



PA Classification Standard: Intentional Misrepresentation

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1. Purpose

1.1 This document:

- Sets out the position, role and responsibilities of Paralympics Australia (**PA**) with regard to Intentional Misrepresentation (**IM**), as the national paralympic member of the International Paralympic Committee (**IPC**) and in accordance with the IPC Athlete Classification Code and Standards (**IPC Code**) and the IPC Model of Best Practice for National Classification; and
- Provides a framework for the common technical and operational procedures of National Sporting Organisations (**NSOs**) and National Sporting Organisations for people with Disability (**NSODs**) who deliver the Australian Para-sport program.

1.2 This document should be read in conjunction with the IPC Code, IPC Code of Ethics, relevant International Sport Federation (**IF**) Classification Rules, PA Athlete Classification Policy, PA National Integrity Framework, PA Competition Manipulation and Sports Wagering Policy, PA Complaints, Disputes and Discipline Policy, and other relevant PA Policies and Standards.

1.3 In the event that this Standard fails to provide for a matter covered by a provision in the IPC Code, the provision appearing in the IPC Code shall apply and be regarded as being part of this Standard.

1.4 A list of definitions and abbreviations is provided at the end of this Standard.

2. Who does this Standard apply to?

2.1 This Standard applies to:

- PA employees, contractors and volunteers
- Selected Athletes and Appointed Officials of Paralympic Teams
- PA member organisations, their members, Athletes and Athlete support personnel and any other person (paid or unpaid) who is engaged by the PA member to support classification activities
- Any other organisations or individuals engaged by PA for Classification purposes

2.2 PA will only recognise Australian classification activities that are conducted within the scope of this Standard and other PA Policies. This Standard does not apply to

sports opportunities provided by PA members for athletes with impairments outside of the IPC Code (eg hearing impairment, transplant recipient).

- 2.3 The delivery of classification services for each sport in Australia is the responsibility of the Australian member organisation of the relevant IF, unless otherwise agreed by the IF member, PA and Sport Australia. For the purposes of this Standard, the term NSO/NSOD is used to refer to the organisation approved by the IF member, PA and Sport Australia for the delivery of the Australian Para-sport program.

3. International Sport Federation Role and Responsibilities

- 3.1 IF Classification Rules must be in compliance with the IPC Code. Each IF must provide procedures on how to identify and manage allegations of IM in the IF's Classification Rules.

4. PA Roles and Responsibilities

- 4.1 PA has the following roles and responsibilities:

- Develop and support the implementation of a national classification program in accordance with this Standard.
- Provide support, education and resources to enable its members to comply with this Standard.
- Monitor compliance and address non-compliance of its members to this Standard.
- Provide general education to build classification awareness within the Australian sports community, Para-athletes and other relevant stakeholders (including media & spectators) in relation to this Standard.
- PA may assist NSO/NSODs to respond to formal or informal allegations of IM in International Level competing Athletes.

5. NSO/NSOD Roles and Responsibilities

- 5.1 PA adopts an inclusive approach for Australia's Para-sport system, with the expectation that Para-sport and classification programs are equally recognised and embedded within the structure, systems, people and pathways of an NSO/NSOD.

NSO/NSODs are expected to:

- 5.2 Implement national processes that conform with the IF Classification Rules as much as is practical, and in any event, ensure IPC Code Compliance.
- 5.3 Ensure the NSO/NSOD Classification Rules include procedures for the:
 - Management of International Level IM.
 - Management of National Level IM. National level protest procedures should reflect the respective IF procedures as closely as is practical.
- 5.4 Ensure that the NSO/NSOD Classification Rules include provisions by which national level cases of alleged IM will be investigated, and, where relevant, a sanction recommended to the NSO/NSOD, and:
 - 5.4.1 For NSO/NSODs which have adopted the National Integrity Framework, national level cases of alleged IM must be referred to Sport Integrity Australia as a potential breach of the NSO/NSOD's Competition Manipulation and Sport Wagering Policy.
 - 5.4.2 For NSO/NSODs which have not adopted the National Integrity Framework, PA recommends that national level cases of alleged IM be referred to an independent body.
- 5.5 Ensure that the NSO/NSOD Classification Rules include provisions by which appeals against national level IM sanctions will be managed:
 - 5.5.1 For NSO/NSODs which have adopted the National Integrity Framework, appeals against national level IM sanctions are referred to the National Sports Tribunal.
 - 5.5.2 For NSO/NSODs which have not adopted the National Integrity Framework, appeals against national level IM sanctions are referred to the National Sports Tribunal, unless due to particular circumstances an alternate arrangement is agreed to between the NSO/NSOD and PA.
- 5.6 Ensure appropriate safeguards are in place to protect and support the physical and psychological health and wellbeing of all parties involved in allegations of IM, regardless of the outcome of the allegation.
- 5.7 Ensure adequate screening of international level Athletes is undertaken to:
 - ensure Athletes and support personnel understand their obligations in relation to this Standard;
 - ensure that accurate and complete medical documentation is submitted to the IF;

- minimise risk and support wellbeing for Athletes and team members undertaking International Level Classification.

- 5.8 Ensure any procedures regarding IM follow the PA Classification Standard: Data Protection.
- 5.9 Clearly outline the codes of conduct and expectations of their members, Athletes, Athlete support personnel, classification personnel and any other persons or organisations engaged by them within their classification system in relation to this standard.
- 5.10 Develop and deliver Classification education and awareness programs for Athletes, Athlete Support Personnel, member organisations and any other relevant stakeholders (media, spectators) in relation to this standard.
- 5.11 Cooperate and expect the cooperation of their members with any Classification investigative or IM process.
- 5.12 Integrate changes made by their IF to Classification Rules relating to IMs, within six months after the IF change is made and align their processes as closely to the IF system as is practical.
- 5.13 Collaborate with PA in the continuous improvement of national classification activities in relation to this Standard.

6. Levels of Intentional Misrepresentation

- 6.1 There are two recognised levels of IM in Australia:
- Those relating to Athletes competing or attempting to compete at an International Level, ie under IF Classification Rules; and
 - Those relating to Athletes competing or attempting to compete at a National level, ie under NSO/NSOD Classification Rules.
- 6.2 Where an NSO/NSOD also chooses to offer a Provisional Classification service, general guidelines regarding IM are outlined in Article 10.

7. General Principles of IM

- 7.1 IM is a deliberate attempt by an Athlete or Athlete Support Personnel (either by deed or omission) to mislead a Para-sport organisation or anyone else regarding the existence or extent of their skills and/or the nature of their Eligible Impairment. IM may occur prior to or during Athlete Evaluation and/or at any point after the allocation of a Sport Class.

7.2 IM includes circumstances where an Athlete or Athlete Support Person:

- submits false and/or fraudulent medical Diagnostic Information as a part of the Classification process, or withholds relevant medical documentation that may have an impact on the Classification process;
- attempts to deceive the Classification Panel during Athlete Evaluation by misrepresenting the Athlete's skills and/or abilities and/or the degree or nature of impairment;
- deliberately presents at Athlete Evaluation in a way that is inconsistent with their usual presentation in Competition;
- fails to make a Medical Review Request as to a change in circumstances that may impact upon sport class allocation; or
- knowingly assists, covers up or is involved in any type of complicity involving IM, or disrupts the Athlete Evaluation process with the intention of deceiving or misleading the Classification Panel.

7.3 Athletes and/or Athlete Support Personnel may be subject to disciplinary actions if found guilty of IM offenses.

7.3.1 The consequences that will be applied to an Athlete or Athlete Support Person who is found to have been guilty of IM and/or complicity involving IM will be one or more of the following:

- (a) Disqualification from all events at the Competition at which the IM occurred 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 IM occurred may be disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes
- (b) Not Eligible for Athlete Evaluation or other participation in Competitions for a specified period of time ranging from 1 to 4 years.

7.3.2 The consequences that will be applied to an Athlete or Athlete Support Person who is found to be guilty of IM and/or complicity involving IM on more than one occasion may include a lifetime ban on being eligible for Athlete Evaluation or for participation in any Competitions.

- 7.3.3 If an Athlete is found to have committed IM, the Athlete shall forfeit his or her Sport Class, and shall be designated "IM" in the Classification Master List for the relevant Para-sport for the period of the sanction. This designation shall be recognised and respected automatically by all relevant Para-sport organisations without the need for further action.
- 7.4 NSO/NSODs will recognise, respect and enforce any disciplinary action imposed on an Athlete or Athlete Support Personnel for IM as notified by the IPC, IF, SIA or other authorised body in accordance with the NSO/NSOD's Classification Rules, across all levels of NSO/NSOD competition.
- 7.5 Where a person believes in good faith and on reasonable grounds that IM may have occurred they are encouraged to disclose their concern. Disclosures should contain:
- The nature of the allegation
 - The person or persons responsible
 - The facts on which the informant's belief that IM has occurred are based
 - The nature and whereabouts of any further evidence that would substantiate the informant's belief.
- 7.6 When providing information a person can choose to reveal their own identity or to remain anonymous. Any requests for anonymity will be honoured except in so far as it may be overridden by due process of law.
- 7.7 Any formal complaint to an NSO/NSODs that has adopted the National Integrity Framework, must be submitted in accordance with the requirements of the NSO/NSOD's Complaints, Disputes and Discipline Policy, including in respect of the ability to remain anonymous.
- 7.8 Any allegations which are considered to be vexatious, malicious, motivated by revenge, motivated by personal gain, motivated by a desire to harm the reputation of another may be viewed as a serious disciplinary offence.

8. International Level Intentional Misrepresentation

- 8.1 Allegations of, investigations into and any subsequent sanctions of Intentional Misrepresentation for Athletes competing in International IF recognised competitions can only be handled by, and according to, the procedures of that IF.
- 8.2 If an NSO, support person or Athlete holds genuine evidence that an Athlete has attempted IM, it should pass such evidence on to the IF for consideration.

- 8.3 Any Appeals against sanctions related to International Level are to be directed to the procedures of that IF.
- 8.4 PA may assist NSO/NSODs to respond to formal or informal allegations of IM in International Level competing Athletes.

9. National Level Intentional Misrepresentation

- 9.1. NSO/NSODs who have adopted the National Integrity Framework, including PA, must designate within their National Classification Rules that IM under those rules constitutes Competition Manipulation under the NSO/NSOD's Competition Manipulation and Sports Wagering Policy, and that all investigations and sanctions relating to allegations of IM at a national level must be managed by Sport Integrity Australia in accordance with the Complaints, Disputes and Discipline Policy.
- 9.2. All other NSO/NSODs must specify that an independent body will be appointed as the body for investigation and to make a recommendation to the NSO/NSOD for any sanction in relation to any National Level allegations of Intentional Misrepresentation.
- 9.3. Neither Sport Integrity Australia, nor any other independent body which investigates an allegation or hears an appeal in relation to a sanction which has been imposed has any power to modify, alter or otherwise change any Sport Class and/or Sport Class Status decision, for example by allocating an Athlete a new Sport Class and/or Sport Class Status.
- 9.4. Where an NSO/NSOD (including PA) has adopted the National Integrity Framework, allegations made directly to the NSO/NSOD must be directed to Sport Integrity Australia in accordance with the Complaints, Disputes and Discipline Policy.
- 9.5. If an alleged case of IM is proven and a sanction is imposed or recommended, SIA or the independent body notify all relevant parties, including the alleged party and the NSO/NSOD.

10. Allegations of IM relating to Provisional Classifications

- 10.1 If an NSO/NSOD offers Provisional Classification, the NSO/NSOD should follow the procedure outlined for handling National Level Allegations outlined in Article 9.

Intentional Misrepresentation Appeals

11. Levels of Appeals

11.1 There are two recognised levels of IM related Classification Appeals in Australia:

- Appeals of International Level IM sanctions
- Appeals of National Level IM sanctions

11.2 Where an NSO/NSOD offers Provisional Classification, guidelines regarding appeal processes related to IM sanctions are outlined in Article 20.

12. General Principles of Intentional Misrepresentation Appeals

12.1 An Appeal related to Intentional Misrepresentation refers to the process by which a formal objection to an Intentional Misrepresentation sanction, either in relation to how the investigation has been conducted or how the sanction was allocated, is submitted and subsequently resolved.

12.2 Appeals related to cases of IM can only be heard where the Appeal is formally lodged according to the relevant sport federations procedures.

13. Appeals of International Level Intentional Misrepresentation Sanctions

13.1 Appeals relating to the allocation of Intentional Misrepresentation Sanctions can only be managed by the relevant IF, in accordance with the processes outlined in that IF's Classification Rules.

13.2 International Level Appeals may only be made by the sanctioned person, the relevant IF, the IF member (or other NSO/NSOD if the IF member has authorised this designation), NPC or the IPC.

13.3 PA may assist NSO/NSODs or the sanctioned person with International Level Appeal procedures at the request of the NSO/NSOD or sanctioned person.

13.4 Payment of any Appeal fees will be in accordance with the relevant IF Classification Rules.

14. Appeals of National Level Athlete IM Sanctions

- 14.1 An athlete or other sanctioned person may submit an Appeal to a decision.
- 14.2 For NSO/NSODs that have adopted the National Integrity Framework, including PA, the procedures for hearings and appeals set out in the NSO/NSOD's Complaints, Disputes and Discipline Policy will apply in place of sections 14.3 and 15 to 19 below.
- 14.3 All other NSO/NSODs must designate within their National Classification Rules, either via the National Integrity Framework or otherwise, the National Sports Tribunal - General Division as the Body for resolving Appeals under its jurisdiction. The National Sports Tribunal may only confirm or overturn an IM sanction decision; it does not have power to modify, alter or otherwise change any Sport Class and/or Sport Class Status decision, for example by allocating an Athlete a new Sport Class and/or Sport Class Status.
- 14.4 The National Sports Tribunal may decline to hear an Appeal if it appears to the CEO of the NST (or their delegate) that other available remedies have not been exhausted.

15. Parties Permitted to Make a National Appeal

- 15.1 Appeals of national level IM sanctions may only be made by the Sanctioned person.

16. National Appeal Process

- 16.1 A National IM Appeal will be conducted in accordance with the National Sports Tribunal Legislation, unless an alternate process is approved by PA and the NSO/NSOD.
- 16.2 Any National Appeals directed to the NST must be submitted within 14 days of the date at which the Athlete was notified in writing of the IM investigation outcome.

17. Assessment of National Appeal

- 17.1 For National Appeals directed to the NST, if all other available remedies have been exhausted, the National Sports Tribunal shall conduct a hearing in its General Division in accordance with National Sports Tribunal Legislation.

18. National Appeal Hearings

- 18.1 The National Sports Tribunal – General Division panel, will comprise of one or more members who have at no stage been involved with the dispute brought before the National Sports Tribunal.

19. National Appeal Decisions

- 19.1 The National Sports Tribunal will issue a written reasoned decision resolving any Appeal in accordance with NST Legislation.
- 19.2 Subject to the relevant NSO/NSOD's Classification Rules, the decision of the National Sports Tribunal – General Division can be appealed to the National Sports Tribunal – Appeals Division in accordance with the NST Legislation.

20. Appeals of Provisional Classifications

- 20.1 If an NSO/NSOD offers Provisional Classification, any provisional level IM Appeals will be conducted in accordance with the National Sports Tribunal rules, unless an alternate process is approved by PA and the NSO/NSOD.

21. Definitions

This Standard uses the defined terms in the IPC Code and PA Athlete Classification Policy. Further defined terms specific to this PA Classification Standard are as follows:

National Integrity Framework: the suite of integrity-related policies promulgated by Sport Integrity Australia which includes the National Integrity Framework, the Competition Manipulation and Sports Wagering Policy, and the Complaints, Disputes and Discipline Policy

National Sports Tribunal (NST): the National Sports Tribunal established by the *National Sports Tribunal Act 2019* (Cth)

National Sports Tribunal (NST) Legislation: the legislative instruments set out in Article 22

Sport Integrity Australia: Sport Integrity Australia, the non-corporate Commonwealth entity established by the *Sport Integrity Australia Act 2020* (Cth)

22. Relevant policies, codes and standards

- [IPC Athlete Classification Code and International Standards](#)
- [IPC Classification Code Model of Best Practice - National Classification](#)
- [IPC Code of Ethics](#)
- [PA Classification Standard - Eligible Impairments](#)
- [PA Classification Standard - Athlete Evaluation](#)
- [PA Classification Standard - Classification Personnel and Training](#)
- [PA Classification Standard - Classification Data Protection](#)
- [PA Classification Standard – Protests and Appeals](#)
- [PA Code of Conduct](#)
- [PA Competition Manipulation and Sports Wagering Policy](#)
- [PA Complaints, Disputes and Discipline Policy](#)
- [PA National Integrity Framework](#)
- [Other PA policies](#) (including but not limited to People Protection Policy and Privacy Policy)
- [National Sports Tribunal Act 2019 \(Cth\)](#)
- [National Sports Tribunal Rule 2020 \(Cth\)](#)
- [National Sports Tribunal \(Practice and Procedure\) Determination\) 2021 \(Cth\)](#)