

SECTION 10: POSITION STATEMENTS

10.2 EVENT ENTRY RESTRICTIONS DUE TO EXCEPTIONAL CIRCUMSTANCES



1. INTRODUCTION

- 1.1 This Position Statement sets out the basis on which the Governing Board may in exceptional circumstances prohibit the participation in Virtus events and competitions of athletes, team staff and all other delegation representatives (hereafter referred to as 'National Representatives') from Member Organisations otherwise in good standing. This position statement also allows for the imposition of conditions for participation of National Representatives in Virtus events where exceptional circumstances apply.
- 1.2 The aim of this statement is to set out the principals that will guide the power of the Governing Board to control entry into Virtus events and competitions where exceptional, and probably unforeseen, circumstances arise.
- 1.3 It is important for the membership to appreciate that the right of a Member Organisations to enter representatives into Virtus events is not absolute and may in exceptional circumstances need to defer to the interests of Virtus, the interests of other Member Organisations, and/or other National Representatives.

2. THE PRINCIPLE OF PROPORTIONALITY.

- 2.1 "Proportionality" is a principle of decision making that is essential to good and fair governance of sport organisations. It is often relied on before (and by) the Court of Arbitration for Sport, and the various national sport arbitration panels.
- 2.2 Simply stated it means that where a sport organisation intends to adopt a rule, regulation or decision that may have an adverse impact of some part of its membership it should only do so where it has a legitimate reason for doing so, one that can be objectively justified. Furthermore, the decision needs to be made in a way that meets the issues raised by the 'legitimate reason', and it should go no further than is reasonably necessary to secure the legitimate objective.

3. RELEVANT STATUTES, RULES ETC.

- 3.1 In deciding to adopt this Position Statement the Governing Board has considered the Virtus Constitution, By-laws, Policies and Position Statements, including the effect of the following specific provisions of the Virtus Constitution;

4.1 (viii) Inform Virtus on any matter coming to their attention which may hinder the effective development of opportunities for athletes with intellectual impairment in sport or which may adversely affect Virtus.

5.1 i (b) Shall honour, respect and promote the Virtus Vision, values and organisational philosophy throughout all activities.

5.1 (c) Shall do all in its power to promote Virtus and its sport and competition programme, vision, values and strategic aims.

and

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5.1 iii (f) Observe and comply with the administrative and operational guidelines issued by Virtus with regard to entry, management and team preparation for Virtus sanctioned competitions.

3.2 The Governing Board has also considered its overarching role in setting Event entry terms and conditions. See Event Entry Policy, terms & conditions at 2.1.1

the event that will be run under the technical regulations, guidelines, bye laws and antidoping rules of Virtus which are based on the respective International Federation governing the sport (where applicable) and any other rules stipulated by Virtus and the LOC. Entrants agree to comply with the Rules and understand that they will not be entitled to a refund of their entry fee if disqualified from the Event as a result of, or infringement of these Terms or the Rules.

3.3 This Position Statement is considered a Virtus 'guideline', as such any decision taken under it will be deemed to be incorporated into the Event Entry terms & conditions of any Virtus competition or event specified.

4. RESPONSIBILITY OF MEMBER ORGANISATIONS AND THE CURRENT SITUATION IN UKRAINE

4.1 The Board has considered that the Constitution imposes both rights and obligations on members, including to do all in their power to promote Virtus and its sport and competition programme, vision, values and strategic aims.

4.2 The Governing Board must take notice of the current exceptional circumstances created by the fact that Russia is currently prosecuting a war against Ukraine, and the fact that Belarus has aided Russia in this. The Governing Board must also take account of the exceptional response amounting to the almost total condemnation of Russia and Belarus within the United Nations and in official media statements from most of the national governments of the world, and the guidance of the IOC. In light of these exceptional circumstances the Governing Board must consider the potential for serious damage and harm to Virtus, Virtus sport, LOCs currently planning to host Virtus competitions and the interests, health and safety of National Representatives, technical officials, the public and all that might be affected by the participation of National Representatives from Russia and Belarus in Virtus competitions.

4.3 This Position Statement does not form a basis for the Governing Board to punish a Member Organisation and decisions taken under it should neither condemn any party nor seek to assign blame.

5. THE POWER OF THE GOVERNING BOARD TO EXCLUDE PARTICIPATION, OR TO IMPOSE CONDITIONS ON THE PARTICIPATION OF, NATIONAL REPRESENTATIVES.

5.1 This statement sets out the basis for a decision of the Governing Board to prohibit or impose conditions on the participation of National Representatives in exceptional (which will also generally be unforeseen) circumstances. This Position Statement does not itself impose any such decision.

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5.2 THEREFORE - where exceptional circumstances arise that mean that the participation of certain National Representatives (which may mean all eligible and otherwise qualified National Representatives from that Member Organisation) creates a realistic risk to the reputation and standing of Virtus, Virtus sports, any LOC appointed by Virtus, or threatens to cause disruption to a Virtus event, or to create risks and threats to other participating National Representatives and the public, the Governing Board may exclude participation, or impose conditions on the participation of National Representatives from Member Organisations. Any such decision will be taken on a proportional basis and in announcing any such decision the legitimate reason(s) shall be stated including why, in the opinion of the Governing Board, the effect on the Member Organisation(s) is no greater than necessary given the circumstances and perceived risks.

5.3 This Position Statement is intended to address all current and future exceptional circumstances.