



## **Chapter 3.9 – Addendum to IPC Policy on disciplinary measures for breaching the IPC qualification, entry and participation rules**

**Extension of scope of Policy to cover Anti-Doping Rule Violations.**

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**International Paralympic Committee**

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Approval Authority:	IPC Governing Board
Responsible Office or Department:	Executive Office
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Related Policies:	<ul style="list-style-type: none"><li>▪ IPC Policy on Disciplinary Measures</li><li>▪ IPC Bylaws on Rights and Obligations of IPC members</li><li>▪ IPC Hearing and Appeal Rules in ‘Rules Governing the Procedures for dealing with complaints on alleged breaches of the Code of Ethics’.</li><li>▪ IPC Policy on the Suspension of an IPC member organisation.</li></ul>

## 1 Policy statement

Article 12 of the World Anti-Doping Code contains the following provision: -

“Nothing in [this] Code precludes any Signatory or government accepting [this] Code from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the Signatory or a member of the Signatory or government has authority.”

The explanatory comment to the above Article states the following: -

“Comment to art. 12: this article makes it clear that [this] Code does not restrict whatever disciplinary rights between organizations may otherwise exist.”

The rules set out in this Addendum (‘the Rules’) have been adopted by the IPC Governing Board under the authority given to the Governing Board by the IPC Constitution (Article 5.4) and the Rights & Obligations of Members Bylaw (Article 2.1.1), in order to support the anti-doping efforts of the IPC. They expand the scope of the IPC Policy on Disciplinary Measures into the area of anti-doping regulation. These Rules are separate from the IPC Anti-Doping Code (‘the Code’).

Article 2.2.7 of the IPC Constitution defines one of IPC’s objects as follows:

“[To] contribute to the creation of a drug-free sport environment for all Paralympic athletes in conjunction with the World Anti-Doping Agency”



Therefore the Governing Board is under a duty to adopt measures designed to secure compliance from IPC Members with these important obligations.

## 2 Application and summary

Although this Chapter 3.9 is directed primarily to NPCs, the repayment provision set out in these Rules can apply to all IPC members.

In summary these Rules provide as follows;

“Where there are two or more ADRVs in a year a Member may be required to reimburse the costs that the IPC has incurred dealing with these ADRVs. If there are two or more ADRVs from one nation from a single sport, or four or more ADRVs from one nation, in a year the NPC may also be required to pay a fine, or may have some other form of disciplinary measure imposed. The Disciplinary Commission must take account of all the relevant matters, including any mitigating circumstances the Member wants to rely on.”

## 3 Principles

The IPC spends a significant amount of money each year on its Anti-Doping activities. These costs increase with each anti-doping rule violation (‘ADRV’) or other breach of the requirements of the Code.

The Governing Board considers that a proportionate response is to empower the IPC Disciplinary Commission to recover costs associated with ADRVs, and to impose disciplinary measures (including financial fines) in the circumstances defined below.

Accordingly the IPC Disciplinary Commission will be entitled to enforce the following reimbursement obligation against any Member in respect of the costs and expenses incurred by the IPC (including sample collection costs and fees, laboratory fees, hearing costs, legal fees and expenses and travel) arising from violations of the Code committed by a Member or by any individual that represents, is employed or engaged by, or otherwise reasonably appears to be under the jurisdiction of the Member.



## 4 Repayment

Every Member shall be liable to repay to the IPC, and therefore reimburse the IPC, all the costs incurred by the IPC in connection with any second and subsequent ADRV occurring within a calendar year in the manner set out below.

### Procedure

- i. The IPC CEO shall be entitled to issue a Certificate of Costs and send this to any Member within three (3) months of the second and each subsequent ADRV in a calendar year.
- ii. The Certificate of Costs will be signed by the IPC CEO and IPC Finance and Corporate Services Director to confirm its accuracy, and shall thereafter be treated as accurate and complete.
- iii. The Member will reimburse the IPC for the full amount set out in the Certificate of Costs within one (1) month of receipt of the Certificate of Costs.
- iv. The Certificate of Costs will separately itemise the costs incurred by the IPC in connection with the ADRV.
- v. The costs to be included in the Certificate of Costs will incorporate the costs of the IPC management team's time in dealing with the ADRV, and the procedures under these Rules, notwithstanding the fact that this may be considered part of the IPC's overhead and therefore a fixed cost to the IPC.
- vi. Management time will be charged at the rate of €75 per hour for each member of the management team while engaged on the ADRV.

## 5 Disciplinary measures

In addition to any reimbursement due to the IPC from a Member, the IPC Disciplinary Commission will be entitled to treat any second and subsequent ADRV within a calendar year arising from an NPC from a single sport, or fourth and subsequent ADRVs from athletes or officials from an NPC Member in any calendar year, as a Major Infraction under article 3.2.1 of this Policy (note that the reference is to the relevant section of the Policy not this Addendum - see in particular last bullet point). Therefore the IPC Disciplinary Commission may impose a Disciplinary Measure (or combination of measures) provided for under 3.2.2 and 3.2.3 of this Policy.

In exercising their discretion the Disciplinary Commission will take account of the matters set out at 3.3.1 of this Policy and the effect of any repayment obligation.



The Disciplinary Commission will also take account of the severity of sanctions imposed under the Code (including whether the provisions of 10.4 or 10.5 of the Code were applied to eliminate or reduce of any period of ineligibility), any specific efforts that the Member may have taken to deal with doping within its territory and any specific sport, and in particular any anti-doping education programmes established by the Member.

### **Procedure**

The procedural rules set out at 4.2 of this Policy will apply (and must be read '*mutatis mutandis*', i.e. with the necessary changes to fit with the objective of these Rules), save that there will be no 'in person' hearing, and all submissions must be in writing.

## **6 Use and application of fines paid to the IPC**

The Governing Board shall in their discretion determine how any financial fines paid to the IPC under these Rules will be used. Regard shall be had to funding required for anti-doping education programmes and additional testing measures targeted per sport, nation or athlete(s).

## **7 Appeals against decisions**

The Appeals procedure set out at 4.3 of this Policy will apply to any disciplinary measure imposed under these Rules but not to a repayment obligation.

With regard to repayment, a Member shall be entitled to refer any question, objection or dispute for resolution to the IPC Governing Board. The decision of the Governing Board (which for this part of their business shall exclude members of the Disciplinary Commission) shall be final and non-appealable.

## **8 Non-payment**

If any payment due under these Rules is not paid within two (2) months of the date of demand, regardless of whether or not the Member is seeking a review of the decision from the Governing Board or is pursuing an Appeal, then the Member will be liable to be suspended under Article 9.3 of the IPC Constitution.



## 9 Reporting

At each meeting of the IPC Governing Board the IPC CEO shall report on the status of any measures taken under these Rules.

The Governing Board will also review the application and effectiveness of these Rules with the release of any revised IPC Anti-Doping Code.