

IPC Handbook	IPC Classification Code	Section 2
June 2013	Models of Best Practice	Chapter 1.3
	Intentional Misrepresentation Rules	

ARTICLE 1. SCOPE AND APPLICATION

1.1 Introduction

These International Paralympic Committee (“IPC”) Intentional Misrepresentation Rules (the “IM Rules”) implement Articles 10,11,12,13 and 14 of the IPC Classification Code 2007 (“the Code”) across all Sports for which the IPC acts as International Federation (individually referred to as an “IPC Sport” and collectively as “IPC Sports”) and for IPC Recognised Competitions.

The Code provides that deceptive conduct that compromises the outcome of Athlete Evaluation should be subject to a disciplinary sanction. These IM Rules provide the basis upon which such conduct can be made the subject of a disciplinary process. The IM Rules are to be read in conjunction with, and as being supplemental to, the Classification Regulations of all IPC Sports.

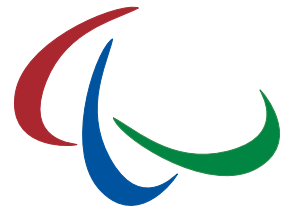
1.2 Application

The IM Rules shall apply to:

- a. All Athletes and Athlete Support Personnel who are subject to the jurisdiction of the IPC and in particular subject to the Classification Regulations of an IPC Sport; and/or
- b. All Athletes and Athlete Support Personnel participating in Events, Recognised Competitions and other activities organised, convened or sanctioned by the IPC.

(all together referred to as “Participants”).

1.3 Core Responsibilities



It is the personal responsibility of every Participant to be acquainted and comply with all of the requirements of the IM Rules, including being aware of what constitutes Intentional Misrepresentation.

1.4 Commencement and Amendment

1.4.1 The IM Rules shall come into full force and effect on the Effective Date. They shall not apply retrospectively to matters arising prior to the Effective Date.

1.4.2 Amendments to the IM Rules shall be approved and shall come into effect in the manner prescribed by the IPC.

ARTICLE 2. INTENTIONAL MISREPRESENTATION

2.1 Misrepresentation during Athlete Evaluation

An Athlete who intentionally misrepresents his or her skills and/or abilities and/or the degree or nature of Physical, Visual or Intellectual Impairment to a Classification Panel in the course of Athlete Evaluation with the intention of deceiving or misleading that Classification Panel shall be guilty of Intentional Misrepresentation.

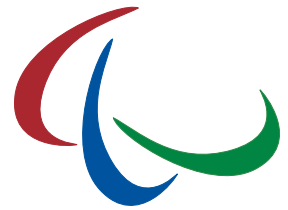
2.2 Misrepresentation after Allocation of Confirmed Sport Class

If following the allocation of a Sport Class an Athlete undertakes any form of corrective treatment (a “medical intervention”), and the Athlete (or any other Participant) knows (or should know) that the medical intervention was intended to result in improved sport performance, the Athlete must provide details of that medical intervention to the IPC at the earliest reasonable opportunity. If the Athlete’s Sport Class is later changed because the Athlete’s sporting performance has improved as a result of (in whole or in part) that medical intervention, but the Athlete failed to disclose that medical intervention to IPC, the Athlete will be guilty of Intentional Misrepresentation.

2.3 Assisting Intentional Misrepresentation

Any Participant who knowingly assists, covers up or is in any other way involved in any other type of complicity involving Intentional Misrepresentation shall themselves be guilty of Intentional Misrepresentation.

Each of the acts or omissions set out in Articles 2.1 to 2.3 shall constitute Intentional Misrepresentation. These are referred to collectively as “Intentional Misrepresentation” in the Rules.



ARTICLE 3. DISCIPLINARY PROCESS

3.1 Responsibility for Disciplinary Process

The investigation of the acts referred to in Article 2 of the Rules (referred to in this Article 3 as “Intentional Misrepresentation”) and any resultant disciplinary process shall be undertaken by the IPC.

3.2 Initial Investigation

- 3.2.1 All matters involving Intentional Misrepresentation will be investigated by the IPC. This investigation will be conducted in order to determine whether it appears that a Participant may have committed Intentional Misrepresentation and may include giving the Participant an opportunity to respond to the allegations raised.
- 3.2.2 If following the conclusion of any such investigation the IPC concludes that the Participant does not appear to have committed Intentional Misrepresentation the IPC shall advise the Participant of that fact. The IPC shall take no further action against the Participant save that the IPC may issue a warning or may provide advice to the Participant as to their future conduct if it believes that such is warranted.
- 3.2.3 If following the conclusion of any investigation the IPC concludes that the Participant does appear to be guilty of Intentional Misrepresentation, the IPC shall send the Participant a Notice of Charge in accordance with Article 4.3.

3.3 Notice of Charge

- 3.3.1 If the IPC believes that a Participant has committed Intentional Misrepresentation then the IPC shall as soon as practicable notify the Participant in writing of:
 - a. The Intentional Misrepresentation that the Participant is charged with committing;
 - b. A summary of the facts and evidence relied upon by the IPC in support of the charge;
 - c. The Sanction that will be applied if it is established that the Participant has committed Intentional Misrepresentation; and



- d. Details of the persons at IPC responsible for dealing with the matter, and full contact details of those persons.

This information must be sent to the Participant as part of a “Charge Notice”.

3.3.2 The Charge Notice must advise the Participant that he may respond by either:

- a. Admitting the charge and accepting the Sanction set out by IPC in the Charge Notice; or
- b. Denying the charge, and having the charge and any Sanction set at a hearing.

3.3.3 If the Participant wishes to exercise his right to a hearing, he must notify the IPC that he wishes to have such a hearing. This notification must be sent to the IPC within 14 days of the Participant’s receipt of the Charge Notice. The notification must state how the Participant responds to the charge in the Notice and must explain the basis for such response.

3.3.4 If the Participant fails to respond to the Charge, fails to notify the IPC that he wishes to have a hearing, or notifies the IPC that he wishes to have a hearing but fails to attend the hearing, a hearing will take place in his absence whereby the issue of whether or not the Participant is guilty of committing Intentional Misrepresentation will be resolved.

3.4 Limitation

No charge may be brought under these IPC IM Rules in respect of Intentional Misrepresentation 3 where ten (10) years or more have passed since the date that the Intentional Misrepresentation is alleged to have occurred.

ARTICLE 4. HEARINGS

4.1 Jurisdiction of the Board of Appeal for Classification (“the BAC”)

The BAC is appointed by the IPC to rule on allegations that Intentional Misrepresentation has been committed. The BAC shall rule on such allegations as provided for in Appendix A to the IM Rules.

4.2 Decisions

4.2.1 At the hearing, the IPC must prove that the Participant has committed the Intentional Misrepresentation specified in the Charge Notice. This must be



proved to the comfortable satisfaction of the BAC, which is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

4.2.2 Following the completion of the hearing, the BAC will make a decision as to whether the Participant has committed the acts specified in the Charge Notice. If it decides that the Participant has committed the Intentional Misrepresentation specified in the Charge Notice it shall make a recommendation to the IPC Governing Board as regards the Sanction that should be applied to the Participant. The IPC Governing Board shall be responsible for notifying the Athlete of any Sanction.

4.3 Publication of Decisions

4.3.1 The decision shall be disclosed publicly by the IPC. The decision shall not be disclosed (a) until the deadline for appeal has passed and no appeal has been filed; or (b) if an appeal is filed, unless and until the decision that Intentional Misrepresentation was committed is affirmed on appeal.

4.3.2 If the IPC finds that Intentional Misrepresentation has not been committed, the decision shall not be disclosed publicly unless the Participant charged consents to such disclosure or requests that the finding be disclosed.

ARTICLE 5. SANCTIONS

5.1 Disqualification of Event Results as a Consequence of Intentional Misrepresentation

5.1.1 If an Athlete is found to have committed Intentional Misrepresentation under Articles 2.1 or 2.3 during or in connection with a Competition, the Athlete shall be Disqualified from that Competition, with the removal of any individual results obtained by the Athlete in that Competition, and all resulting consequences, including forfeiture of all medals, titles, points and prizes. In addition, any results obtained by the Athlete in Competitions taking place after the date upon which the Intentional Misrepresentation occurred may be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes.

5.1.2 If an Athlete is found to have committed Intentional Misrepresentation under Article 2.2, any results obtained by the Athlete in Competitions taking place after the date upon which the Intentional Misrepresentation occurred shall be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes.



5.2 Removal of Sport Class as a Consequence of an Act of Intentional Misrepresentation Committed During or In Connection with a Competition

If an Athlete is found to have committed Intentional Misrepresentation under Articles 2.1, 2.2 or 2.3 at any time, the Athlete shall forfeit his or her Sport Class, and shall be designated “IM” in the Classification Master List for the relevant Sport for the same time period as that specified pursuant to Article 6.3 below. In accordance with Article 11.3 of the IPC Classification Code this designation shall be recognized and respected by all IPC Sports automatically upon notification of the same, without the need for further action by those Sports.

5.3 Intentional Misrepresentation: Ineligibility for Athlete Evaluation

If an Athlete is found to have committed Intentional Misrepresentation under Articles 2.1, 2.2 or 2.3, the sanction shall be a period of Ineligibility for Athlete Evaluation of twenty-four months.

5.4 Sanctions to be applied to Athlete Support Personnel

If an Athlete Support Personnel is found to have committed Intentional Misrepresentation under Article 2.3 the appropriate sanction shall be a period of Ineligibility for Athlete Evaluation of twenty-four months.

5.5 Second Offences

If a Participant is found to have committed Intentional Misrepresentation, the period of Ineligibility for Athlete Evaluation is set out in Articles 5.3 and 5.4. If that Participant commits a second Act of Intentional Misrepresentation, the period of Ineligibility for Athlete Evaluation shall be a lifetime period of Ineligibility.

5.6 Commencement of Ineligibility Period

The period of Ineligibility for Athlete Evaluation shall start on the date of the relevant decision or such other date as specified.

5.7 Status During Ineligibility

5.7.1 A Participant who has been declared Ineligible for Athlete Evaluation may not take part in Athlete Evaluation at any Competition that is recognised by the IPC Sport

5.7.2 If a Participant who is Ineligible for Athlete Evaluation violates the prohibition against taking part in Athlete Evaluation, and is designated a Sport Class as a result, that Sport Class shall be forfeited, and the Athlete



shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes, and the period of Ineligibility for Athlete Evaluation shall start over again as of the date of the violation.

ARTICLE 6. APPEALS

6.1 Appeal Rights

Decisions made under the IM Rules may be challenged only by appeal as set out in this Article 6. Such decisions shall remain in effect while under appeal unless the body to which the appeal is made orders otherwise.

6.2 Appealable Decisions

6.2.1 A decision that Intentional Misrepresentation was (or was not) committed may be appealed by any of the following parties exclusively as provided in this Article 6:

- a. The Participant who is the subject of the decision being appealed;
- b. The IPC;
- c. The National Paralympic Committee (“NPC”) of the Participant’s country of nationality;
- d. The Participant’s International Federation (if this is not the IPC);

If no appeal is made, the decision shall be final and binding on all of the above Persons.

6.2.2 An appeal pursuant to Article 6.2.1 shall be made to the Court of Arbitration for Sport (“CAS”). CAS decisions are final and binding.

6.3 Appeal Procedure

6.3.1 The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party;

6.3.2 CAS decisions shall be disclosed according to the CAS Arbitration Rules.

ARTICLE 7. CONFIDENTIALITY

7.1 Reporting of Pending Cases



The identity of a Participant charged with committing Intentional Misrepresentation shall not be publicly disclosed during the period when the case is pending.

ARTICLE 8. MISCELLANEOUS

8.1 Governing Law and Jurisdiction

The laws of Germany shall govern the IM Rules and all matters and proceedings arising in connection with the IM Rules.

8.2 Interpretation

Save where otherwise indicated, defined terms used in these IM Rules (i.e., those words or phrases starting with capitals) shall have the meaning given to them in the Glossary.



APPENDIX A – RULES OF PROCEDURE

INTRODUCTION AND JURISDICTION

1. The IPC is responsible for establishing the Board of Appeal on Classification (“the BAC”) in accordance with the IPC BAC By-laws.
2. Matters involving an allegation made by the IPC that an Athlete or Athlete Support Personnel has been guilty of Intentional Misrepresentation shall be submitted for determination by the BAC.

PRE-HEARING PROCEDURES

3. The jurisdiction of the BAC shall be triggered if the IPC submits a written request (a “Request for Adjudication”) to the Chairperson of the IPC Legal and Ethics Committee (or his or his designate) that the BAC determine one or more charges that the IPC has brought against an Athlete or Athlete Support Personnel (“the Respondent”).
 - 3.1 A Request for Adjudication shall:
 - 3.1.1 Provide the name, nation and Sport of the Respondent;
 - 3.1.2 Specify the grounds for the Charge;
 - 3.1.3 Identify all documents, fact and expert witnesses, and other evidence to be offered in support of the Charge.
 - 3.2 All Requests for Adjudication shall be submitted in writing by fax, e-mail or surface mail to such person as may be nominated from time to time by the IPC.

INITIAL ASSESSMENT AND FORMATION OF THE HEARING BODY

4. Following receipt of the Request for Adjudication, the Chairperson shall conduct a review of the Request for Adjudication to determine whether the content, timing and delivery of the Request for Adjudication complies with Rule 3 above.
 - 4.1 If the Request for Adjudication does not comply with Rule 3, the Chairperson shall issue a written decision dismissing the Request for Adjudication, without prejudice to its being reinstated at a later date.



- 4.1.1 If the Request for Adjudication complies with Rule 3 the Chairperson shall appoint a Hearing Body.
- 4.1.2 This process shall be completed within 28 calendar days of the Request for Adjudication being received by the Chairperson.

THE HEARING BODY

- 5. The Hearing Body will comprise:
 - 5.1 Hearing Body Chairperson; and
 - 5.2 Two (2) persons appointed by the Hearing Body Chairperson, with appropriate skills and experience.
- 6. Appointment of members of the Hearing Body shall be within the sole discretion of the Hearing Body Chairperson save that no member shall be appointed if the circumstances of the Hearing are such that a member thereby has a conflict of interest.
 - 6.1 In its sole discretion, the Hearing Body may designate counsel to assist it in the Hearing.
 - 6.2 All members of the Hearing Body shall comply with the IPC Code of Ethics.
 - 6.3 The IPC Legal and Ethics Committee Assistant shall act as Secretary to the Hearing Body.
 - 6.4 The IPC Legal and Ethics Committee Assistant shall advise the Applicant and Respondent as soon as the Hearing Body is appointed.

CONDUCT OF PROCEEDINGS

- 7. As soon as practicable after the formation of the Hearing Body, the Hearing Body Chairperson shall issue directions to the IPC and the Respondent in relation to the procedure and timetable to be followed in the proceedings. This shall establish a schedule for the exchange of written submissions and evidence in advance of the hearing. The Hearing Body Chairperson may make such procedural rulings on his own.
 - 7.1 A party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified by the Hearing Body Chairperson.



- 7.2 The Hearing Body shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert.

HEARING

8. The Hearing Body Chairperson shall decide on the format of the Hearing (in person, or by (partial) telephone conference or by (partial) videoconference), and the IPC Legal and Ethics Committee Assistant shall liaise with the IPC and Respondent to set a date for the hearing of the Hearing, which should take place at the earliest convenience.
- 8.1 Both parties may, at their own expense, to be represented by counsel and, if necessary, to engage an interpreter approved by the Hearing Body. Both parties may offer documentary evidence, submit a hearing memorandum or brief and (subject to the Hearing Body's discretion) call witnesses.
- 8.2 The Hearing Body shall consider all evidence and witness testimony, rule on its credibility and relevance, and consider it on that basis.
- 8.3 In exceptional circumstances, the Hearing Body may adjourn the Hearing and issue a request that the IPC and/or Respondent provide such additional evidence that the Hearing Body believes, in its sole discretion, is required in order to enable the Hearing Body to reach a decision regarding the Hearing.

HEARING CONSEQUENCES

9. The Hearing Body shall issue a written decision resolving any Hearing within 28 days after the Hearing. The decision shall be provided to the IPC and Respondent, to the IPC and, if applicable, to the Competition Organizing Committee (in the case of Hearings conducted in connection with a Competition). The Hearing Body shall issue a ruling stating the reasons for its decision, including the evidence relied on, and the actions that are required as a result.
- 9.1 The IPC shall be responsible for publishing the decision unless any party has made a reasoned request to the Hearing Body that any decision be kept confidential and the Hearing Body has agreed to this.

CONFIDENTIALITY



10. Proceedings under these Rules are confidential and not open to the public.
 - 10.1 The Hearing Body may, in its sole discretion, require all persons who attend a Hearing to sign a statement agreeing to maintain the confidentiality of facts or information disclosed during the Hearing. Any individual refusing to sign such a statement shall be excluded from the Hearing.

AD HOC RULES FOR THE PARALYMPIC GAMES

11. Accelerated procedures shall apply for Requests for Adjudication submitted during the Paralympic Games period, which is defined as the period commencing with the opening of the Paralympic Village and ending on mid-night of the day of the Closing Ceremony.
 - 11.1 The procedures set out above shall apply as varied below.
 - 11.1.1 The initial assessment and formation of the Hearing Body as outlined above shall normally be completed within 24 hours following the receipt of the Request for Adjudication.
 - 11.1.2 The Hearing shall normally be held within 48 hours following the receipt of the Request for Adjudication. The Hearing Body Chairperson shall decide on the time and location of the Hearing. However, if considered appropriate the Hearing Body Chairperson may adjourn the matter to be dealt with after the Games. In such case the Hearing Body Chairperson shall set out a time table for the further steps to be taken by the IPC and Respondent and shall set a date for the Hearing.
 - 11.1.3 The decision of the Hearing Body shall be communicated verbally to the IPC and Respondent immediately following the Hearing Body having reached a final decision. A written decision will be issued as soon as practically possible afterwards. Communications to these parties will be as are determined most appropriate by the Hearing Body Chairperson.