



# **INTERNATIONAL STANDARD FOR INTENTIONAL MISREPRESENTATION**

Version 1 January 2025



**INTERNATIONAL PARALYMPIC COMMITTEE**

# International Standard for Intentional Misrepresentation

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## **INTERNATIONAL STANDARD FOR INTENTIONAL MISREPRESENTATION**

### **1. Purpose**

- 1.1 As detailed in the Classification Code, Intentional Misrepresentation presents a major threat to the integrity of Classification and Para sport. It is a very serious offence because it constitutes an attempt to: (i) mislead an International Federation (and/or its representatives) in relation to any aspect of Classification; and/or (ii) achieve an unfair advantage that undermines fair and meaningful competition. Consequently, potential incidents of Intentional Misrepresentation must be properly investigated, and if evidence indicates that Intentional Misrepresentation has occurred, disciplinary action must be taken.
- 1.2 The purpose of this International Standard for Intentional Misrepresentation (this **International Standard**) is to provide detailed rules and procedures for International Federations to identify, investigate, and prosecute alleged Intentional Misrepresentation by Participants under their jurisdiction.
- 1.3 These processes are, and must remain, distinct from the process of Classification. In other words, the rules and procedures set out in this International Standard are not concerned with verifying (and if necessary, correcting) the Sport Class or Sport Class Status allocated to an Athlete, but with preventing (and, if necessary, sanctioning) instances of the specific disciplinary offence of Intentional Misrepresentation.

### **2. General provision**

- 2.1 Each International Federation must include in its Classification rules procedures that are at least equivalent to those in this International Standard.
- 2.2 International Federations may delegate aspects of their responsibilities under this International Standard, but they will remain fully responsible for ensuring that any aspect they delegate is performed in compliance with this International Standard. To the extent that an International Federation delegates responsibility to any Person other than another International Federation, it must require the delegated party to agree, as part of its terms of appointment, to comply with this International Standard.

### **3. Intentional Misrepresentation**

- 3.1 Intentional Misrepresentation has the meaning given to it in Article 51.1 of the Classification Code, as follows:

*51.1 The following constitutes Intentional Misrepresentation:*

- 51.1.1 *a Participant, at any time, whether by act or omission, intentionally misleads or attempts to mislead an International Federation or any of its representatives (such as Classification Personnel) in relation to any aspect of Classification; or*
  - 51.1.2 *a Participant, at any time, whether by act or omission, engages in any type of intentional complicity in respect of any violation or attempted violation of: (i) Article 51.1.1 above; or (ii) a period of ineligibility imposed on another Participant pursuant to Article 8.2.3 of the International Standard for Intentional Misrepresentation.*
- 3.2 Examples of Intentional Misrepresentation are given in Articles 51.2 and 51.3 of the Classification Code, as follows:
- 51.2 *Examples of Intentional Misrepresentation falling under Article 51.1.1 include (without limitation) a Participant:*
- 51.2.1 *submitting forged medical documentation attesting to the existence, nature, and/or degree of an Underlying Health Condition or Eligible Impairment that the Athlete does not have;*
  - 51.2.2 *deliberately underperforming during an Evaluation Session;*
  - 51.2.3 *deliberately tiring themselves out (in the case of Athletes) or deliberately tiring the Athlete out (in the case of other Participants) prior to an Evaluation Session, with the intention of misleading the Classification Panel;*
  - 51.2.4 *unless expressly provided otherwise in the International Federation's rules, intentionally undergoing an Evaluation Session without the sports attire or Adaptive Equipment that the Athlete intends to use in competition and/or intentionally failing to disclose the intended use of such sports attire and Adaptive Equipment to the Classification Panel;*
  - 51.2.5 *intentionally failing to disclose the Athlete's use of any medication and/or medical device/implant (including any audio aids and/or refractive or optical correction such as eyeglasses or corrective lenses) and/or any medical procedure to the Classification Panel;*
  - 51.2.6 *otherwise misrepresenting the Athlete's skills, abilities, and/or the existence, nature, and/or degree of the Athlete's impairment before, during, or after an Evaluation Session;*

- 51.2.7 *disrupting an Evaluation Session, or refusing to cooperate with a Classification Panel during an Evaluation Session, with the intention of misleading the Classification Panel;*
  - 51.2.8 *not providing accurate information as to the Athlete's identity or having another person attend an Evaluation Session in the Athlete's place; and/or*
  - 51.2.9 *deliberately failing to notify the relevant International Federation of any relevant Classification-related information, including that the Athlete has previously undergone Classification (for example, on an earlier occasion, or in the context of another Para sport) and/or that there has been a change in the nature or degree of the Athlete's Eligible Impairment that may necessitate a Medical Review.*
- 51.3 *Examples of Intentional Misrepresentation falling under Article 51.1.2 include (without limitation):*
- 51.3.1 *where a Participant induces, instructs, facilitates, assists, encourages, aids, abets, or conspires with another Participant to commit, or attempt to commit, Intentional Misrepresentation;*
  - 51.3.2 *where, having discovered that a Participant has committed or intends to commit Intentional Misrepresentation, they conceal or cover up the offence, or any information that would assist an International Federation in the investigation or prosecution of that offence;*
  - 51.3.3 *where a Participant induces, instructs, facilitates, assists, encourages, aids, abets, or conspires with another Participant for that other Participant to violate, or attempt to violate, any period of ineligibility imposed on them pursuant to Article 8.2.3 of the International Standard for Intentional Misrepresentation; and/or*
  - 51.3.4 *where, having discovered that another Participant has violated or intends to violate any period of ineligibility imposed on them pursuant to Article 8.2.3 of the International Standard for Intentional Misrepresentation, they conceal or cover up the offence, or any information that would assist an International Federation in the investigation or prosecution of that offence.*

3.3 Article 51.4 of the Classification Code confirms that:

51.4 *For the avoidance of doubt:*

51.4.1 *A Participant does not need to know that their conduct will constitute a violation of Article 51.1 for their conduct to be intentional.*

51.4.2 *A Participant can commit Intentional Misrepresentation irrespective of any designation, Sport Class, and/or Sport Class Status allocated to an Athlete.*

#### **4. Obligations to report and cooperate**

4.1 Each Participant, and each National Federation, must:

4.1.1 report to their International Federation promptly, truthfully, completely, and in good faith any information they possess that a reasonable person would consider might evidence or otherwise reflect:

4.1.1.1 any approach or invitation by any Participant (including themselves) to engage in conduct that might constitute Intentional Misrepresentation; and/or

4.1.1.2 any incident, fact, or matter that might indicate the planning or commission of Intentional Misrepresentation by any Participant (including themselves);

4.1.2 cooperate promptly, truthfully, completely, and in good faith with all investigations carried out by an International Federation and/or by the IPC, including by answering any questions and providing access to any information, data, and/or documentation requested as part of that investigation;

4.1.3 cooperate promptly, truthfully, completely, and in good faith with any proceedings brought by an International Federation against any Participant for Intentional Misrepresentation; and

4.1.4 not do anything (by act or omission) that has the object or effect of obstructing, preventing, delaying, or otherwise interfering with or frustrating any such investigation or proceeding.

4.2 Each International Federation must have rules in place (whether as part of its Classification rules or otherwise) to sanction Participants and National Federations who fail to comply with Article 4.1.

4.3 On request, each International Federation must provide the IPC with information on the following, in the form requested by the IPC: (i) all credible reports or other intelligence that the International Federation has received which indicate potential Intentional Misrepresentation; (ii) the actions taken in relation to such reports; and (iii) updates in relation to all of its ongoing and

completed investigations and proceedings relating to Intentional Misrepresentation.

## **5. Investigations**

- 5.1 Where there are reasonable grounds to suspect that a Participant might have committed Intentional Misrepresentation, an International Federation must initiate an investigation in a timely manner. Grounds do not need to be given to a Participant for the initiation of an investigation, and the decision to initiate an investigation cannot be contested.
- 5.2 Except as otherwise provided in Article 5.4.3, the investigation will be the responsibility of the International Federation to whom the Participant suspected of Intentional Misrepresentation is affiliated.
- 5.3 In circumstances where a Participant is affiliated with more than one International Federation, the International Federation who first became aware of the suspected Intentional Misrepresentation will have primary investigative responsibility. If, notwithstanding the foregoing, a dispute arises as to which International Federation has the responsibility to investigate the suspected Intentional Misrepresentation, the IPC may decide which International Federation has such responsibility.
- 5.4 The IPC may, in its absolute discretion:
  - 5.4.1 offer assistance to International Federations in conducting investigations into suspected Intentional Misrepresentation, including, but not limited to, facilitating inquiries and investigations;
  - 5.4.2 direct an International Federation to conduct an investigation in relation to suspected Intentional Misrepresentation that has come to the attention of the IPC. If that International Federation refuses to investigate the suspected Intentional Misrepresentation within a reasonable deadline set by the IPC, such refusal will be considered to be a serious act of non-compliance; and/or
  - 5.4.3 conduct its own investigations into suspected Intentional Misrepresentation, whether on its own initiative and/or as requested by an International Federation or otherwise. In such circumstances, references to an International Federation in the remainder of this Article 5 will, where the context requires, be interpreted as a reference to the IPC.
- 5.5 The objective for each investigation will be to gather information necessary to determine: (i) whether a Participant has a case to answer for Intentional Misrepresentation; and, if so (ii) whether any other Participant has a case to answer for intentional complicity in that Intentional Misrepresentation. This

will include gathering and recording all relevant information, developing that information into evidence, and identifying and pursuing further lines of enquiry that might lead to the discovery of such evidence.

- 5.6 An International Federation must conduct each investigation fairly, objectively, and impartially. It must be open to and consider all possible outcomes at each key stage of the investigation and must seek to gather not only any available evidence of Intentional Misrepresentation but also any available evidence indicating that there is no case to answer.
- 5.7 Except in exceptional circumstances, an International Federation must notify the Participant of the investigation and give the Participant an opportunity to make a written submission as part of the investigation. The International Federation will decide when this notification should be made.

*[Comment to Article 5.7: Exceptional circumstances may arise if (for example) the International Federation is concerned about the risk of information relating to the investigation leaking, or if the International Federation's investigation is subject to any time pressure. Irrespective of whether the Participant is given the opportunity to make a written submission as part of the investigation, they will nevertheless be able to do so following any Notice of Charge, as per Article 6.7.3 below.]*

- 5.8 An International Federation may make requests of any Participant, and of any National Federation, to assist an investigation by producing documents, information, and/or other material, including by answering questions.
- 5.9 Where during the course of any investigation an International Federation identifies any additional Participants who might also have committed Intentional Misrepresentation, the investigation may be expanded to cover such additional Participants or (alternatively) a separate investigation may be commenced.

*[Comment to Article 5.9: For example, in the context of Team Sports, where an International Federation suspects that one member of a team has committed Intentional Misrepresentation, it may expand its investigation to cover: (i) any or all other members of the same team; and/or (ii) any additional Participants connected to that team; or (alternatively) separate investigations may be commenced into each team member/other Participant connected to the team.]*

## 6. Proceedings

- 6.1 Subject to Article 6.6, if an International Federation determines that a Participant has a case to answer for Intentional Misrepresentation, the International Federation must bring disciplinary proceedings against the Participant unless there are specific and extenuating circumstances that are

notified to and accepted by the IPC. Those proceedings will be governed by the International Federation's own procedural rules.

- 6.2 The IPC may, in its absolute discretion, direct an International Federation to bring disciplinary proceedings against a Participant that the IPC considers: (i) has a case to answer for Intentional Misrepresentation; and/or (ii) has failed to cooperate with an IPC investigation in accordance with Article 4.1.2 and 5.4.3 above. If that International Federation refuses to bring such disciplinary proceedings within a reasonable deadline set by the IPC, such refusal will be considered a serious act of non-compliance.
- 6.3 Disciplinary proceedings brought by an International Federation for alleged Intentional Misrepresentation must be heard before the International Federation's designated first instance body.
- 6.4 The International Federation's first instance body must be:
  - 6.4.1 Operationally Independent from the International Federation; and
  - 6.4.2 comprised of a pool of at least three members, each of whom must have appropriate skills and experience to hear Intentional Misrepresentation matters.
- 6.5 Where disciplinary proceedings are brought, the hearing panel must be comprised of either one or three members of the first instance body (where three members are appointed, one member will act as chair of the hearing panel). Members of the first instance body may not sit on a particular hearing panel if: (i) they are currently a Classifier for that International Federation; and/or (ii) they have had any prior involvement with the matter or any facts arising in the proceedings; and/or (iii) their impartiality or independence could otherwise be reasonably questioned.
- 6.6 Disciplinary proceedings may not be commenced against any Participant for Intentional Misrepresentation unless such disciplinary proceedings are commenced within either: (i) ten years from the date that the Intentional Misrepresentation allegedly occurred; or (ii) two years after the discovery of such alleged Intentional Misrepresentation by the International Federation, whichever is later.

### ***Notice of Charge***

- 6.7 Where an International Federation brings disciplinary proceedings against a Participant for Intentional Misrepresentation, the International Federation must prepare and send a Notice of Charge to the Participant, copying: (i) the Participant's National Federation; and (ii) the IPC, which must contain (at a minimum) the following information:

- 6.7.1 the facts alleged in support of the charge and any other relevant information;
- 6.7.2 the sanction(s) that the International Federation says should be imposed if the charge is upheld;
- 6.7.3 the Participant's right:
  - 6.7.3.1 to admit the charge and to accept the sanctions specified in the Notice of Charge;
  - 6.7.3.2 to admit the charge but dispute (or seek to mitigate) the sanctions specified in the Notice of Charge, and to have the matter of sanctions determined by the International Federation's first instance body if not agreed between the parties; or
  - 6.7.3.3 to dispute the charge and to have the charge determined (along with any sanctions, if a charge is upheld) by the International Federation's first instance body; and
- 6.7.4 the deadline for the Participant to provide a response to the charge (which must be no fewer than 14 days from the date of receipt of the Notice of Charge by the Participant).
- 6.8 Subsequent to sending a Notice of Charge to the Participant, an International Federation may adduce further facts and/or other relevant information in support of the charge, provided that the Participant is given a reasonable opportunity to respond to the new facts/information.
- 6.9 Once the Notice of Charge has been sent to a Participant, the International Federation may publicly disclose the identity of the Participant and the nature of the alleged Intentional Misrepresentation.

***Resolution of charges without a hearing***

- 6.10 Where the Participant:
  - 6.10.1 admits the charge and accepts the sanctions specified in the Notice of Charge (or accepts other sanctions proposed by the International Federation); or
  - 6.10.2 fails to respond by the deadline specified in the Notice of Charge (which failure will be deemed to amount to: (i) a waiver of the Participant's right to have the charge and/or sanctions determined by the International Federation's first instance body, (ii) an admission of

the charge, and (iii) acceptance of the sanctions specified in the Notice of Charge),

a hearing before the International Federation's first instance body will not be required and the International Federation will proceed to issue a decision in the case in accordance with Article 9.4.

- 6.11 At any time prior to a final decision by the first instance body, the International Federation may decide to withdraw a Notice of Charge for good cause. The International Federation must inform the Participant, the National Federation to which the Participant is affiliated, and the IPC of the withdrawal of the charge and the reasons for that withdrawal. The International Federation will not publish the decision.
- 6.12 The IPC may:
  - 6.12.1 within 15 days of receipt of the decision to withdraw a Notice of Charge, request a copy of the full case file pertaining to the decision (together with English translations of all documents within the case file, where not originally in the English language); and
  - 6.12.2 within 21 days of receipt of the full case file (and all necessary translations), appeal the decision to withdraw a Notice of Charge. Any such appeal must be made to the International Federation's designated appeal body (see Article 10 below).

### *Hearing*

- 6.13 If the Participant disputes the charge and/or the sanctions specified in the Notice of Charge, they must set out (in summary form) the basis for their position within their response to the Notice of Charge.
- 6.14 If the Participant wishes to have a hearing to resolve the dispute, they must provide a written request for a hearing to the International Federation that is received by the International Federation within 14 days of the Participant's receipt of the Notice of Charge (or such longer period as may be specified in the Notice of Charge or agreed by the International Federation).
- 6.15 International Federations may also refer any disputed matter to the first instance body at any time, and at their sole discretion.
- 6.16 Subject to Article 6.17, the International Federation's first instance body will hear and determine Intentional Misrepresentation cases involving any Participant under its jurisdiction in accordance with the procedural rules of the International Federation's first instance body.

- 6.17 In the context of alleged Intentional Misrepresentation, the procedural rules of the International Federation's first instance body must provide that:
- 6.17.1 where a party (or any of its witnesses) refuses or fails to appear at a hearing to answer questions (or otherwise appears but refuses or fails to answer questions), the first instance body may infer that the answer(s) would be adverse to that party;
  - 6.17.2 the first instance body will have the power to decide on the admissibility and relevance of and the weight to be given to any evidence (including the testimony of any fact or expert witness) and will not be bound by any judicial or evidential rules in relation to such matters;
  - 6.17.3 facts may be established by any reliable means; and
  - 6.17.4 the burden of proof will be on the party asserting the claim or fact in issue, and the standard of proof to be met will be the balance of probabilities.

## **7. Confidentiality**

- 7.1 Subject to Articles 7.2, 9, and 11, all proceedings brought by an International Federation against a Participant in respect of alleged Intentional Misrepresentation will be confidential, including all documents, evidence, submissions, and other information relating to the proceedings. Except as provided for in this International Standard, neither the parties to the proceedings, nor any third party witness, expert, observer, or other participant in the proceedings or recipient of the first instance body's decision or appeal body's decision will publicly comment on the specific facts of any case (as opposed to general descriptions of the process), except that the International Federation may make or issue such comments as it considers necessary in response to any public comments attributed to, or based on information provided by, the Participant who is the subject of the proceedings (or their entourage or representatives).
- 7.2 At any stage the International Federation may, in its discretion (exercised subject to all relevant data protection requirements, including those set out in the International Standard for Classification Data Protection, and other applicable laws), decide that information should be shared with any Person or Persons on a confidential and need-to-know basis in order to assist in the discharge of the International Federation's functions (including in the investigation and prosecution of any offences under this International Standard) and/or to protect its integrity and reputation, or that of the Paralympic Movement or Para sport. Such Persons would include appropriate personnel within the International Federation, other International Federations,

and the IPC, as well as other bodies with an investigatory or regulatory function.

## 8. Sanctions

8.1 A Participant who is found to have committed Intentional Misrepresentation will be subject to the sanctions set out in this Article 8.

8.2 Sanctions for individual Participants

### *Disqualification of results*

8.2.1 If a Participant is found to have committed Intentional Misrepresentation during or in connection with a Competition, that automatically leads to disqualification of the individual results obtained by the Participant in that Competition with all resulting consequences, including forfeiture of any medals, points, and prizes.

8.2.2 Any other competitive individual results of the Participant obtained from the date the Intentional Misrepresentation occurred may be disqualified (in whole or part) with all resulting consequences, including forfeiture of any medals, points, and prizes. Factors that might be relevant in deciding whether to disqualify any such results include, for example, whether the results were likely to have been affected by the Intentional Misrepresentation, and the seriousness of the Intentional Misrepresentation.

*[Comment to Articles 8.2.1 and 8.2.2: Where an Athlete who has committed Intentional Misrepresentation has earned a qualification slot (whether for themselves or for their National Federation or National Paralympic Committee) through results that have now been disqualified, International Federations may also provide in their rules for specific consequences to apply concerning the status of that qualification slot.]*

### *Period of ineligibility*

8.2.3 A default period of ineligibility of four years, which may be:

8.2.3.1 increased depending on the seriousness of the violation and the nature of any aggravating circumstances up to a period of ineligibility of a lifetime; and/or

8.2.3.2 reduced depending on the seriousness of the violation and the nature of any mitigating circumstances, except that the resulting period of ineligibility imposed must not be less than 12 months (subject to any further reduction or suspension under Articles 8.4.1, 8.4.2, and/or 8.4.3).

- 8.2.4 Aggravating circumstances may include, but are not limited to:
- 8.2.4.1 the age and experience of the Participant, and in particular their experience in relation to the Classification process;
  - 8.2.4.2 a lack of remorse on the part of the Participant;
  - 8.2.4.3 a finding that the Participant received or expected to receive a significant benefit as a result of their Intentional Misrepresentation;
  - 8.2.4.4 a finding that the Intentional Misrepresentation affected or had the potential to affect the outcome of a Covered Competition;
  - 8.2.4.5 a finding that the Participant committed Intentional Misrepresentation on multiple occasions and/or over an extended period of time;
  - 8.2.4.6 a finding that the Intentional Misrepresentation was part of a wider scheme involving other Participants; and/or
  - 8.2.4.7 a finding that the Participant engaged in deceptive or obstructive conduct to avoid the detection or adjudication of Intentional Misrepresentation.

*[Comment to Article 8.2.4: The examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of ineligibility.]*

- 8.2.5 Mitigating circumstances may include, but are not limited to:
- 8.2.5.1 the youth or inexperience of the Participant, especially in relation to the Classification process;
  - 8.2.5.2 the Participant's good disciplinary record;
  - 8.2.5.3 genuine remorse on the part of the Participant; and/or
  - 8.2.5.4 a finding that the Intentional Misrepresentation was not committed with an intent to influence the outcome of a Covered Competition.

For the avoidance of doubt, mitigating circumstances do not include any voluntary admissions made or the provision of any Substantial Assistance, which are dealt with separately in Article 8.4.

*[Comment to Article 8.2.5: The examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a reduced period of ineligibility.]*

- 8.2.6 The period of ineligibility will start on the date of the relevant decision or such other date as specified by the International Federation (in an agreed case) or first instance body (in a contested case), and must be recognised, respected, and enforced by all IPC Members and RIFs.

### ***Financial consequences***

- 8.2.7 International Federations may, in their own rules, provide for proportionate recovery of costs or financial sanctions on account of Intentional Misrepresentation. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the ineligibility or other sanction which would otherwise be applicable under this International Standard.

### ***Other sanctions***

- 8.2.8 Such other sanctions as the International Federation (in an agreed case) or first instance body (in a contested case) considers appropriate and proportionate in all the circumstances of the case.

## **8.3 Multiple violations**

- 8.3.1 The period of ineligibility that will be imposed on a Participant who is found to have committed Intentional Misrepresentation:
- 8.3.1.1 for a second time, will be twice the period of ineligibility that would otherwise be applicable to the second violation; and
  - 8.3.1.2 for a third or subsequent time, will be a lifetime period of ineligibility.
- 8.3.2 An Intentional Misrepresentation violation will only be considered a second Intentional Misrepresentation violation if the International Federation can establish that the Participant committed the additional Intentional Misrepresentation violation after receiving the Notice of Charge pursuant to Article 6.7 or after the International Federation made reasonable efforts to draw the Notice of Charge to the Participant's attention. If the International Federation cannot establish this, the violations will be considered together as one single violation, and the sanction imposed will be based on the violation that carries the more severe sanction, including the application of

aggravating circumstances. Results in all Competitions dating back to the earlier Intentional Misrepresentation violation will be disqualified as provided in Articles 8.2.1 and 8.2.2.

*[Comment to Article 8.3.2: The same rule applies where, after the imposition of a sanction, the International Federation discovers facts involving an Intentional Misrepresentation violation that occurred prior to notification for a first Intentional Misrepresentation violation – e.g., the International Federation will impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of aggravating circumstances.]*

- 8.3.3 If an International Federation establishes that a Participant has committed a second or third Intentional Misrepresentation violation during a period of ineligibility imposed for a previous Intentional Misrepresentation violation, the periods of ineligibility for the multiple violations will run consecutively rather than concurrently.

#### 8.4 Possible reductions or suspensions to the period of ineligibility

##### ***Voluntary admission***

- 8.4.1 If a Participant voluntarily admits the commission of Intentional Misrepresentation before being notified by the International Federation of its investigation into that Participant, and that admission is the only reliable evidence of the Intentional Misrepresentation at the time of admission, the period of ineligibility may be reduced, by a maximum of one half of the period of ineligibility otherwise applicable (i.e., after any adjustment based on aggravating or mitigating factors).
- 8.4.2 If a Participant voluntarily admits the commission of Intentional Misrepresentation within a reasonable period of time after being notified by the International Federation of its investigation into that Participant, the period of ineligibility may be reduced by a maximum of a quarter of the period of ineligibility otherwise applicable (i.e., after any adjustment based on aggravating or mitigating factors).

##### ***Substantial Assistance***

- 8.4.3 A part of the period of ineligibility imposed on a Participant who is found to have committed Intentional Misrepresentation may be suspended, at the discretion of the Participant's International Federation, where the Participant has provided Substantial Assistance which results in an International Federation bringing forward a case of alleged Intentional Misrepresentation against another Participant.

The Participant's International Federation must promptly notify the Participant, the Participant's National Federation, and the IPC of any decision made under this Article 8.4.3, and that decision may be appealed by the Participant and/or by the IPC to the International Federation's designated appeal body (see Article 10 below) within 21 days from the date of receipt of the decision, except that if the IPC has not previously received a copy of the full case file pertaining to the decision (together with English translations of all documents within the case file, where not originally in the English language), it will have 15 days from its receipt of the notice of the decision to request a copy of that case file (including any translations). In such case, the IPC will have 21 days from its receipt of the full case file (and all necessary translations) to file an appeal.

- 8.4.3.1 For purposes of Article 8.4.3, a Participant providing '**Substantial Assistance**' must: (i) fully disclose in a signed written statement or recorded interview all information they possess in relation to Intentional Misrepresentation by another Participant; and (ii) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, providing testimony at a hearing if requested to do so by an International Federation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding that is initiated.

*[Comment to Article 8.4.3.1: The Substantial Assistance provided may relate to Intentional Misrepresentation alleged to have been committed by a Participant in another Para sport.]*

- 8.4.3.2 The extent to which the otherwise applicable period of ineligibility may be suspended will be based on the seriousness of the Intentional Misrepresentation committed by the Participant and the significance of the Substantial Assistance provided by the Participant to the effort to combat Intentional Misrepresentation. No more than three-quarters of the otherwise applicable period of ineligibility (i.e., after any adjustment based on: (i) aggravating or mitigating factors; and (ii) any voluntary admission) may be suspended. If the otherwise applicable period of ineligibility is a lifetime, the non-suspended period of ineligibility under this Article must be no less than eight years.

- 8.4.3.3 If so requested by a Participant who seeks to provide Substantial Assistance, the International Federation must

allow the Participant to provide the information to it subject to a Without Prejudice Agreement.

- 8.4.3.4 If the Participant fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of a period of ineligibility was based, the International Federation must reinstate the original period of ineligibility. If the International Federation decides to reinstate a suspended period of ineligibility or decides not to reinstate a suspended period of ineligibility, that decision must be promptly notified to the Participant, the Participant's National Federation, and the IPC and may be appealed by the Participant and/or the IPC to the International Federation's designated appeal body (see Article 10 below) within 21 days from the date of receipt of the decision, except that if the IPC has not previously received a copy of the full case file pertaining to the decision (together with English translations of all documents within the case file, where not originally in the English language), it will have 15 days from its receipt of the notice of the decision to request a copy of that case file (including any translations). In such case, the IPC will have 21 days from its receipt of the full case file (and all relevant translations) to file an appeal.

## 8.5 Status during ineligibility

- 8.5.1 During a period of ineligibility a Participant is prohibited from participating in any capacity in:

8.5.1.1 Classification;

8.5.1.2 any Competition, event, programme, or other activity (other than authorised education programmes) organised, authorised, or recognised by: (a) the IPC; (b) any International Federation or RIF, or any of their respective members; (c) any club or other member of a member of an International Federation or RIF; and/or (d) any professional Para sport league or international or national level Para sport Competition organisation; and

8.5.1.3 any elite or national-level Para sporting activity funded by a governmental agency.

*[Comment to Article 8.5.1: For example, in addition to the prohibition on participating in Classification and all Competitions covered by this Article, subject to Article 8.5.3 below, ineligible Participants are not*

*permitted to participate in a training camp, exhibition, or practice organised by their National Federation. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of their National Federation. Ineligibility imposed by one International Federation or RIF will also be recognised by all other International Federations and RIFs (see Article 8.2.6). A Participant serving a period of ineligibility is prohibited from coaching or serving as an Athlete Support Person in any other capacity at any time during the period of ineligibility. Any performance standard accomplished during a period of ineligibility will not be recognised for any purpose.]*

- 8.5.2 A Participant will remain subject to all relevant anti-doping requirements throughout any period of ineligibility.
- 8.5.3 As an exception to Article 8.5.1.2, an Athlete may return to train with a team or to use the facilities of a National Federation or any organisation listed in Article 8.5.1.2(c) during the shorter of: (i) the last two months of their period of ineligibility; or (ii) the last one-quarter of the period of ineligibility imposed.
- 8.5.4 Subject to Article 8.5.3, where a Participant violates any period of ineligibility imposed upon them, any results achieved during that period will be disqualified, and a new period of ineligibility equal in length to the original period of ineligibility (subject to adjustment at the discretion of the International Federation based on the Participant’s degree of fault and other circumstances of the case) will be added to the end of the original period of ineligibility. In such circumstances, the International Federation will promptly notify the Participant, the Participant’s National Federation, and the IPC of its decision. The Participant and/or the IPC will have the right to appeal such decision to the International Federation’s designated appeal body (see Article 10 below) within 21 days from the date of receipt of the decision, except that if the IPC was not a party to the proceedings before the first instance body, it will have 15 days from its receipt of the notice of the decision to request a copy of the full case file pertaining to the decision (together with English translations of all documents within the case file, where not originally in the English language). In such case, the IPC will have 21 days from its receipt of the full case file (and all relevant translations) to file an appeal.

## 8.6 Consequences for teams and National Federations

- 8.6.1 Any consequences to be applied to teams of which a Participant who is found to have committed Intentional Misrepresentation is a member will be at the discretion of the International Federation.

- 8.6.2 Any consequences to be applied to a National Federation to which a Participant who is found to have committed Intentional Misrepresentation is affiliated will be at the discretion of the International Federation.

## **9. Decisions**

- 9.1 The first instance body must notify its decision to the parties in a written reasoned decision, in accordance with its procedural rules. The decision of the first instance body must address and determine, at a minimum, the following issues:
- 9.1.1 whether the Participant committed Intentional Misrepresentation, the factual basis for such determination, and the specific provisions of the International Federation's rules found to have been violated; and
  - 9.1.2 the applicable sanctions imposed by the first instance body.
- 9.2 The International Federation will disclose the decision of the first instance body to the Participant, the Participant's National Federation, and the IPC.
- 9.3 Where the International Federation is aware that the Participant who is the subject of the decision is a Participant in any other Para sport, the International Federation will also send the decision to the relevant International Federation or RIF (including where that decision is appealed pursuant to Article 10).
- 9.4 In a case where Article 6.10 applies, the International Federation will produce a written reasoned decision covering the issues referred to in Article 9.1, which it will provide as a minimum to the Participant, the Participant's National Federation, the IPC, and any organisation referred to in Article 9.3, which will take effect as if it were a final decision of the International Federation's first instance body. Alternatively, where it sees fit, the International Federation may refer the matter to the International Federation's first instance body to determine the sanction(s) to be imposed.

## **10. Appeals**

- 10.1 The IPC, the International Federation, and the Participant each have the right to appeal decisions of the first instance body to the International Federation's designated appeal body within 21 days from the date of receipt of the first instance body's decision by the appealing party, except that if the IPC was not a party to the proceedings before the first instance body, it will have 15 days from its receipt of the notice of the decision to request a copy of the full case file pertaining to the decision (together with English translations of all documents within the case file, where not originally in the English language). In such case, the IPC will have 21 days from its receipt of the full case file (and all relevant translations) to file an appeal.

- 10.2 The parties to an appeal must be provided with, at a minimum, a fair hearing (whether conducted orally or in writing) within a reasonable time by an appeal body that meets the criteria in Article 10.3.
- 10.3 The appeal body to which decisions of the first instance body are appealed must be:
  - 10.3.1 Operationally Independent from the International Federation and the IPC; and
  - 10.3.2 comprised of a pool of at least three members, each of whom: (i) must have appropriate skills and experience to hear such appeals; and (ii) must not be a member of the International Federation's first instance body.
- 10.4 The appeal will be heard by a panel of either one or three members of the appeal body (where three members are appointed, one member will act as chair of the hearing panel). Members of the appeal body may not sit on a particular hearing panel if: (i) they are currently a Classifier for that International Federation; and/or (ii) they have had any prior involvement with the matter or any facts arising in the proceedings; and/or (iii) their impartiality or independence could otherwise be reasonably questioned.
- 10.5 Subject to Article 10.6, the appeal body will hear and determine any appeal in accordance with the procedural rules of the appeal body in question.
- 10.6 The procedural rules of the appeal body must:
  - 10.6.1 require the hearing to be held on a de novo basis (i.e., the appeal body will hear the matter afresh and is not bound by any legal conclusions or assumptions made by the first instance body); and
  - 10.6.2 contain provisions equivalent to those set out in Article 6.17.

## **11. Public Disclosure**

- 11.1 No later than 20 days after it has been determined in an appellate decision under Article 10.1, or such appeal has been waived, or a hearing in accordance with Article 6.13 has been waived, or the assertion of Intentional Misrepresentation has not otherwise been timely challenged, or the matter has been resolved under Article 6.10, or a new period of ineligibility, or reprimand, has been imposed under Article 8.5.4, the Participant's International Federation must:
  - 11.1.1 Publicly Disclose the disposition of the matter, including the identity of the Participant, the nature of the Intentional Misrepresentation involved, and the consequences imposed; and

- 11.1.2 publish an updated version of its Classification Master List to include the details required by Article 36 of the Classification Code, including the Participant's Intentional Misrepresentation designation, together with the duration and date of commencement of their period of ineligibility.

*[Comment to Article 11.1: Where Public Disclosure as required by this Article would result in a proven breach of other applicable laws, the International Federation's failure to make the Public Disclosure will not result in a determination of non-compliance with the Classification Code or this International Standard.]*

- 11.2 Where a Participant's International Federation is subject to disclosure obligations under Article 11.1 above, it may also decide to make public the written reasons for the determination or decision (subject to any redactions the International Federation deems necessary and appropriate) and may comment publicly on the matter.
- 11.3 In any case where it is determined, after a hearing or appeal, that the Participant did not commit Intentional Misrepresentation, the fact that the decision has been appealed may be Publicly Disclosed. However, the decision itself and the underlying facts may not be Publicly Disclosed except with the consent of the Participant who is the subject of the decision. The Participant's International Federation will use reasonable efforts to obtain such consent, and if consent is obtained, will Publicly Disclose the decision in its entirety or in such redacted form as the Participant may approve.
- 11.4 The mandatory Public Disclosure required in Article 11.1 will not be required where the Participant who has been found to have committed Intentional Misrepresentation is a Minor at the time the decision is issued. Any optional Public Disclosure in a case involving a Minor will be proportionate to the facts and circumstances of the case.

# **APPENDIX 1**

## **DEFINITIONS**



## APPENDIX 1: DEFINITIONS

Defined terms (denoted by initial capital letters) in the Classification Code, and the rules of interpretation set out in Appendix 1 to the Constitution, apply to this International Standard. Additional defined terms specific to this International Standard are as follows:

**Public Disclosure** means the dissemination or distribution of information to the general public at a minimum by placing the information on the International Federation's website and leaving the information up for the longer of one month or the duration of any period of ineligibility.

**Substantial Assistance** has the meaning given to it in Article 8.4.3.1.

**Without Prejudice Agreement** means a written agreement between the International Federation and a Participant that allows the Participant to provide information to the International Federation in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance is not finalised, the information provided by the Participant in this particular setting may not be used by the International Federation against the Participant (or any other Participant) in any Intentional Misrepresentation proceedings, and the information provided by the International Federation in this particular setting may not be used by the Participant against the International Federation in any Intentional Misrepresentation proceedings. However, and for the avoidance of doubt, such an agreement will not preclude the International Federation or Participant from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.



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