



Chapter 3.9 - IPC Policy on Disciplinary Measures for Breaching the IPC Qualification, Entry and Participation Rules

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International Paralympic Committee

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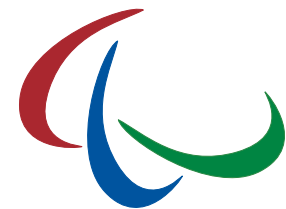
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Related policies:	IPC Bylaws on Rights and Obligations of IPC Members IPC Hearing and Appeal Rules in 'Rules Governing the Procedures for Dealing with Complaints on Alleged Breaches of the Code of Ethics' IPC Policy on the Suspension of an IPC Member Organisation

1 Policy statement

The IPC is highly committed to providing a competition environment where athletes' rights to fair and qualitative competition are of central importance. In addition to IPC's efforts in ensuring smooth operations and services on all levels during IPC competitions, the IPC stresses the importance of each NPC's responsibility to adhere to the IPC rules when entering and bringing athletes to these competitions.

NPCs are equally accountable for the success of IPC competitions. In particular, they must ensure compliance with the IPC qualification, entry and participation rules. NPCs that disregard the rules and regulations with regard to the qualification and entry process compromise the integrity of the competitions, and create significant additional administrative work for the IPC, the respective IF, and for the Organising Committee. Furthermore any infringement of these rules that impacts on the opportunities of other NPCs and their athletes to compete, is considered as serious and may result in disciplinary measures as described in section 3 below.

The IPC management team is committed to proactively work with each NPC to clarify, and where relevant assist, to ensure compliance with the IPC qualification, entry and participation rules. However, when there is an institutional disregard of these rules and/or the goodwill to comply is lacking, disciplinary measures may be considered. Such disciplinary measures may be decided by an IPC Disciplinary Commission subject to compliance with the principles and



procedures as set out below. The IPC CEO shall report on all disciplinary measures to the IPC Governing Board.

Appeal procedures against a disciplinary measure are outlined in section 4.3 below.

2 Application

This policy applies to all NPCs infringing on the IPC rules and regulations regarding qualification, entry and participation in competition.

3 Principles

3.1 Minor infractions

3.1.1 A minor infraction is a single incident that has no significant impact beyond creating additional administrative workload for the IPC, the IF and/or the Organising Committee.

3.1.2 The following disciplinary measures, or a combination of these, may be applied for minor infractions:

- Warning and/or written reprimand;
- A written apology;
- An immediate correction of the infringement, where possible and relevant;
- Cover the costs resulting from, or associated with, the infringement;

3.1.3 There is no appeal possible against disciplinary measures for minor infractions as mentioned above. Non acceptance or refusal to comply with the imposed disciplinary measure will automatically be considered as a major infraction.

3.1.4 Multiple minor infractions may become a major infraction.



3.2 Major infractions

3.2.1 A major infraction can be:

- A single infringement of the rule that seriously damages the reputation of the IPC and or the Paralympic Movement, or that seriously jeopardise the integrity of the competitions programme.
- A single infringement that has a major impact on third parties, in particular on other NPCs and the possibility for their athletes to compete.
- A deliberate disregard of the rules and regulations that interferes with the competition and/or result in endangering the safety of others.
- A combination of multiple infringements of the rules and/or repeated offences.
- Any other incident that is not mentioned above but that is recognised by the IPC Disciplinary Commission as being a major infraction.

3.2.2 The following disciplinary measures, or a combination of these, may be applied for major infractions:

- Any disciplinary measure for minor infractions as identified under article 3.1.2 above,
in addition to:
- Reduction or withdrawal of NPC accreditations for that competition or for future competitions.
- Withdrawal from competition;
- Exclusion from future competition;
- Withdrawal of wild cards for that competition, or for a future competition.
- Withdrawal of IPC (solidarity) funding;
- Payment of a financial fine as identified in article 3.2.3 below;
- Suspension from IPC membership as outlined in the 'IPC Policy on the Suspension of an IPC Member Organisation'.



3.2.3 In addition to the obligation to reimburse and carry the costs for any material and general damage caused, the following financial fines may be imposed for major infractions, either singly, or in combination:

- Up to Euro 1,000 as an additional payment over and above any compensatory payment for any additional administrative work.
- Up to Euro 2,000 in respect of the damage created to the competition programme.
- Up to Euro 3,000 in respect of the damage created to the reputation of the Paralympic Movement.
- Up to Euro 5,000: in respect of the damage created to a third party's opportunities to compete.
- Notwithstanding the above, the NPC may in addition be held liable for any damage created to the safety of third parties as may be decided under the law of the respective country.

3.3 Considerations

3.3.1 In applying disciplinary measures the IPC Disciplinary Commission shall consider aggravating or mitigating circumstances such as:

- The nature and severity of the offence
- Whether it is a first offence or a repeated offence
- The NPC's level of development
- The NPC's acknowledgement of responsibility
- The NPC's extent of remorse.

3.3.2 In establishing whether, or not, a major infringement has occurred and in defining the respective sanction for it, the IPC Disciplinary Commission may, where relevant and appropriate, consult with any other IPC Governing Board member, Legal and Ethics Committee member, or any other person having specific expertise on the matter. Any such person involved in that consultation process



shall not be eligible to serve as a member of the Appeal Panel as referred to in section 4.3 below.

4 Procedures

4.1 IPC Disciplinary Commission

- 4.1.1 The IPC Disciplinary Commission is an ad-hoc commission, which shall be composed of the IPC CEO and two other members of the IPC Governing Board, to specifically deal with the case brought before them. The Disciplinary Commission shall automatically cease to exist upon the completion of this task.
- 4.1.2 The IPC CEO when establishing the need to set up such IPC Disciplinary Commission shall consult with the Chairperson of the IPC Legal and Ethics Committee for the selection and appointment of the two other IPC Governing Board Members.
- 4.1.3 Members serving on an IPC Disciplinary Commission shall not be eligible to serve as a member of the Appeal Panel as referred to in section 4.3 below.

4.2 Decision and notification:

- 4.2.1 Prior to deciding on any disciplinary measure an official notification shall be given by the IPC CEO to the NPC about its non-compliance with the IPC rules and regulations. Where relevant, the formal notification will include a deadline by which the member still has the possibility to correct its status. All efforts shall be made by the IPC management team to assist the member in meeting the IPC requirements within the deadline provided.
- 4.2.2 Prior to deciding on any disciplinary measure, the NPC shall have the opportunity to be heard by the IPC Disciplinary Commission either in person or in writing and shall have the right to defend its case.
- 4.2.3 The IPC Disciplinary Commission, after careful consideration, and where relevant and appropriate further consultation, shall decide what disciplinary measure shall



be applied to the NPC that has breached the IPC qualification, entry and participation rules and regulations. Where relevant and appropriate, the IPC Disciplinary Commission shall also decide on the timeframe and process for the implementation of the disciplinary measure.

- 4.2.4 The NPC shall be officially notified of the disciplinary measure and the reasons for the disciplinary measure, and of any timeline and process established for the NPC to adhere to the decision, which shall normally be within 21 days of the date of notification of the disciplinary measure.

4.3 Appeals against the decision

- 4.3.1 Any NPC subject to disciplinary measures as identified under major infractions (article 3.2.2 and 3.2.3) shall have the right to appeal against the decision.

- 4.3.2 The same process shall apply as for the appeal procedures outlined in the 'IPC Rules Governing the Procedures for dealing with Complaints on Alleged Breaches of the Code of Ethics', including but not limited to:

- 4.3.2.1 The Appeal must be received within 21 days of the notification of the disciplinary measure and must take the form of a written "Notice of Appeal".

- 4.3.2.2 The Notice of Appeal will be sent to the IPC President and will be accompanied by a payment of Euro 300, which will be refundable only at the conclusion of the Appeal process and only if the Appeal Panel in its discretion so determine.

- 4.3.2.3 The Notice of Appeal will set out the facts and arguments giving rise to the Appeal and should fully explain why the NPC believes the disciplinary measure was wrong.

- 4.3.2.4 The Appeal shall be heard by an Appeal Panel established by the IPC President made up of three (3) people who have not previously been involved in the decision.

- 4.3.2.5 The decision of the Appeal Panel, and the reasons for such decision, shall be final.

4.4 Reporting



4.4.1 The IPC CEO shall at each meeting of the IPC Governing Board report on the status and the reasons of any and all disciplinary measures currently in place.

5 Appendix – infringements

A non-inclusive list of examples of infringements that may lead to a financial sanction as described under article 3.2 is attached as an appendix to this policy.