
Australian Classification Standard – Protests and Appeals

1. Standard Purpose

1.1 The purpose of this standard is to:

1.1.1 Outline the technical and operational procedures of the Australian Paralympic Committee (APC) with regards to Classification Protests and Appeals in Australia, in accordance with the requirements of the International Paralympic Committee (IPC) Classification Code and its Standards (“the Code”)

1.2 This document details the procedures that are common to all sports, providing for flexibility as it may be applied to sports within Australia.

1.3 This document is applicable to all athletes eligible for Paralympic Competition i.e. athletes with a vision, physical or intellectual impairment.

1.4 The APC will only recognize Protests and Appeals that are conducted in line with the APC Classification policy and this Standard.

1.5 In the event that this Standard fails to provide for a matter in respect of which there is provision in the IPC Code, the provisions appearing in the IPC Code shall apply and be regarded as being part of this Standard

2 International Federation Classification Rules

2.1 Each International Federation has specific classification rules and processes that apply to the management of protests and appeals for their sport, which should be adhered to where possible, at a national level.

3 Role of the APC

3.1 The APC is responsible for the monitoring of Australian classification activities to ensure it conforms to the Code.

3.2 The APC will provide expertise, support and generic resources to assist National Federations, and their members, to deliver classifications according to this standard.

3.3 The APC will manage national and international classification protests and appeals for the APC Managed Sports.

3.4 The APC will act as an external advisory service to athletes who seek advice regarding opportunities, lodgment and subsequent resolution of protests or appeals.

3.5 The APC will assist sports in the submission of International Protests and

Appeals.

- 3.6 The APC will develop classification resources and education with reference to this standard.

4. Expectations of APC member organizations

- 4.1 The APC expects that its members will comply with the Code, relevant International Federation classification rules, the APC Classification Policy and this standard in relation to protests and appeals by way of:

4.1.1 The development and implementation of an organizational specific classification policy and processes for its membership that relate to protests and appeals including relevant fees, clear timelines for submission and resolution and the identification of an appropriate administration party;

4.1.2 The development and circulation of sport specific classification information and education for their athletes, sports staff, membership organisations and broader community in relation to this standard;

5 General principles of Protests

- 5.1 A protest is defined in the IPC Code as a formal objection to an athlete's sport class and/or status.

5.2 Protests do not apply to athlete that have been allocated a Not Eligible status nor to athletes that are eligible for the Medical Review process. These procedures follow those that are outlined in the Australian Classification Standard – Athlete Evaluation

5.3 Protests can only be considered where this is formally lodged in writing according to the sports procedures.

5.4 Protests are sport specific and can only be resolved by the sport for which the protest is relevant.

5.5 An Athlete's Sport Class may only be protested once, with the exception of Protests submitted in Exceptional Circumstances.

5.6 Protests should be resolved in a manner that minimizes the impact on competition participation, and competition schedules and results.

5.7 A Protest should not be resolved by the Classification Panel that was involved in the allocation of the Sport Class that is being protested, except if more than 18 months previous.

5.8 All protests proceedings should be confidential. Parties to protests shall not disclose information relating to the protest or the proceedings to any

person or entity outside those directly required to assist in the resolution, which may include, but are not limited to:

- athletes and their appointed representative(s);
- Australian Classifiers;
- relevant APC or National Federation employees;
- sport, medical or scientific consultants engaged for the purposes of the protest; and
- any legal counsel involved in the process.

6 International Classification Protests

- 6.1 Protests of a sport class and/or sport class status allocated by an International Federation can only be addressed by the relevant International Federation.
- 6.2 It may be possible to lodge International Classification protests against an athlete's own International classification or against an athlete from another NPC, dependent upon the sport class status of that athlete's classification, as stipulated by that International Federation.
- 6.3 Any protests of International Classifications must be made through the National Federation that is the International Federation member for that sport, in accordance with the International Federation rules.
- 6.4 The APC will assist National Federations with protest preparation at the request of the National Federation.
- 6.5 Athletes are not permitted to make direct protest applications to the International Federation for the sport.
- 6.6 In the case of IPC sports, where the APC is the member, the National Federation who manages the program is responsible for preparation of the protest documentation, with the final submission being at the final approval of the APC.
- 6.7 Where the APC manages the sport in Australia, the APC will prepare and submit any protest documentation
- 6.8 Payment of any protest fees is the responsibility of the National Federation or their member as deemed by the National Federation.

7 National Classification Protests

- 7.1 Protests at a national level may only be submitted by an athlete or their representative and are managed by the National Federation for the sport. Protests of other athlete's classifications are not permitted.
- 7.2 Where the APC is the National Federation for the sport, the APC shall defer to the International Federation classification rules, IPC Classification Code in the management of national classification protests.

- 7.3 All protests should be submitted with the following information:
- The name, address and sport of the Athlete whose Sport Class is being protested
 - Details of the decision in dispute
 - The reason for the Protest, including reference to relevant rulings being disputed
 - Any documents and other evidence to be offered in support of the Protest
 - The signature of the athletes or their designated representative or the Chief Classifier, in the event of protests under exceptional circumstance.
 - Any fee that is included in the national federations classification procedures.
- 7.4 All national protests should be reviewed by the National Federation, with relevant classification expertise to determine whether all necessary information is included. Protests submitted without all necessary information may be dismissed.
- 7.5 If the Protest is accepted, the National Federation should notify all relevant parties of the opportunity for any subsequent protest evaluation.

8 National Protest Evaluations

- 8.1 Protest Panels, where practicably possible, should consist of the same number of Classifiers, of equal or greater level of certification, as those involved in the most recent allocation of the athlete's sport class.
- 8.2 Members of the protest panel should have had no direct involvement in the Evaluation which led to the most recent allocation of the athlete's sport class, unless the most recent evaluation took place more than 18 months prior to the Protest being submitted.
- 8.3 All documentation submitted with the protest form shall be provided to the Protest Panel. Protest Panels should conduct the protest evaluation without consultation with the Classification Panel, which allocated the Athlete's most recent Sport Class.
- 8.4 The Protest Panel may seek medical, sport or scientific expertise in reviewing an Athlete's Sport Class.
- 8.5 All relevant parties shall be notified of the Protest decision.

9 Protests of Provisional Classification

- 9.1 Protests of provisional classifications are not possible. In the case that an athlete disagrees with their Provisional Classification outcome, they should present to the next available National Classification opportunity.

10 National Protests in Exceptional Circumstances

- 10.1 Protests in Exceptional Circumstances arise if a Chief Classifier believes that an Athlete's sport class no longer reflects the athlete's ability to compete equitably in that class.
- 10.2 Exceptional circumstances may result from:
- A change in the degree of impairment of an Athlete.
 - An athlete demonstrating significantly less or greater ability prior to or during Competition which does not reflect the athlete's current sport class.
 - An error made by a Classification Panel, which has led to the athlete being allocated a sport class which is not in keeping with the athlete's ability.
 - Sport class allocation criteria having changed since the athlete's most recent evaluation.
- 10.3 National protests in exceptional circumstances should follow a similar submission and evaluation process to the above, and may be submitted at any time.
- 10.4 Submissions of National Protests Under Exceptional Circumstance may only be made by a classifier who is of International level certification, unless no classifier of International level certification exists in Australia. In this instance, classification protests under exceptional circumstances may be submitted by a Classifier of National level certification.
- 10.5 Any subsequent evaluations must be approved by the National Federation or the APC, dependant on who is the organizing body for the sport.

11 General principles of Appeals

- 11.1 An Appeal, as defined by the IPC Code, refers to a procedure by which a formal objection to the manner or process in which Classification procedures have been conducted is submitted and subsequently resolved.
- 11.2 Appeals do not apply to athlete that have been allocated a Not Eligible status nor to athletes that are eligible for the Medical Review process. These procedures follow those that are outlined in the Australian Classification Standard – Athlete Evaluation
- 11.3 Appeals can only be considered where this is formally lodged in writing according to the sports procedures.
- 11.4 All Appeals must be sport specific and can only be resolved for the sport for which the Appeal is relevant.
- 11.5 All appeals are confidential. Parties to appeals shall not disclose information relating to the appeal or the proceedings to any person or entity outside those directly required to assist in the resolution, which may include, but are not limited to:
- athletes and their appointed representative(s);
 - Australian Certified Classifiers;
 - relevant APC or National Federation employees;

- sport, medical or scientific consultants engaged for the purposes of the appeal; and
- any legal counsel involved in the process.

11.6 National Federations may elect to nominate the APC as the Appeal body for that sport in Australia.

12 Appeals of International Classifications

12.1 Appeals relating to the conduct of International Classifications can only be addressed by the relevant International Federation.

12.2 It may be possible to lodge International Classification protests against an athlete's own International classification or against an athlete from another NPC, dependent upon the sport class status of that athlete's classification, as stipulated by that International Federation.

12.3 Any Appeals of International Classifications must be made through the National Federation that is the International Federation member for that sport, in accordance with the International Federation rules.

12.4 Athletes are not permitted to make direct applications to the International Federation for the sport.

12.5 The APC will assist National Federations with appeal preparation at the request of the National Federation.

12.6 In the case of IPC sports, where the APC is the member, the National Federation who manages the program is responsible for preparation of the appeal documentation, after which it is to be approved by the APC.

12.7 Where the APC manages the sport in Australia, the APC will prepare and submit any appeal documentation

12.8 Payment of any appeal fees is the responsibility of the National Federation or their member as deemed by the National Federation.

13 National Classification Appeals

13.1 For APC Managed Sports and where the APC is nominated as the Appeals Body by the National Federation, the APC Classification Appeals Panel will consist of where possible the APC General Manager, Para-Sport, the APC Classification Manager, Senior Australian Classifiers from both in and out of the sport and a National Federation representative.

13.2 The Appeals body shall have jurisdiction to review Classification decisions in order to:

- Ensure that all appropriate Sport Class allocation procedures have been followed
- Ensure that all appropriate Protest procedures have been followed.

13.3 The APC Classification Appeals Panel is not able to review the merits of an athlete's sport class or sport class status, nor modify any classification decisions.

13.4 The APC Classification Appeals Panel shall hear Appeals only in cases in which all other available remedies, including but not limited to Protest procedures, have been exhausted.

14 Submission of National Classification Appeals

14.1 Appeals at a national level may only be submitted by an athlete, or their representative. Appeals may only be submitted to the APC for APC Managed sports, or where the sport has elected the APC manage their Appeals process.

14.2 Any National Appeal Submissions must:

- Specify the party who is requesting the Appeal
- Provide the name and sport of the Athlete whose Sport Class and/or Sport Class Status is the subject of the Appeal
- Identify the decision being Appealed, by attaching a copy of the decision or briefly summarising it
- Specify the grounds for the Appeal
- Identify all documents, evidence and witnesses to be put forward in support of the Appeal.

14.3 Appeals that are directed to the APC may be commenced at any time, by submission of a Notice of Appeal. The APC shall promptly present a copy of the Notice of Appeal to the opposing party.

14.4 Upon receipt of a Notice of Appeal, the APC shall conduct a review to determine whether all other available remedies have been exhausted by the party bringing the Appeal. If all other available remedies have not been exhausted, the APC shall issue a written decision dismissing the Appeal.

15 National Appeal Procedures

15.1 If all other available remedies have been exhausted, the APC shall:

- Advise all relevant parties that an Appeal Body will be constituted for the purposes of hearing the Appeal
- Send a copy of the Notice of Appeal, and all documents, evidence and details of witnesses to the party named in the Notice of Appeal (the Opposing Party)
- Advise the Opposing Party that it must, within 28 calendar days of receiving a Notice of Appeal submit to the Appeal Body a list of all documents, evidence and expert witnesses to be offered by the Opposing Party in relation to the Appeal
- Set a Hearing location and date: the Appeal Body shall have the right, in its sole discretion, to conduct a hearing in person, by telephone conference or by video conference.

16 National Appeal Hearings heard by the APC

- 16.1 The Appeal Body, all of whose members shall comply with and have signed a conflict of interest agreement, will comprise of no less than three individuals who have at no stage been involved with or informed of the dispute brought before the Appeal Body.
- 16.2 In order to ensure a level of independence of decisions, the majority of members of the Appeal body should not have any official roles with the National Federation of the athlete.
- 16.3 The Appeal Body may designate counsel to assist it in the Hearing.
- 16.4 The National Federation and the applicable athlete shall have the right to be represented by counsel and, if necessary, to engage an interpreter approved by the Appeal Body.
- 16.5 Not more than two representatives of any party shall be entitled to participate in the Hearing.
- 16.6 Each party shall have the right to offer documentary evidence, to submit a hearing memorandum or brief, and (subject to the Appeal Body's discretion) to call witnesses.

17 Appeal Decision

- 17.1 The Appeal Body shall issue a written decision resolving any Appeal after the Hearing. The decision shall be provided to all parties connected to the Appeal.
- 17.2 Appeal decisions are final and are not subject to any further appeal.

18 Associated documents

IPC Classification Code

(http://www.paralympic.org/export/sites/default/IPC/Reference_Documents/2008_2_Classification_Code6.pdf)

APC Classification Policy (www.paralympic.org.au)

APC Classification- Roles and Responsibilities in Australia (www.paralympic.org.au)

APC Classification Standard- Classifier Training and Certification (www.paralympic.org.au)

APC Classification Standard- Protests and Appeals (www.paralympic.org.au)

APC Classifier Handbook (www.paralympic.org.au)