

International
Paralympic
Committee

International Standard for Protests and Appeals

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International Paralympic Committee

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Introduction

The fundamental purpose of the IPC Athlete Classification Code (the Code) is to uphold confidence in Classification and advance participation by a wide range of Athletes. To achieve this purpose, the Code details policies and procedures common across all sports and sets principles to be applied by all Para sports.

The Code is complemented by International Standards that provide technical and operational standards for specific aspects of Classification to be carried out by all Signatories in a manner which Athletes and other Paralympic stakeholders understand and have confidence in.

Compliance with these International Standards is mandatory. This International Standard for Protests and Appeals should be read in conjunction with the Code and the other International Standards.

Purpose

The Code requires International Sport Federations to make provision for processes by which the *outcome* of Athlete Evaluation may be challenged (a Protest) and how Athlete Evaluation and/or Classification *procedures* may be challenged (an Appeal).

This International Standard sets out these mandatory rules.

Definitions

This International Standard uses the defined terms in the Code and the other International Standards. Further defined terms specific to this International Standard are as follows:

Appeal Body: a body designated by an International Sport Federation for hearing and determining the resolution of Appeals.

BAC: the IPC Board of Appeal of Classification.

Chief Classifier: a Classifier appointed by an International Sport Federation to direct, administer, co-ordinate and implement Classification matters for a specific Competition according to that International Sport Federation Classification Rules.

Evaluation Session: the session an Athlete is required to attend for a Classification Panel: to assess that Athlete's compliance with the Minimum Impairment Criteria for a sport; and to allocate a Sport Class and Sport Class Status depending on the extent to which that Athlete is able to execute the specific tasks and activities fundamental to the sport.



First Appearance: the first time an Athlete competes in an Event during a Competition in a particular Sport Class.

Head of Classification: a person appointed by an International Sport Federation to direct, administer, co-ordinate and implement Classification matters for that International Sport Federation.

International Sport Federation Protest: a challenge to the outcome of Athlete Evaluation made by an International Sport Federation in respect of an Athlete under its jurisdiction.

National Protest: a challenge to the outcome of Athlete Evaluation made by a National Body or a National Paralympic Committee in respect of an Athlete under its jurisdiction.

Observation in Competition: the observation of an Athlete in a Competition by a Classification Panel so that the Classification Panel can complete its determination as to the extent to which an Eligible Impairment affects that Athlete's ability to execute the specific tasks and activities fundamental to the sport.

Protested Athlete: an Athlete whose Sport Class is being challenged.

Protested Decision: the Sport Class decision being challenged.

Protest Documents: the information provided in the Protest Form together with the Protest Fee.

Protest Fee: the fee prescribed by an International Sport Federation, payable by the National Body or National Paralympic Committee when submitting a Protest.

Protest Form: the form on which a National Protest must be submitted.

Protest Panel: a Classification Panel appointed by the Chief Classifier to conduct an Evaluation Session as a result of a Protest.



Part 1 – Protests

1 Scope of a Protest

- 1.1 A Protest may *only* be made in respect of an Athlete's Sport Class. A Protest may *not* be made in respect of an Athlete's Sport Class Status.
- 1.2 A Protest *may not* be made in respect of an Athlete who has been allocated a Sport Class Not Eligible given that Athlete must automatically be reviewed by a second Classification Panel in accordance with the International Standard for Athlete Evaluation.

2 Parties Permitted to Make a Protest

- 2.1 A Protest may *only* be made by one of the following bodies:
 - 2.1.1 a National Body; or
 - 2.1.2 a National Paralympic Committee; or
 - 2.1.3 an International Sport Federation.

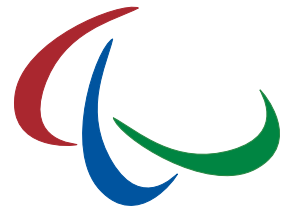
[Comment to Article 2.1: There is no opportunity for an Athlete to make a Protest. A Protest must only be made on behalf of an Athlete by the Athlete's National Body, National Paralympic Committee or an International Sport Federation.]

3 National Protests

- 3.1 A National Body or a National Paralympic Committee may only make a Protest in respect of an Athlete under its jurisdiction *at a Competition or venue set aside for Athlete Evaluation by an International Sport Federation* in accordance with Article 9.1.

[Comment to Article 3.1: Under the 2007 International Standard for Protests and Appeals it was permissible for National Bodies or National Paralympic Committees to make Protests in respect of the Sport Classes allocated to Athletes from other nations. This no longer applies and has been replaced with a process whereby International Sport Federations may make a Protest. This includes Protests that are made on the basis of a National Body or National Paralympic Committee believing that the Sport Class allocated to an Athlete from another nation should be reviewed.]

- 3.2 A National Protest made at a Competition must be made according to the timeframes



set by the International Sport Federation which must be no later than the end of that Competition.

- 3.3** If an Athlete is required by a Classification Panel to undergo Observation in Competition Assessment, a National Body or a National Paralympic Committee may make a Protest before or after First Appearance takes place. If a Protest is made before First Appearance takes place the Athlete must not be permitted to compete until the Protest has been resolved.

4 National Protest Procedure

- 4.1** To submit a National Protest, a National Body or a National Paralympic Committee *must* show that the Protest is *bona fide* with supporting evidence *and* complete a Protest Form, the format of which must be determined by the International Sport Federation and must include the following:

- 4.1.1** the name and sport of the Protested Athlete;
- 4.1.2** the details of the Protested Decision and/or a copy of the Protested Decision;
- 4.1.3** an explanation as to why the Protest has been made and the basis on which the National Body or National Paralympic Committee believes that the Protested Decision is flawed;
- 4.1.4** reference to the specific rule(s) alleged to have been breached except that if the rule referenced is a discretionary rule the Protest will not comply with this Article 4.1.4; and

[Comment to Article 4.1.4: An example of a discretionary rule relates to when a Classification Panel is assessing ataxia: “tests that may be useful for determining this include but are not limited to: finger-to-nose test; finger-to-finger test; toe-to-finger test; heel shin test; tandem walk; gait.” When a Classification Panel exercises its discretion, and, in this example, chooses to use only the finger-to-nose test to assess ataxia, a Protest cannot be made on the basis that the Classification Panel chose to conduct the finger-to-nose test and none of the other identified tests. A Protest can be made on the basis that the Classification Panel allegedly conducted the finger-to-nose test in a way that is inconsistent with the rules. However the decision to conduct the finger-to-nose test cannot be protested.]

- 4.1.5** the Protest Fee.

[Comment to Article 4.1: When providing an explanation as to why a Protest has been made, the National Body or National Paralympic Committee needs to show that the Protest is bona fide (made in good faith) and not simply an allegation without any supporting evidence. Further, the specific rule(s) alleged to have



been breached must align with the explanation provided. It will not be sufficient for the National Body or National Paralympic Committee to simply reference a rule(s) without expressly linking it to the explanation provided. The National Body or the National Paralympic Committee must pay a Protest Fee to the relevant International Sport Federation to make a Protest.]

- 4.2** The Protest Documents must be submitted to the Chief Classifier of the relevant Competition within the timeframes specified by the International Sport Federation. Upon receipt of the Protest Documents the Chief Classifier must conduct a review of the Protest, of which there are two possible outcomes:
- 4.2.1** the Chief Classifier may dismiss the Protest if, in the discretion of the Chief Classifier, the Protest does *not* comply with the Protest requirements in this Article 4; or
 - 4.2.2** the Chief Classifier may accept the Protest if, in the discretion of the Chief Classifier, the Protest *complies* with the Protest requirements in this Article 4.
- 4.3** If the Protest is dismissed the Chief Classifier must notify all relevant parties and provide a written explanation to the National Body or National Paralympic Committee as soon as practicable. The Protest Fee will be forfeited.
- 4.4** If the Protest is accepted:
- 4.4.1** the Protested Athlete's Sport Class must remain unchanged pending the outcome of the Protest but the Protested Athlete's Sport Class Status must be changed to Sport Class Status Review effective immediately, unless it is already Review;
 - 4.4.2** the Chief Classifier must appoint a Protest Panel, in accordance with Article 7, to conduct a new Evaluation Session as soon as reasonably possible, which must be, if practicable, at the Competition the Protest was made; and
 - 4.4.3** the Chief Classifier must notify all relevant parties of the time and date the new Evaluation Session must be conducted by the Protest Panel.

5 International Sport Federation Protests

- 5.1** An International Sport Federation *may*, in its discretion, make a Protest *at any time* in respect of an Athlete under its jurisdiction if:
- 5.1.1** it considers an Athlete may have been allocated an incorrect Sport Class; or
 - 5.1.2** a National Body or National Paralympic Committee makes a request to its International Sport Federation.



[Comment to Article 5.1.2: A request by a National Body or a National Paralympic Committee must be in the form determined by the International Sport Federation. Any such request does not require the International Sport Federation to make an International Sport Federation Protest.]

6 International Sport Federation Protest Procedure

- 6.1** If an International Sport Federation decides to make an International Sport Federation Protest, the Head of Classification of that International Sport Federation must advise the relevant National Body or National Paralympic Committee of the International Sport Federation Protest at the earliest possible opportunity.
- 6.2** The Head of Classification must provide the relevant National Body or National Paralympic Committee with a written explanation as to why the International Sport Federation Protest has been made and the basis on which the Head of Classification considers it is justified.
- 6.3** If an International Sport Federation makes a Protest:
 - 6.3.1** the Protested Athlete's Sport Class must remain unchanged pending the outcome of the Protest;
 - 6.3.2** the Protested Athlete's Sport Class Status must immediately be changed to Review unless the Protested Athlete's Sport Class Status is already Review; and
 - 6.3.3** a Protest Panel must be appointed to resolve the Protest as soon as is reasonably possible.

7 Protest Panel

- 7.1** A Chief Classifier may fulfil one or more of the Head of Classification's obligations in this Article 7 if authorised to do so by the Head of Classification.
- 7.2** A Protest Panel must be appointed by the Head of Classification in a manner consistent with the provisions for appointing a Classification Panel in the International Standard for Athlete Evaluation.
- 7.3** A Protest Panel must *not* include any person who was a member of the Classification Panel that:
 - 7.3.1** made the Protested Decision; or
 - 7.3.2** conducted any component of Athlete Evaluation in respect of the Protested



Athlete within a period of 12 months prior to the date of the Protested Decision, unless otherwise agreed by the National Body, National Paralympic Committee or International Sport Federation making the Protest.

[Comment to Article 7.3: These restrictions are to ensure any conflict of interest risks are minimised. However, if the National Body, National Paralympic Committee or International Sport Federation making the Protest is comfortable with one of the persons mentioned in Article 7.3 being part of the Classification Panel, it may agree to this. This might be helpful in situations where a Protest may not otherwise be capable of resolution at a particular Competition.]

- 7.4** The Head of Classification must notify all relevant parties of the time and date for the Athlete Evaluation that must be conducted by the Protest Panel.
- 7.5** The Protest Panel must conduct the new Athlete Evaluation in accordance with the International Standard for Athlete Evaluation. The Protest Panel may refer to the Protest Documents when conducting the new Athlete Evaluation.
- 7.6** The Protest Panel must allocate a Sport Class and designate a Sport Class Status. All relevant parties must be notified of the Protest Panel's decision as soon as possible following the Athlete Evaluation.
- 7.7** International Sport Federations must specify in their Classification Rules (or relevant sport technical rules) the consequences to results and prizes of an Athlete changing Sport Class after a Protest.
- 7.8** The decision of a Protest Panel in relation to both a National Protest and an International Sport Federation Protest is final. There is no opportunity for a National Body, National Paralympic Committee or an International Sport Federation to make another *Protest*. However, the decision of a Protest Panel *may* be appealed if the requirements set out in Part 2 of this International Standard are met.

[Comment to Article 7.8: Article 7.8 is intended to ensure that multiple Protests are not made at the same Competition: for example, a National Body Protest and a subsequent International Sport Federation Protest. This restriction applies to the duration of the relevant Competition only and would not preclude a Protest being made at future Competition.]

8 Provisions Where No Protest Panel is Available

- 8.1** If a Protest is made at a Competition but there is no opportunity for the Protest to be resolved at that Competition:
 - 8.1.1** the Protested Athlete must be permitted to compete within the Sport Class that is



the subject of the Protest with Sport Class Status Review, pending the resolution of the Protest; and

- 8.1.2** all reasonable steps must be taken to ensure that the Protest is resolved at the earliest opportunity.

[Comment to Article 8: This Article reflects the reality that, on occasion, the resolution of a Protest may not be possible at a Competition, for example if the Classifiers available to participate in a Protest Panel are precluded from participation in a Protest Panel due to a conflict of interest, or in the event there are limited Classifiers at a Competition. In such instances the Protest must be deferred until the earliest available opportunity.]

9 Special Provisions

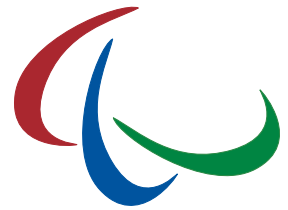
- 9.1** An International Sport Federation may make arrangements for some or all of the components of Athlete Evaluation to be carried out at a place and at a time away from a Competition ('Non-Competition Venue') in accordance with this International Standard and the International Standard for Athlete Evaluation.
- 9.2** An International Sport Federation must establish Protest provisions to enable Protests to take place when Athlete Evaluation is carried out in a Non-Competition Venue in accordance with this International Standard.

[Comment to Article 9: Conducting Athlete Evaluation solely at Competitions is inefficient and costly. Athletes, International Sport Federations and event organisers will benefit significantly if Athlete Evaluation can take place both at Competitions and at carefully selected venues outside of Competitions. International Sport Federations must establish Protest provisions to enable Protests to take place in such venues.]

Part 2 – Appeals

10 Scope of an Appeal

- 10.1** An Appeal is the process by which a formal objection to how Athlete Evaluation and/or Classification *procedures* have been conducted is submitted and subsequently resolved.



11 Parties Permitted to Make an Appeal

11.1 An Appeal may *only* be made by one of the following bodies:

11.1.1 a National Body; or

11.1.2 a National Paralympic Committee.

[Comment to Article 11: In accordance with the IPC Handbook, Section 1, Chapter 2.8 – Bylaws Board of Appeal of Classification, an Appeal may only be made by the Athlete's National Body or National Paralympic Committee, whichever is the member organisation of the relevant International Sport Federation (i.e. for sports governed by the IPC, the National Paralympic Committee must submit the Appeal and for sports not governed by the IPC, the National Body that is the member of the respective International Sport Federation must submit the Appeal).]

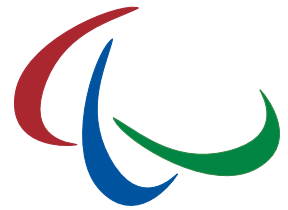
12 Appeals & the Applicable Rules

12.1 If a National Body or National Paralympic Committee considers there have been *procedural errors* made in respect of the allocation of a Sport Class and/or Sport Class Status *and* as a consequence an Athlete has been allocated an incorrect Sport Class or Sport Class Status, it may submit an Appeal.

12.2 Each International Sport Federation must designate an Appeal Body. Each Appeal Body must comprise at least three people with the appropriate skills and experience to objectively hear the Appeal and who were not involved in any way with any of the procedures that are the subject of the Appeal.

12.3 In respect of sports for which the IPC acts as the International Sport Federation and in respect of all Appeals for all sports submitted during the Paralympic Games and IPC major events, the BAC is the Appeal Body.

12.4 Any other International Sport Federation *may*, subject to an agreement with the IPC, designate the BAC as the Appeal Body for resolving Appeals under its jurisdiction or establish its own Appeal Body.



- 12.5** In all instances where the BAC is the Appeal Body, an Appeal must be made and resolved in accordance with the IPC Handbook, Section 1, Chapter 2.8 – Bylaws Board of Appeal of Classification. In all other instances, an Appeal must be made and resolved in accordance with this International Standard and the relevant rules of the International Sport Federation.
- 12.6** An Appeal Body does not have any power to modify, alter or otherwise change any Sport Class and/or Sport Class Status decision, for example by allocating an Athlete a new Sport Class and/or Sport Class Status.
- 12.7** An Appeal Body may decline to rule on an Appeal if it appears that other available remedies, including but not limited to Protest procedures, have not been exhausted.

[Comment to Article 12: The limited scope of review available to the Appeal Body is a fundamental aspect of an Appeal. Sport Class allocation is a sport decision and must be made by those authorised and certified by an International Sport Federation to do so. Those decisions must not be changed except by other persons who are similarly authorised and certified. The Appeal Body may only review the process by which these decisions have been arrived at to ensure that such process has been conducted in accordance with Classification Rules. Similarly, the Appeal Body may only rule on an Appeal if all other available remedies have been exhausted. If a Chief Classifier declines a Protest and the relevant National Body or National Paralympic Committee appeals this decision, the grounds of that Appeal are limited to the decision of the Chief Classifier to decline the Protest and the (procedural) grounds of the Protest. The National Body or National Paralympic Committee is not permitted to introduce additional grounds that should have been included in the Protest.]

The BAC has been established by the IPC as being a specialist dispute resolution body to adjudicate on Appeals. The IPC may make the BAC available to any International Sport Federation that wishes to utilise it as its resolution body for Appeals, subject to an agreement between that International Sport Federation and the IPC on the costs and charges that are payable by the International Sport Federation in respect of the BAC. The IPC has implemented detailed rules of procedure, currently set out in the IPC Handbook, Section 1, Chapter 2.8 – Bylaws Board of Appeal of Classification, that govern the conduct of proceedings brought before the BAC. The IPC will publish details of the costs and charges that are payable by an International Sport Federation in respect of the BAC.]

13 Appeal Decision

- 13.1** The Appeal Body must issue a written reasoned decision resolving any Appeal within the timeframe set by the relevant International Sport Federation after the hearing. The decision must be provided to the Appellant, the Respondent and the IPC. In the case of an Appeal in connection with a Competition, the outcome of the decision must be communicated to the competition organising committee.



- 13.2 The Appeal Body must either affirm the decision appealed or set aside the decision.
- 13.3 In its written decision the Appeal Body must issue a ruling stating the reasons for its decision, including the evidence relied on, and the actions that are required as a result. If the decision is set aside, the Appeal Body must specify the procedural error(s) committed.
- 13.4 The decision of the Appeal Body is final and is not subject to any further appeal.

14 Confidentiality

- 14.1 All Appeal proceedings are confidential and not open to the public.

Part 3 - Application during Major Competitions

15 Ad Hoc Provisions Relating to Protests and Appeals

- 15.1 The IPC may issue special ad hoc provisions to supplement this International Standard to operate during the Paralympic Games or other Competitions.
- 15.2 An International Sport Federation may also issue special ad hoc provisions to supplement this International Standard to operate during specified Competitions under its jurisdiction.