

SECTION VII - PROTESTS AND APPEALS

Rule 50: Protests and Appeals

(Rule 146)

These Protest Regulations do not cover Classification or Anti-Doping issues which will be dealt with exclusively under the World Anti-Doping Code and the WPA Classification Rules and Regulations respectively.

Protests

1. Protests concerning the status of an athlete to participate in a competition (other than relating to Classification and Anti-Doping) must be made to the Technical Delegate(s) prior to the commencement of the competition. Once the Technical Delegate(s) make(s) a decision, there shall be a right of appeal to the Jury of Appeal. If the matter cannot be resolved prior to the competition, the athlete shall be allowed to compete “under protest” and the matter shall be referred to the IPC. In such cases WPA will be entitled to rule conclusively on an athlete’s status after the event has been completed and the results may then be adjusted retrospectively.
2. Protests concerning the result or conduct of an event shall be made within 30 minutes of the official announcement of the result of that event.

The LOC of the competition shall be responsible for ensuring that the time of the announcement of all results is recorded.

COMMENT: Normally this means that the 30 minutes start when the results are posted (with the time noted on the posted results sheet) at the TIC or as indicated in the Technical Regulations for the competition. The Secretary to the Jury of Appeal is the person who “manages” the process. If there isn’t one, then someone in the TIC would manage it. That is, ensuring the time limits are being followed, arranging for discussions with the appropriate Referee, etc.

3. Any protest shall, in the first instance, be made orally to the Referee by an athlete or by someone acting on his behalf or by an official representative of a team. Such person or team may only protest if they are competing in the same round of the event to which the protest (or subsequent appeal) relates (or are competing in a competition in which a team points

score is being conducted). To arrive at a fair decision, the Referee should consider any available relevant evidence. The Referee may decide on the protest or may refer the matter to the Jury of Appeal. If the Referee makes a decision, there shall be a right of appeal to the Jury. Where the Referee is not available, the protest should be made to him through the Technical Information Centre (TIC) or other administrative base where official competition administration is being carried out.

4. In a Track Event

- a) if an athlete makes an immediate oral protest against having been charged with a false start, the Start Referee (or if one is not appointed, the relevant Track Referee) may, if he is in any doubt, allow the athlete to compete “under protest” in order to preserve the rights of all concerned. Competing “under protest” shall not be allowed if the false start was detected by a World Athletics approved Start Information System; unless for any reason the Referee determines that the information provided by the system is obviously inaccurate.
- b) a protest may be based on the failure of the Starter to recall a false start or, under Rule 17.5 to abort a start. The protest may be made only by, or on behalf of, an athlete who has completed the race. If such a protest is upheld, any athlete who committed the false start or whose conduct should have led to the start being aborted, and who was subject to warning or disqualification according to Rule 17.5 or Rule 17.7 and Rule 17.8, shall be warned or disqualified. Whether or not there may be any warning or disqualification, the Referee shall have the authority to declare the event or part of the event void and that it or part of it shall be held again if in his opinion justice demands it.

Note: The right of protest and appeal in Rule 50.4 (b) shall apply whether or not a Start Information System is used.

- c) If a protest or appeal is based on an athlete’s incorrect exclusion from an event due to a false start and it is upheld after the completion of the race, then the athlete should be afforded the opportunity to run on his own to record a time in the event and consequently, if applicable, to be advanced to subsequent rounds. No athlete should be advanced to a subsequent round without competing in all rounds unless the Referee or Jury of Appeal determines otherwise in the particular circumstances of the case, e.g. the shortness of time before the next round or the length of the race.

Note: This Rule may also be applied by the Referee, the Jury of Appeal in other circumstances where it is deemed appropriate (see Rule 18.2).

- d) When a protest is made by or on behalf of an athlete or team which did not finish a race, the Referee must first ascertain whether the athlete or team was or should have been disqualified for a breach of the Rules unrelated to the matter raised in the protest. Should that be the case the protest shall be dismissed.

COMMENT: When the Start Referee decides on an immediate oral protest made by an athlete for being charged with a false start, he has to consider all the available data and in case of only a reasonable possibility that the athlete's protest may be valid, he should allow the athlete to compete under protest. After the race, a final decision must be taken by the Referee, a decision that may be subject of an appeal to the Jury. But to be clear, the Referee should not allow an athlete to compete under protest if the false start has been detected by a Start Information System that appears to be working properly or in cases where it is very clear by visual observation that the athlete has committed a false start and there is no valid reason to allow the protest.

These Rules not only apply where a Starter failed to recall a false start but where also a Starter failed to correctly "abort" a start. In both cases the Referee must consider all factors involved in the particular case and must decide if the race (or part of it) has to be re-held. Giving two examples of extreme situations, it will not be logical or necessary to re-run a Marathon race in a case where an athlete who finishes was responsible for a non-recalled false start. But the same will probably not be the case in a sprint event where an athlete was responsible for a non-recalled false start as this may have affected the start and subsequent race of other athletes.

On the other hand, if for example in a preliminary round it was clear that only one or some athletes were disadvantaged by a failure to recall a false start or to abort a start, a Referee could decide that only those athletes be given the opportunity to run again – and if so under what conditions.

Rule 50.4 (c) covers the situation in which an athlete is wrongly given a false start and excluded from a race.

5. In a Field Event, if an athlete makes an immediate oral protest against having a trial judged as a failure, the Referee of the event may, at his discretion, order that the trial be measured and the result recorded, in order to preserve the rights of all concerned. If the protested trial occurred:
- a) During the first three rounds of trials of a horizontal Field Event in which more than eight athletes are competing, and the athlete would advance to any subsequent rounds of trials only if the protest or subsequent appeal was upheld, or;
 - b) In a vertical Field Event, where the athlete would advance to a higher height only if the protest or subsequent appeal is upheld, the Referee may, if he is in any doubt, allow the athlete to continue competing under protest to preserve the rights of all concerned.

COMMENT: In cases where the Referee is sure that the decision of the Judges is correct, particularly by his own observation or advice received from a Video Referee, the athlete should not be allowed to continue.

But when considering whether to order the measurement of a trial which is the subject of an immediate oral protest the Referee should:

- (a) not do so in cases where there was a clear breach of the Rules, for example in the long jump a clear mark made in the plasticine by the athlete in question or in a throwing event where the implement has clearly landed outside the sector;
- (b) always do so (and immediately so as to not delay the competition) in cases where there is any doubt.

The good operation of this Rule means that the Judge with the spike or prism should always mark the point of landing (except in throwing events where the implement clearly lands outside the sector) even when they see a red flag. Apart from the possibility that the athlete may make an immediate oral protest, it is also possible that the Judge with the flags may have incorrectly or accidentally raised the wrong one.

6. The protested performance of the athlete and any other performance achieved while competing under protest will become valid only if the athlete is subsequently found to have competed within the rules such that the trial is no longer judged a failure.

In Field Events, where, as a result of an athlete competing “under protest”, another athlete is allowed to continue in the competition when he would otherwise not have done so, such

athlete's performances and eventual results will remain valid irrespective of whether the "under protest" athlete's immediate oral protest is successful.

Protest Appeals

7. An appeal against a Protest decision is possible and such appeal must be made to the Jury of Appeal within 30 minutes:
 - a) Of the official announcement of the amended result of an event arising from the decision made by the Referee, or;
 - b) Of the advice being given by or on behalf of the Referee to those making the protest, where there is no amendment of any result.

The Appeal shall be in writing, signed by a responsible NPC official on behalf of the athlete or team, and shall be accompanied by an appeal fee of €200 or its equivalent in the currency of the country where the competition is being held. The appeal fee will be forfeited if the appeal is not allowed. Such athlete or team may appeal only if they are competing in the same round of the event to which the appeal relates (or are competing in a competition on which a team points score is being conducted).

Note: The relevant Referee shall, after his decision on a protest, immediately inform the TIC of the time of the decision. If the Referee was unable to communicate his decision orally to the relevant team(s)/athlete(s), the official time of the announcement will be that of posting of the amended results or of the decision at the TIC.

8. The Jury of Appeal shall consult all relevant persons, including the relevant Referee (except when his decision is to be fully maintained by the Jury of Appeal). If the Jury of Appeal is in doubt, other available evidence may be considered. If such evidence, including any available video evidence, is not conclusive, the decision of the Referee shall be upheld.
9. The Jury of Appeal may reconsider a decision if new conclusive evidence is presented, provided the new decision is still applicable. Normally such reconsideration may be undertaken only prior to the Victory Ceremony for the applicable event, unless the relevant governing body determines that circumstances justify otherwise.

COMMENT: In certain circumstances the Judges (Rule 2.14.2), the Referee (Rule 2.13.6) and the Jury (Rule 50.9) can each reconsider a decision made by them – if it is still applicable and practical to do so.

10. Decisions involving points that are not covered by these Rules shall be reported subsequently by the Chairman of the Jury of Appeal to WPA appointed representative.

11. Decisions of the Referee (subject to appeal under these Regulations) and of the Jury of Appeal shall be final and there shall be no further right of appeal to any other body, including to CAS.

COMMENT: Where an appeal is presented, the payment of the funds (€200 or equivalent local currency) will be retained until after the Victory Ceremony. This will ensure that where the Jury of Appeal reconsiders its decision that the rights of all parties in the dispute are respected and where the decision to change an original decision, there is no question of having to request the appeal funds to be returned to the Jury of Appeal after they may have been returned via an earlier decision of the Jury of Appeal.

Dispute Procedures at WPA Recognised Competitions

As part of the WPA Competition Approval Process the LOC in consultation with the WPA appointed representative may stipulate specific dispute resolution procedures for disputes falling outside the Protest and Protest appeal procedures at WPA Recognised Competitions (see Part B - 3.1.2).

For information regarding the dispute procedures for a specific competition please liaise with the respective Competition Manager and/or the WPA Technical Delegate.