

Out of Competition Protest Policy

I. Introduction

1. This policy shall be referred to as the Out of Competition Protest Policy.

II. Application

2. This Policy applies:

- a) To any dispute between two or more IBSA members or between an IBSA member and an IBSA sports committee that arises before the commencement of any IBSA sanctioned event to determine the eligibility of an IBSA member to compete at that IBSA sanctioned event;
- b) To any circumstance where an IBSA member seeks to challenge the application, validity or interpretation of a sport committee's decision made prior to an IBSA sanctioned event;
- c) to any decision of the IBSA Executive Board which an IBSA member believes is in violation of IBSA's Constitution or Bylaws.

III. Exclusions

3. This Policy does not apply to:

- a) Any matters related to vision classification which are covered by the IPC Classification Code, the IPC International Classification Standards which may be passed by the IPC from time-to-time and the IBSA Classification Rules for each sport;
- b) Any matter which is governed by an IBSA policy or procedure where a protest or appeal mechanism is already provided;
- c) to any matters involving an individual's employment by IBSA or to any services provided by an individual to IBSA under a service contract; and
- d) To any circumstances where the rules of a particular sport already provide for a protest procedure in a given circumstance. An example of this would be where a matter arises during a competition at an IBSA sanctioned event on the field of play.

IV. Procedure

4. Any IBSA member who wishes to file a protest under this Policy must do so no later than 30 days after they knew or ought to have known the facts necessary to establish the grounds to overturn the decision being protested.
5. The parties to a protest shall include:
 - a) the IBSA member filing the protest;
 - b) any other IBSA members who may be excluded from competing at an IBSA sanctioned event if the protest is allowed;
 - c) the affected IBSA sport committee.
6. When making a submission on any protest, the IBSA Sport Committee may only make submissions relating to its jurisdiction to make the decision it did in the circumstances of the case under review in a particular protest. It may not make submissions on the merits of the protest itself.
7. If a protest is filed under this Policy, the matter shall be referred to IBSA's Legal and Ethics Committee or a panel thereof which will render a decision. The composition of any panel of members of the Legal and Ethics Committee to decide each protest shall be determined by the Chair of the Legal and Ethics Committee.
8. The following rules apply when filing a protest under this Policy:
 - a. All materials to be filed in support of an application to have the matter determined must be submitted in writing both in Microsoft Word and PDF formats using the English language.
 - b. The protesting nation must pay a protest fee of 100 euros which will be refunded if the protest is successful.
 - c. The responding party will have 14 days to respond in writing to any application submitted.
 - d. The applicant will have seven days to submit any reply submissions. Reply submissions shall not refer to any matters that have already been raised in the original protest materials that were filed.
 - e. The panel of the Legal and Ethics Committee shall have up to 35 days to decide the matter from the date the application was submitted. The Legal and Ethics Committee shall provide a written decision with detailed reasons supporting its decision.
 - f. Any party may apply to the panel of the Legal and Ethics Committee for permission to lead oral evidence. If such an application is made, the responding party shall have seven days to respond. The

applicant will have three days to reply. These timeframes will not be included when calculating the time provided to the Legal and Ethics Committee to render a decision on the protest.

g. If an oral hearing is to be held, the panel of the Legal and Ethics Committee hearing the matter shall decide if the hearing is to be held in person, by videoconference or by teleconference. The oral hearing shall be held in English. The Date of the oral hearing shall be fixed by the panel of the Legal and Ethics Committee who is scheduled to decide the protest.

h. If an oral hearing is held, each party may have up to three representatives in attendance at the hearing. This number includes any translators who may be required.

9. A panel of the Legal and Ethics Committee hearing any matter under this policy, has, either on its own motion or by application by either party to a dispute, the authority to extend or abridge time periods as required to ensure that it may render a just, expeditious and fair result in the circumstances of each case. The resolution of any protest under this Policy must be made in sufficient time for teams or athletes to register and travel to an IBSA sanctioned event to compete if the protest is ultimately successful.