

SECTION 4: POLICIES

4.1 ELIGIBILITY POLICY



SECTION ONE – INTRODUCTION

1. BACKGROUND

- 1.1. In 2007, Virtus (then 'INAS') adopted the IPC Classification Code.
- 1.2. Eligibility and Classification provides a structure for fair and equitable competition in disability sport.
- 1.3. This document outlines the policies and procedures to ensure compliance with the code, in-line with internationally agreed standards, to ensure the development of sport for people with an intellectual impairment and fair and equitable competition.
- 1.4. The policy should be read in conjunction with the IPC Classification Code available at www.paralympic.org

2. THE ELIGIBILITY AND CLASSIFICATION PROCESS

- 2.1. All athletes with an intellectual impairment will undertake a primary eligibility check managed by Virtus.
- 2.2. Those athletes who wish to participate in Paralympic competition sports will undertake an additional 'Sports-Specific Classification' managed by the relevant International Federation.
- 2.3. Sports Specific Classification can only be undertaken when the Primary Eligibility Check has been approved.

3. MASTER LIST

- 3.1. Virtus will maintain, update and publish a Master List of athletes who have undertaken the primary eligibility check, including a minimum of name, country, and eligibility status/number. The Master List will identify athletes that are eligible for consideration for sport for athletes with an intellectual impairment.
- 3.2. The Master List will be published on the Virtus website and updated regularly.

4. KEY ELIGIBILITY OFFICERS AND PERSONNEL

- 4.1. The Virtus Eligibility Committee will oversee the process of athlete eligibility and comprises the Head of Eligibility and a minimum of two Eligibility Committee members.
- 4.2. The Virtus Eligibility Panel is a larger group of accredited psychologists who will review athlete eligibility applications. Membership of the panel will be managed by the Eligibility Committee.
- 4.3. The Virtus Medical Committee comprises medical professionals who will consider all I12 and applications from athletes with Downs syndrome.
- 4.4. National Eligibility Officers – are qualified psychologists, appointed by National Member Organisations, to manage the eligibility process within a nation and to review applications before being submitted to Virtus.

5. ELIGIBILITY TO COMPETE

- 5.1. The criteria detailing how an athlete may be considered eligible to compete in competition is detailed in Section 2 - Primary Eligibility Criteria.

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- 5.2. According to the IPC Classification Code, to be eligible to compete, an athlete must have an impairment that leads to a permanent and verifiable Activity Limitation. The impairment should limit the athlete's ability to compete equitably in elite sport with athletes without impairment.
- 5.3. If an athlete successfully completes the primary eligibility check but fails to meet the classification criteria for a particular sport (ie. is deemed ineligible under sports-classification rules), then athlete will be declared ineligible for Virtus competition in that particular sport.
- 5.4. As a consequence, an athlete may meet eligibility criteria in one sport, but may not be eligible to compete in another sport.
- 5.5. If an athlete is deemed ineligible for competition, this does not question the presence of a genuine impairment. This is only a ruling on the eligibility of the athlete to compete under the Sport Rules

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SECTION TWO – PRIMARY ELIGIBILITY CRITERIA

6. ELIGIBLE GROUPS

- 6.1. Virtus recognizes three eligibility groups for competition purposes. It is important to note that not all groups will be offered in all competition by Virtus or other International Federations.
- 6.2. The Governing Board will determine eligible groups for Virtus competition.

7. INTELLECTUAL DISABILITY - II1

- 7.1. The eligibility criteria used by Virtus is based upon the American Association on Intellectual and Developmental Disability (AAIDD, 2010) definition of intellectual disability which is consistent with that of the World Health Organisation (WHO, ICD-10 and ICF, 2001), and states:

“Intellectual Disability is a disability characterised by significant limitation both in intellectual functioning and in adaptive behaviour as expressed in conceptual, social and practical adaptive skills. This disability originates before the age of 18”

- 7.2. Based upon the above definition, the Primary Eligibility Criteria to compete in the intellectual disability (II1) eligibility group is:
 - i. Significant impairment in intellectual functioning which is defined as a Full-Scale IQ score of 75 or lower.
 - ii. Significant limitations in adaptive behaviour as expressed in conceptual, social, and practical adaptive skills. This is defined as performance that is at least 2 standard deviations below the mean of, either:
 - One of the following 3 types of adaptive behaviour: conceptual, social, or practical skills
 - An overall score on a standardised measure of conceptual, social and practical skills
 - iii. Intellectual disability must be evident during the developmental period, which is from conception to 18 years of age.
- 7.3. Diagnosis of intellectual functioning must be made using an internationally recognised and professionally administered IQ test. Virtus recognises a closed list of IQ tests which includes the most recently standardised variations of:
 - i. Wechsler Intelligence Scales – WISC (for children aged 6-16) or WAIS (for adults aged 16-90), for example HAWIE, SSAIS and MAWIE etc
 - ii. Stanford-Binet (for ages 2-85+)
 - iii. Raven Matrices
- 7.4. Additional tests may only be added to the closed list with the agreement of the Eligibility Committee in consultation with the IPC.
- 7.5. Diagnosis of adaptive behaviour must be made using an internationally recognised and professionally administered standardised measure that has been norm-referenced on the general population including people with disabilities

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- 7.6. Athletes must meet all 3 elements of the criteria to be eligible for consideration for the intellectual disability (II1) eligibility group.
8. ATHLETES WITH AN INTELLECTUAL DISABILITY AND SIGNIFICANT ADDITIONAL IMPAIRMENT - II2
 - 8.1. II2 is for athletes who have a more severe intellectual disability or significant additional impairment(s) which reduces their functional capacity and impacts on their sports performance
 - 8.2. A significant additional impairment is defined by Virtus as a lifelong condition that affects the functional capacity of the individual and substantially impacts on their sports performance. This includes, athletes who have an intellectual disability, associated lifelong conditions, and/or a genetic condition, such as Down syndrome.
 - 8.3. The eligibility criteria for II2 is:
 - a) A formal diagnosis of Trisomy 21 or Translocation Down Syndrome, OR
 - b) Have a diagnosed intellectual disability (as defined by the II1 criteria) AND meet the minimum criteria for additional impairment as defined by the Virtus FAST Assessment, supplemented by formal medical evidence.
9. ATHLETES WITH AUTISM (NO INTELLECTUAL DISABILITY) – II3
 - 9.1. Autism or Autism Spectrum Disorder (ASD) as it is now commonly known, is defined by the World Health Organisation (WHO) as ‘a group of complex brain development disorders. This umbrella term covers conditions such as autism and Asperger syndrome. These disorders are characterised by difficulties in social interaction and communication and a restricted and repetitive repertoire of interests and activities’ (WHO Autism Q&R Factsheet, 2016 (<http://www.who.int/features/qa/85/en/>))
 - 9.2. Based upon this, the eligibility criteria for athletes with autism is:
 - a) A Full-Scale score of IQ of 76 or above, or no diagnosis of intellectual disability, and;
 - b) A formal diagnosis of Autism or ASD carried out by a qualified practitioner, using accepted diagnostic techniques.
 - 9.3. The II3 criteria are subject to change following the trial project.
10. Athletes with Downs syndrome
 - 10.1. All athletes with Downs Syndrome must provide evidence to show that the athlete is clear of symptomatic Atlantoaxial Instability (AAI).
11. Application Process and Timescales
 - 11.1. Athletes must have completed the Primary Eligibility Check no later than the final entry deadline of competition. Athletes who do not have a valid Eligibility Number at the time of final entry will not be permitted to compete and the entry should be rejected by the competition organisers.
 - 11.2. Applicants are recommended to allow a minimum of 12 weeks for Virtus to complete the review process.

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- 11.3. Applications for primary eligibility must be made using the form available at www.virtus.sport
 - 11.4. The form should be completed according to the guidance notes, and be accompanied by the required evidence.
12. National Eligibility Officer
- 12.1. National Member Organisations and Recognised Organisations are required to appoint at least one National Eligibility Officer. The NEO will be responsible for checking that the application form has been fully completed and that the appropriate evidence has been attached, before it is submitted to Virtus.
 - 12.2. The National Eligibility Officer, who will be a qualified psychologist, will make an assessment of the athletes eligibility, based on the information available, and should sign the relevant section of the application form.
 - 12.3. It is the responsibility of member organisations/recognized organisations to appoint a National Eligibility Officer in accordance with job description attached in Appendix 1, and to inform Virtus of the officer's details.
 - 12.4. NEO's must comply with any accreditation requirements issued from time to time by Virtus.
13. National Member Organisation Authority
- 13.1. National Member Organisations/Recognised Organisations are responsible for advising athletes and their advocates of the process of eligibility and classification. They are also responsible for identifying and appointing a National Eligibility Officer.
 - 13.2. When the application form has been completed and endorsed by the National Eligibility Officer, it must be reviewed and signed by the Member Organisation/Recognised Organisation representative – usually the President or their nominated representative.
14. Assessment of Applications
- 14.1. In respect of II1 applications:
 - a) Virtus will establish and maintain a panel of international psychologists, who will conduct an independent assessment of eligibility applications. Where possible, the panel will represent all 5 regions of the membership.
 - b) Upon receipt, II1 applications will be assessed by the Secretariat at which point additional information may be requested. Once satisfied that all requirements have been met, the application will be sent to the Eligibility Panel for scrutiny, at which time one or more members may request additional information.
 - c) Applications will not be assessed by a panel member of the same nationality as the applicant.
 - d) The identity of the panel reviewing an athletes application, will not be known to the applicant.
 - e) Only when at least 2 panel members are satisfied that the evidential requirements have been met, may Virtus issue an eligibility number.

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- 14.2. In respect of II2 applications:
- a) Upon receipt, II2 applications will be assessed by the Secretariat at which point additional information may be requested. Once satisfied that all requirements have been met, the application will be sent to the Virtus Eligibility Committee and Virtus Medical Committee for scrutiny, at which time one or more members may request additional information.
 - b) Only when at least one Eligibility Panel member and one Medical Committee member is satisfied that the evidential requirements have been met, may Virtus issue an eligibility number.
 - c) II2 athletes will be given provisional status until such time that their performance in competition can be observed. Where observation conforms that performances are within the expected range for II2 athletes then full II2 status will be granted. Where observation does not confirm that performance is within the expected range then provisional status may continue or 'Non-eligible' status may be given.
 - d) Any results or medals achieved by an athlete who is later deemed ineligible may be retained at the discretion of the Governing Board. This will be determined on a case by case basis according to the circumstances and with due regard to section three (intentional misrepresentation).
 - e) Athletes deemed ineligible for II2 may still be eligible for II1 subject to providing the relevant evidence.
- 14.3. In respect of II3 applications:
- a) Upon receipt, II3 applications will be assessed by the Secretariat at which point additional information may be requested. Once satisfied that all requirements have been met, the application will be sent to the Virtus Autism Group for scrutiny, at which time one or more members may request additional information.
 - b) Only when at least 1 Autism Group member is satisfied that the evidential requirements have been met, may Virtus issue an eligibility number.
- 14.4. At any time, one or more members of the panel may choose to seek the view of additional panel members or the Head of Eligibility. Where agreement cannot be reached, the Head of Eligibility will make the final decision.
- 14.5. In cases where, after additional documentation has been requested and reviewed, one or more panel members determine that the athlete does not meet the Primary Eligibility Criteria, the athlete will be informed accordingly and will be deemed ineligible for competition. The athlete has the right to appeal (see section 6 – Appeals Policy).
- 14.6. Upon successful completion of the Primary Eligibility Check and all associated fees have been paid, an athlete will receive a letter stating either an Eligibility Number or ineligibility to compete.

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15. Athlete Rules for competition

- 15.1. In addition to any existing rules regarding entry to competition, all athletes entering Virtus competition must observe the eligibility rules as stated in the competition entry.
- 15.2. Athletes who hold dual-eligibility (ie. II1 and II2) may only enter one eligibility group in any competition.
- 15.3. Where an event is sanctioned/recognized by the International Federation of the sport, athletes and their member nations must observe the requirements of the International Federation in respect of sports classification
- 15.4. Athletes may not participate within any discipline/sport for which sports class 'Non-eligible' has been designated by Virtus or the relevant International Federation. These athletes are eligible for other disciplines, for example an athlete with sports class 'Ineligible' in Long Jump may be eligible for Shot Putt or other disciplines providing that other competition rules have been satisfied.

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SECTION THREE - INTENTIONAL MISREPRESENTATION AND FRAUDULENT ACTIVITY

16. Sanctions

- 16.1. Virtus takes the violation of eligibility rules, either intentionally or unintentionally, very seriously. We will enforce sanctions on athletes, athlete support personnel, sport administrators and member organisations who do not observe the rules carefully or who attempt, assist or encourage an athlete to misrepresent their abilities and skills at any stage of the classification process.
- 16.2. This might include, but is not limited to, presenting false or inaccurate evidence of primary eligibility, failing to cooperate, intentionally misrepresenting skills and/or abilities or disrupting the eligibility process in any other way.
- 16.3. Those who are involved in advising athletes to intentionally misrepresent skills and/or abilities will be subject to sanctions, which are at least as severe as the sanctions enforced on the athlete. In most cases, this will result in a lifetime ban from involvement in Virtus activities.
- 16.4. Virtus may publish the details of any such sanctions and may report such activities to appropriate parties including the IPC, other International Federations and National Member Organisations.

17. Consequences for teams

- 17.1. Teams who field athletes in competition who have not completed the eligibility process for whatever reason will face penalties as determined by the Governing Board.

18. Investigations, Sanctions and Appeals

- 18.1. Virtus will investigate any case where it is believed a deliberate effort to misrepresent evidence, skills or abilities exists, or to compete without having completed the appropriate eligibility checks. This will be done in accordance with Section 4.13 of the Virtus policies and procedures (Disciplinary and Intervention Policy and Procedures).
- 18.2. In some circumstances, an athlete's eligibility number may be suspended during the investigation
- 18.3. Upon completion of the investigation, a report will be submitted to the Governing Board. Based on the findings, sanctions may be imposed:
 - a) On the athlete
 - b) On the athlete's advocate and team officials
 - c) On the team
 - d) On the member organisation
 - e) On other individuals found to be in violation of the classification policy
- 18.4. These sanctions may include, but are not limited to:
 - a) Suspension from competition
 - b) Revoking an athlete Eligibility Number
 - c) Suspension of membership
 - d) Legal proceedings may be undertaken by Virtus in the most severe cases.

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- e) The athlete, their advocate, the member organisation and other individuals affected by sanctions will be informed of the Governing Board's decision and will have the right to appeal as set out in Section 4 – Appeals Policy

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SECTION FOUR – APPEALS

19. Introduction

- 19.1. Appeal is the procedure by which disputes concerning Eligibility or Sanctions are resolved.
- 19.2. The Appeals Policy details the accepted procedures for the management of eligibility related Appeals.

20. Appeals Policy and Procedure

- 20.1. Where an athlete is deemed ineligible for competition, they may appeal the decision within 28 days. This should be done in writing to the Head of Eligibility.
- 20.2. The application, together with any additional evidence will be sent to the original committee for further consideration.
- 20.3. Only a National Member Organisation (acting with the consent of the athlete) has the right to submit an Appeal.
- 20.4. A Notice of Appeal must:
 - a) Specify the party who is requesting the Appeal
 - b) Provide the name and member nation of the Athlete who is the subject of the Appeal
 - c) Identify the decision being Appealed, by attaching a copy of the decision (if written) or briefly summarising it
 - d) Specify the grounds for the Appeal
 - e) Appeals must be accompanied by the Appeal Fee (\$50)
- 20.5. Where the Appeal concerns a decision regarding eligibility, the relevant paperwork (including the Appeal) will be sent to the Head of Eligibility and the Panel members involved in determining the athletes eligibility.
- 20.6. The decision of the appeal committee will be made within 28 days of receipt, and the athlete will be notified accordingly.
- 20.7. If the appeal is turned down, then the decision will be final.

21. Appeals regarding sanction decisions

- 21.1. Where an Appeal concerns a disciplinary or sanction decision, an Appeal Body will be established.
- 21.2. 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.
- 21.3. In order to ensure a level of independence of decisions, a majority of the members of the Appeal Body should not have any other official responsibility within the eligibility role.
- 21.4. After considering the facts of the case, the Appeal Body shall issue a written decision resolving any Appeal. The decision shall be provided to all parties.
- 21.5. The Appeal Body shall either affirm the decision appealed from or overrule the decision. If the decision is overruled, the Appeal Body's written opinion shall specify the procedural error

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committed and shall direct the appropriate party to reconsider the decision in a manner consistent with Appeal Body's instructions.

21.6. Appeal decisions are final and are not subject to any further appeal.

21.7. Where possible, the Appeal Process should be concluded within 28 days of receipt of the Appeal.

22. Confidentiality

22.1. Appeal proceedings are confidential. The parties and the Appeal Body shall not disclose facts or other information relating to the dispute or the proceedings.

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SECTION FIVE: EDUCATION AND RESEARCH

- 22.2. Virtus will deliver an Education and Awareness programme to support member organisations understand the eligibility procedure.
- 22.3. This will include a minimum of:
 - a) Web based resources including guides and information relating to the eligibility process
 - b) A regular programme of national and/or regional workshops