportionate in all of the circumstances of the case:

[...]

(b) a warning, which may be either private or public;"; and

- (b) issuance of a private apology by the Respondent to the Respondent's fellow rowing teammates competing on behalf of the United States in the PR3 Mixed Coxed Four Finals (Final A) in accordance with Article 4.1(d) of the Demonstration Regulations which states:

"4.1 The Hearing Panel may impose any one or more of the following sanctions for a Demonstration Violation, based on what it considers to be proportionate in all of the circumstances of the case:



[...]

(d) a requirement to issue a private or public apology;"

8.5 The Decision of the Hearing Panel will be made publicly available on the website of the Complainant pursuant to Clause 2.1 of the Ethics Regulations.

A handwritten signature in black ink, appearing to read 'Mark J Copeland'. The signature is written in a cursive, flowing style.

Mark J Copeland
IPC Legal and Ethics Committee Chairperson