



# **DISCIPLINARY TRIBUNAL RULES**

*(In force from 1 November 2019)*



## Specific Definitions

The words and phrases used in these Rules that are defined terms (denoted by initial capital letters) shall have the meanings specified in the Constitution and the Generally Applicable Definitions, or (in respect of the following words and phrases) the following meanings:

**“Applicable Person”** has the meaning given to it in the Integrity Code of Conduct and for Ethics Board Proceedings transferred to the Integrity Unit in accordance with the Integrity Unit Rules, shall also include the persons who are or will be subject to, alleged violations in those Ethics Board Proceedings.

**“Athletics Integrity Unit Rules”** means the Athletics Integrity Unit Rules.

**“Business Day”** means, for the purposes of Rule 16, unless otherwise stated, a business day in the jurisdiction where the recipient of any communication resides or is based.

**“Demand”** has the meaning given to it in Rule 4.5 of the Reporting, Investigation and Prosecution Rules.

**“Disciplinary Tribunal Website”** means the website of the Disciplinary Tribunal.

**“Doping”** and **“Doping Violation”** means a violation of Rule 3.3.3 of the Integrity Code of Conduct, including an anti-doping rule violation and other violations under the Anti-Doping Rules, and, for the purposes of these Rules, includes an anti-doping rule violation under any previous anti-doping rules under the Former Code of Ethics or any predecessor code of ethics, including any Ethics Board Proceeding transferred to the Integrity Unit from the Ethics Board under the Athletics Integrity Unit Rules, and the term "Doping matter" shall be construed accordingly.

**“Ethics Board Proceeding”** means any proceeding of the Ethics Board (as described in the Procedural Rules of the Ethics Board), which includes all stages of the proceeding including the complaint, investigation, notification, hearing and adjudication.

**“Hearing”** includes, as appropriate to the context, oral or written hearings.

**“World Athletics Website”** means the website of World Athletics.

**“Integrity Code of Conduct”** means the Integrity Code of Conduct as may be amended from time to time.

**“Integrity Unit Website”** means the website of the Integrity Unit ([www.athleticsintegrity.org](http://www.athleticsintegrity.org)) which shall be separate from the World Athletics website.

**“Minor”** means a natural person who has not reached the age of eighteen years.

**“Non-Doping matter”** means a matter that is not a Doping matter.

**“Non-Doping Violation”** means a violation of the Integrity Code of Conduct which is not a Doping Violation and, for the purposes of these Rules, includes any non-doping violation under the Former Code of Ethics or any predecessor codes of ethics including any Ethics Board Proceeding transferred to the Integrity Unit from the Ethics Board under the Integrity Unit Rules.

**“Notice of Charge”** means the written notice sent by the Head of the Integrity Unit to the Applicable Person subject to the charge (and copied to their relevant Area Association and Member Federation), as described in the Reporting, Investigation and Prosecution Rules – Non-Doping.

**“Panel”** means a panel of the Disciplinary Tribunal established in accordance with Rule 7 and may include a singular member.

**“Preliminary Proceeding”** means a proceeding concerned with the imposition, confirmation or removal of a Provisional Suspension or the review of a Demand.

**“Proceeding”** means the process undertaken by the Disciplinary Tribunal from receipt of the Notice of Charge by the Disciplinary Tribunal until the final determination of the charge, unless specified otherwise.

**“Procedural Rules of the Code”** means the rules setting out the procedures for dealing with alleged violations of the Integrity Code of Conduct (and the Former Code of Ethics) including reporting, investigating, prosecuting and deciding such violations and includes the Athletics Integrity Unit Rules, the Reporting, Investigations and Prosecution Rules – Non-Doping, the Disciplinary Tribunal Rules and the Anti-Doping Rules.

**“Procedural Rules of the Ethics Board”** means the statutes and procedures of the Ethics Board as described in Appendices 6 and 7 of the Former Code of Ethics.

**“Provisional Suspension”** means that the person is suspended temporarily from participating in any competition or activity (or such lesser restriction as may be specified in the Provisional Suspension order).

**“Publicly Disclosed”** means disclosure of the decision to the public via the Disciplinary Tribunal Website, the World Athletics website and the Integrity Unit Website, and such other public notification as decided by the Integrity Unit.

**“Reporting, Investigation and Prosecution Rules – Non-Doping”** means the Athletics Integrity Unit Reporting, Investigation and Prosecution Rules – Non-Doping.

**“Substantial Assistance”** means the person providing substantial assistance has (i) fully disclosed in a signed written statement all information they possess in relation to the alleged violation/s including those involving themselves and (ii) fully co-operated with the investigation and adjudication of any case related to that information, including, for example, presenting testimony for or at a hearing if requested to do so by the prosecuting authority or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

## **PART I – GENERAL**

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### **1. Composition and Appointment of Disciplinary Tribunal**

- 1.1 In accordance with Article 76.2 of the Constitution, the members of the Disciplinary Tribunal shall be approved by Congress on the recommendation of Council, except for the inaugural members of the Disciplinary Tribunal who shall be appointed by Council.
- 1.2 Council shall appoint the inaugural members of the Disciplinary Tribunal for the period from 3 April 2017 to the conclusion of the 2019 Congress or any date prior to the 2019 Congress. Thereafter, Congress shall appoint the members on the recommendation of Council for a four- year term at each meeting of Congress. Members of the Disciplinary Tribunal may be appointed for a maximum of two terms of office or eight (8) consecutive years, whichever is the greater. (This period excludes any prior terms as a member of the Ethics Board or other World Athletics judicial or arbitral bodies). A member may continue to sit on the Disciplinary Tribunal until a final decision in the Proceeding in any case in respect of which the member serves as part of a panel constituted prior to the expiration of the member's term.
- 1.3 The Disciplinary Tribunal shall be comprised of at least six (6) members:
  - 1.3.1 each of whom must be either:
    - a. a qualified practising lawyer or former judicial office holder with substantial experience in legal issues affecting sport; or,
    - b. a person with substantial involvement in sport and/or ethics in some capacity; and,
  - 1.3.2 at least three (3) of whom shall have expertise in Doping matters.
- 1.4 A chairperson of the Disciplinary Tribunal shall be appointed by Congress (or in the case of the inaugural Disciplinary Tribunal by Council). The chairperson must be a qualified lawyer who is senior (ten years or more professional legal experience) who practises or has practised in litigation or arbitration and who has prior involvement in sport, preferably in Athletics. The term of office for the chairperson shall be the same as for the other members of the Disciplinary Tribunal.
- 1.5 The chairperson of the Disciplinary Tribunal may appoint a deputy chairperson from amongst the members of the Disciplinary Tribunal, from time to time who shall act on their behalf where both agree, in particular, where any challenge is made in connection with any disciplinary matter to the chairperson's impartiality or independence.
- 1.6 Each member of the Disciplinary Tribunal must therefore at all times be Eligible and subject to Vetting in accordance with the Constitution and the Vetting Rules and, for that purpose, is a World Athletics Official. Notwithstanding this, the Disciplinary Tribunal is a body whose members shall act independently of World Athletics and its management.
- 1.7 In addition to Rule 1.6, no member of the Disciplinary Tribunal during their term of office may hold any other role, position or office within World Athletics, or any Area Association or any Member Federation or act for or advise World Athletics, an Area Association, a Member Federation or any Applicable Person under the Code. Nothing

in this Rule prevents a person being a member of the Ethics Board and the Disciplinary Tribunal at the same time.

1.8 In the event a member of the Disciplinary Tribunal resigns (by giving not less than 30 days' written notice to World Athletics), dies, or is removed from office (in accordance with Rule 1.9), the position shall either:

1.8.1 remain vacant until the next Congress; or,

1.8.2 if the Integrity Unit Board considers it necessary, the Council may (on the recommendation of the Integrity Unit Board) appoint a replacement member to fill the vacancy on the Disciplinary Tribunal and such member's term shall expire at the next Congress meeting.

The powers of the Disciplinary Tribunal are not affected by any vacancy.

1.9 A member of the Disciplinary Tribunal may, as appropriate, be suspended or removed from office prior to the expiry of their term of office, subject to Rule 2.10, as follows:

1.9.1 by the chairperson of the Disciplinary Tribunal, adopting whatever procedure to reach a determination they consider in their discretion to be fair and appropriate in the circumstances, if:

- a. the member is under investigation for or is charged with any of the circumstances described in Article 65.4(b) to (k) of the Constitution inclusive (Ineligibility);
- b. the member is declared not Eligible by the Vetting Panel;
- c. the member is alleged to have, or has, breached the Constitution or any Rules of World Athletics including the Integrity Code of Conduct;
- d. the member is unable or unwilling to perform the duties of office, has neglected their duties, or has engaged in any material misconduct;

1.9.2 by Council, adopting whatever procedure the Council considers in its discretion to be fair and appropriate in the circumstances, if any of the circumstances set out in Rule 1.9.1 apply to the chairperson;

1.9.3 by Congress, adopting whatever procedure the Congress considers in their discretion to be fair and appropriate in the circumstances, if:

- a. Council considers that any decision under Rule 1.9.2 should be taken by Congress in place of the Council or that the chairperson's decision under Rule 1.9.1 should be reviewed;
- b. Council has not acted under Rule 1.9.2, or Congress considers that any decision of Council under Rule 1.9.2 should be reviewed.

1.10 Before making any decision to remove a member of the Disciplinary Tribunal, the member concerned shall be given reasonable notice in writing by the relevant decision maker in Rule 1.9 of the proposal to remove them as a member of the Disciplinary Tribunal, the grounds for such proposal and the facts supporting the grounds for such proposal. The member of the Disciplinary Tribunal concerned shall be entitled to

respond to that proposal in person or in writing within 7 days of being notified in writing of the proposal and the response must be taken into account by such decision maker.

## **2. Indemnity**

- 2.1 No member of the Disciplinary Tribunal will be personally liable for any act done or omitted to be done by the Disciplinary Tribunal or any member of the Disciplinary Tribunal in good faith in pursuance or intended pursuance of the functions, duties, powers and authorities of the Disciplinary Tribunal. World Athletics will indemnify such member for any costs, expenses or damages if they are made the subject of a claim or complaint by a third party arising out of any such act.

## **3. Remuneration and Expenses**

- 3.1 World Athletics will provide reasonable compensation and reimbursement of expenses to the members of the Disciplinary Tribunal for their time spent on Disciplinary Tribunal matters, and such payments will not be deemed to compromise their independence.

## **4. Secretariat**

- 4.1 The Disciplinary Tribunal shall have a secretariat which is independent of World Athletics. The role of the secretariat is to:

- 4.1.1 manage all Proceedings or Preliminary Proceedings filed with it by the Integrity Unit;
- 4.1.2 liaise with all members of the Disciplinary Tribunal as appropriate in relation to Proceedings or Preliminary Proceedings in which they are appointed members of the Panel; and
- 4.1.3 take any such other steps as are necessary to ensure the efficient management of the Disciplinary Tribunal as specified in the contract with World Athletics as described in Rule 4.3.

- 4.2 The secretariat may be a person or an entity.

- 4.3 In accordance with Article 76.2(c) of the Constitution, the secretariat shall be appointed by the Executive Board, on the recommendation of the Integrity Unit Board on such terms and conditions as decided the Executive Board (on the recommendation of the Integrity Unit Board). The terms and conditions shall be agreed and recorded in a contract between World Athletics and the secretariat. The Executive Board shall be responsible (on the recommendation of the Integrity Unit Board) for enforcing, renewing or terminating any such contract.

- 4.4 The secretariat and the Disciplinary Tribunal shall, subject only to reasonable budgetary limitations imposed by Council, be allocated the necessary financial resources to fulfil its functions.

## **5. Confidentiality**

- 5.1 Subject to Rule 5.2 below, the members of the Disciplinary Tribunal shall ensure that everything disclosed to them during the course of their duties remains confidential, including the facts of any case or issue and any deliberations or decisions that are taken.

- 5.2 The members of the Disciplinary Tribunal shall not disclose the existence of, or make any statements relating to:
- 5.2.1 any matter that is before the Disciplinary Tribunal; or
  - 5.2.2 any matter that has been decided by the Disciplinary Tribunal,
- except to the extent stated in any Provisional Suspension decision and the final decision of the Proceedings by the Disciplinary Tribunal.
- 5.3 Subject to Rule 5.4, all Proceedings and Preliminary Proceedings under these Rules will be confidential, and neither the Integrity Unit, nor any Member Federation or Area Association, nor the Applicable Person(s) who are party to the Proceedings, nor any witnesses in any Proceedings or Preliminary Proceedings, will publicly comment on the specific facts of the case (as opposed to a general description of the process) except in response to public comments attributed to that person or entity (or their representatives) made other than as a result of a breach by them of this Rule. Witnesses are expected to keep confidential any document or information which they receive from their participation in such proceedings.
- 5.4 At any stage, the Head of the Integrity Unit may, in their absolute discretion, decide that information should be shared in order to ensure the proper effective discharge of the Integrity Unit and/or the Disciplinary Tribunal's functions and/or to protect the integrity and reputation of World Athletics or Athletics.



## **PART II – NON-DOPING VIOLATIONS**

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This Part II shall only apply to Non-Doping matters before the Disciplinary Tribunal that do not fall within Part III.

### **6. Jurisdiction of Tribunal**

6.1 The Disciplinary Tribunal shall have jurisdiction to hear and decide any alleged Non-Doping Violations over which jurisdiction is conferred on it by the Integrity Code of Conduct and the Integrity Unit Rules and any Preliminary Proceeding under the Reporting, Investigation and Prosecution Rules – Non-Doping.

### **7. Panels for Proceedings**

7.1 On receipt of each Notice of Charge from the Integrity Unit for alleged Non-Doping Violations, the chairperson shall, (subject to Rule 7.2), appoint either one (1) or three (3) members of the Disciplinary Tribunal to hear and decide the alleged violations set out in the Notice of Charge. Subject always to consideration of the most efficient and expeditious despatch of its business, one of the members will ordinarily be the chairperson or the deputy chairperson of the Disciplinary Tribunal.

7.2 No member of the Disciplinary Tribunal may be on the Panel in any Proceeding if they:

7.2.1 have any personal connection or interest (whether directly or indirectly) with any of the parties or witnesses; or,

7.2.2 have had any prior involvement with any matter or any facts arising in the Proceedings (save as provided for in the Integrity Code of Conduct or these Rules including a decision to impose a Provisional Suspension or another Proceeding (including under the Former Code of Ethics or predecessor codes of ethics) in which some or all of the same facts are relevant); or,

7.2.3 are of the same nationality as the Applicable Person involved in a Proceeding (unless their appointment is agreed by the parties); or,

7.2.4 are someone whose impartiality or independence could reasonably be questioned (as determined by the chairperson).

7.3 Upon being appointed to a Panel of the Disciplinary Tribunal for a particular matter, each member must provide a declaration to the parties, disclosing any facts or circumstances known to them that might reasonably call into question their impartiality or independence in the matter in the eyes of any of the parties. If any such facts or circumstances arise thereafter, the member must provide an updated declaration to the parties.

7.4 Any objection to a member of a Panel must be made to the chairperson of the Disciplinary Tribunal without delay, and in any event within 7 days of:

7.4.1 receipt of the written declaration referred to in Rule 7.3, or

7.4.2 learning by any other means of the facts or circumstances giving rise to the objection.

Failure to do so will constitute a waiver of that objection. The chairperson (or deputy chairperson as applicable) will rule on any objection made, and such ruling will be final and not subject to any appeal.

7.5 If a member of a Panel is, for whatever reason, unable, unwilling or unfit to hear or continue to hear, and decide a Proceeding, the chairperson of the Disciplinary Tribunal (or deputy chairperson as applicable) may, in their absolute discretion:

7.5.1 appoint another member of the Disciplinary Tribunal to replace that member in that Proceeding, or,

7.5.2 authorise the remaining member(s) of the Panel to hear and decide the Proceeding alone, in which case, if the decision cannot be reached unanimously or by majority, then the chairperson of the Panel (or a substitute chairperson named by the chairperson of the Disciplinary Tribunal) shall have a casting vote.

## **8. Conduct of the Proceedings**

8.1 The seat of the Disciplinary Tribunal and of all Proceedings and Preliminary Proceedings before it is Monaco. However the chairperson of the Disciplinary Tribunal may decide to hold hearings elsewhere should the circumstances so warrant.

8.2 The parties are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before the Disciplinary Tribunal, at their own expense.

8.3 The Disciplinary Tribunal, and any Panel of the Disciplinary Tribunal, will have all powers necessary for, and incidental to, the discharge of its responsibilities, including (without limitation) the power, whether on the application of a party or of its own motion:

8.3.1 to rule on its own jurisdiction;

8.3.2 to determine whether any hearing or any part thereof should be oral or in writing;

8.3.3 to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Disciplinary Tribunal;

8.3.4 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it will determine;

8.3.5 to extend or abbreviate any time limit specified in any Rules or by the Disciplinary Tribunal itself, save for any limitations period or appeal deadline;

8.3.6 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Disciplinary Tribunal and/or any other party;

8.3.7 to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;

- 8.3.8 to order that certain preliminary and/or potentially dispositive questions (e.g. as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter;
- 8.3.9 to award interim relief or other conservatory measures on a provisional basis and subject to final determination;
- 8.3.10 to determine upon the manner in which it shall deliberate with a view to making any determination in or connected with the proceeding;
- 8.3.11 to make any other procedural direction or take any other procedural steps which the Disciplinary Tribunal considers to be appropriate in pursuit of the efficient and proportionate management of any Proceeding or matter pending before it; and
- 8.3.12 to impose costs orders.

In making any of the above orders or directions, the Disciplinary Tribunal shall be guided by considerations of fairness.

- 8.4 Any procedural rulings may be made by the chairperson or deputy chairperson of the Disciplinary Tribunal or the chairperson of a Panel alone.
- 8.5 The chairperson of the Disciplinary Tribunal (or the deputy chairperson) has the power, whether on the application of a party or of their own motion:
  - 8.5.1 to order consolidation before the Disciplinary Tribunal of two or more separate Proceedings, and/or to order that concurrent hearings be held in relation to such Proceedings; and,
  - 8.5.2 to exercise any of the powers of the Disciplinary Tribunal in relation to urgent matters that require a decision before a Panel has been convened.
- 8.6 As soon as practicable after a Panel has been convened in a particular matter, the chair of the Panel will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where they deem it appropriate, they may hear from the parties (in person, by telephone or video conference, or otherwise) prior to issuing such directions. In particular, the directions will:
  - 8.6.1 fix the date, time and venue of the hearing;
  - 8.6.2 establish a schedule for the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and,
  - 8.6.3 make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

## **9. Hearings**

- 9.1 Unless a Panel orders otherwise for good cause shown by any party, all hearings will be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives, witnesses and experts, as well as the representatives of any third party/parties permitted under the applicable rules to attend in order to participate in and/or to observe the Proceedings.

- 9.2 Unless the Panel orders otherwise for good cause shown by any party, the hearing will be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at their own cost. Any party who wishes (or whose witness wishes) to give oral evidence in another language must bring an independent interpreter to translate that evidence into English, at their own cost, unless the Disciplinary Tribunal orders otherwise.
- 9.3 The procedure to be followed at the hearing will be at the discretion of the chair of the Panel, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and to present their case to the Panel. The Panel will have discretion as to whether to receive evidence from witnesses/experts in person, by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.
- 9.4 No formal rules as to admissibility of evidence will apply. Facts may be established by any reliable means.
- 9.5 A Panel may treat facts established by a decision of a court or tribunal of competent jurisdiction that is not the subject of a pending appeal as binding, where it considers it appropriate to do so.
- 9.6 Unless the Panel orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). The non-attendance of any party and/or their representative(s) at the hearing, after due notice has been given, will not prevent the Panel from proceeding with the hearing in their absence, whether or not written submissions have been made by or on behalf of that party.
- 9.7 Where a party:
- 9.7.1 refuses or fails to respond to a Demand or other questions put to them as part of an investigation;
  - 9.7.2 refuses or fails to appear at a hearing to answer questions; or,
  - 9.7.3 appears but refuses or fails to answer questions;
- then the Panel may infer that the answer(s) would be adverse to that party.
- 9.8 Once the parties have completed their respective submissions, whether orally or in writing, the Panel will deliberate in private. The Panel will make its decision unanimously or by majority. No member of the Panel may abstain.

## **10. Burden and Standard of Proof**

- 10.1 The Integrity Unit will have the burden of establishing that a Non-Doping Violation has been committed. The standard of proof will be whether the Integrity Unit has established the commission of the alleged violation to the comfortable satisfaction of the Panel. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
- 10.2 Where the Integrity Code of Conduct places the burden of proof upon the Applicable Person alleged to have committed a violation to rebut a presumption or establish

specified facts or circumstances, the standard of proof will be by a balance of probability.

## **11. Consequences, Sanctions and Costs**

11.1 Where it is decided by a Panel that a Non-Doping Violation has been committed, subject to Rule 11.3, below, the Panel will impose such consequences and sanction(s) as it deems appropriate including, without limitation, any one or more of the following (any of which may, where appropriate, be suspended):

11.1.1 a caution, reprimand and/or warning as to future conduct;

11.1.2 a fine of any amount (which, unless otherwise specified, will be payable within 30 days);

11.1.3 a compensation payment;

11.1.4 reparation to any victim or victims of the violation;

11.1.5 community service within Athletics;

11.1.6 suspension or removal from office;

11.1.7 removal of any award or other honour bestowed by World Athletics;

11.1.8 disqualification of results, with all resulting consequences, including forfeiture of any related medals, titles, points and/or prizes;

11.1.9 disqualification/expulsion from competitions or events; and,

11.1.10a specified period of ineligibility, or life ban, from participating in any capacity in any aspect of Athletics and/or in any activities authorised, organised, controlled, recognised, sanctioned and/or supported in any way by World Athletics, Area Association or any Member Federation (other than authorised education or rehabilitation programs).

11.2 In order to determine the appropriate sanction(s) to be imposed in each case, the Panel must first determine the relative seriousness of the violation, including identifying all relevant factors that it deems to:

11.2.1 aggravate the nature of the violation, including (without limitation):

- a. a lack of remorse on the part of the Applicable Person;
- b. whether the Applicable Person has previously been found guilty of any similar violation under the Integrity Code of Conduct or the Former Code of Ethics or predecessor codes of ethics;
- c. where the violation substantially damaged (or had the potential to substantially damage) the commercial value and/or public interest in the relevant International Competition and/or the sport of Athletics;
- d. where the violation affected (or had the potential to affect) the result of the relevant competition or event;

- e. where the welfare of a person has been endangered as a result of the violation;
- f. where the violation involved more than one person or entity; and
- g. where the Applicable Person failed to cooperate with any investigation or requests for information from the Integrity Unit.

11.2.2 mitigate the nature of the violation, including (without limitation):

- a. a timely admission of a violation by the Applicable Person;
- b. the Applicable Person's clean disciplinary record;
- c. the youth and/or inexperience of the Applicable Person;
- d. where the violation did not substantially damage (or have the potential to substantially damage) the commercial value and/or public interest in the relevant International Competition and/or the sport of Athletics;
- e. where the violation did not affect (or have the potential to affect) the course or result of the relevant competition or event;
- f. where the Applicable Person has cooperated with the Integrity Unit and any investigation or requests for information;
- g. where the person or entity has provided Substantial Assistance to the Integrity Unit, a criminal authority or a professional disciplinary body that results in the Integrity Unit discovering or bringing forward a Doping Violation or Non-Doping Violation by another person or entity, or that results in a criminal authority or a professional disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another person or entity;
- h. where the Applicable Person has displayed remorse; and
- i. where the Applicable Person has already suffered penalties under other laws and/or regulations for the same offence.

11.3 Having considered the factors in Rule 11.2, the Panel will then determine the appropriate consequences and sanction(s).

11.4 Any period of ineligibility will commence on the date the decision of the Disciplinary Tribunal is published and will end on the date stated in the decision. The Disciplinary Tribunal may at its sole discretion reduce the period of ineligibility imposed by any period of provisional suspension already served prior to the decision being reached. Any Applicable Person subject to a period of ineligibility will remain subject to the Integrity Code of Conduct during that period. If such Applicable Person commits a violation of the Integrity Code of Conduct during a period of ineligibility, that will be treated as a separate violation under the Integrity Code of Conduct.

11.5 The Disciplinary Tribunal will have discretion to order any party subject to the Proceedings to pay some or all of the costs of the proceedings, including:

11.5.1 the costs of holding the hearing(s);

11.5.2 the legal/travel/accommodation costs and/or fees or charges of the members of the Disciplinary Tribunal; and/or

11.5.3 the legal/travel/accommodation costs of any party subject to, or witness involved in, the Proceedings.

No costs order will be considered a basis for reducing the sanction(s) that would otherwise be applicable.

11.6 The Disciplinary Tribunal will also have discretion to order some or all of the costs of the proceedings to be paid by some other person(s) or entity/ies that is considered to have acted frivolously and/or in bad faith in the matter, provided that such other person(s) or entity/ies will first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made.

11.7 Once any period of ineligibility imposed by the Disciplinary Tribunal has expired, the Applicable Person will automatically become re-eligible provided they have first:

11.7.1 completed any official integrity education session as may be deemed appropriate by the Integrity Unit to the reasonable satisfaction of the Integrity Unit;

11.7.2 if a World Athletics Official, is Eligible in accordance with the Constitution and the Vetting Rules;

11.7.3 paid in full any fine, amounts forfeited and/or award of costs made against them (although the Integrity Unit will consider any request, on the grounds of financial hardship, to make such payments over a prolonged period of time by way of an instalment plan); and

11.7.4 agreed to be subject to any reasonable and proportionate monitoring of their future activities in connection with Athletics as the Integrity Unit may consider necessary given the nature and scope of the violation(s) committed.

## **12. Decisions**

12.1 The Disciplinary Tribunal will announce its decision on the charges to the parties in a written, reasoned decision, dated and signed by at least the Panel chair, as soon as reasonably practicable and ordinarily no later than 30 days after the date of the oral hearing or the conclusion of the hearing where conducted in writing only. A copy of the decision will also be sent to the relevant Member Federation(s) and, Area Association (if applicable) and any other party that has a right of appeal against the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision). The Disciplinary Tribunal may, if it considers it appropriate, announce its decision in advance of the reasons for it.

12.2 If the decision is that a Non-Doping Violation has been committed:

12.2.1 the decision will be Publicly Disclosed in full (after giving the parties prior notice of the decision), and in any event no later than 20 days after its issue; and

12.2.2 the Integrity Unit may also publish such other parts of the proceedings before the Disciplinary Tribunal as it thinks fit.

Public Disclosure will not, however, be required where the person found to have committed a violation is a Minor. Any optional Public Disclosure in a case involving a Minor will be proportionate to the facts and circumstances of the case.

- 12.3 If the person or entity is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the person or entity who is the subject of the decision, however the Disciplinary Tribunal may Publicly Disclose the fact that the charge has been dismissed.
- 12.4 Decisions of Panels will be final and binding on all parties, and may not be challenged or appealed other than strictly as set out in Rule 13 of these Rules. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made.
- 12.5 For avoidance of doubt, this Rule shall apply to decisions of the Disciplinary Tribunal made in respect of violations under the Former Code of Ethics or predecessor codes of ethics.

### **13. Appeals**

- 13.1 A ruling by the Disciplinary Tribunal in a Preliminary Proceeding may not be appealed unless the applicable Rules so provide.
- 13.2 Subject to Rule 13.1, a decision of the Disciplinary Tribunal under this Part II of these Rules may be appealed to CAS by a party to the proceedings before the Disciplinary Tribunal, in accordance with this Rule 13.
- 13.3 In any such appeal, World Athletics (by the Integrity Unit) will be the appellant or the respondent to an appeal by the Applicable Person.
- 13.4 The deadline for filing an appeal to CAS will be 21 days from the date of receipt of the written decision in question by the appealing party. Where the appellant is a party other than World Athletics, to be a valid filing under this Rule a copy of the appeal must also be filed on the same day with the Integrity Unit. The decision being appealed will remain in full force and effect pending determination of the appeal unless CAS orders otherwise.
- 13.5 The decision as to whether:
  - (a) World Athletics should appeal a decision of the Disciplinary Tribunal to CAS;
  - (b) World Athletics should participate in any appeal or other proceeding before CAS, or before any other tribunal, to which World Athletics is not a party;
  - (c) World Athletics shall suspend the Athlete or other Person pending the CAS decision or the decision of the other tribunal

shall be taken by the Head of the Integrity Unit subject to the prior approval of the Integrity Unit Board.

- 13.6 Cross appeals and other subsequent appeals by any respondent named in cases brought before the CAS under these Rules are specifically permitted. Any party with a right to appeal under this Rule 13 must file a cross appeal or subsequent appeal at the latest with its answer.



- 13.7 The CAS Code of Sports-related Arbitration will apply to the proceedings, as modified or supplemented herein. The governing law will be Monegasque law, and the language of the proceedings will be English unless the parties agree otherwise.
- 13.8 If the CAS decision is that a Non-Doping Violation has been committed:
- 13.8.1 the decision will be Publicly Disclosed in full without delay, and in any event no later than 20 days after its issue, and
- 13.8.2 the Integrity Unit may also publish such other parts of the proceedings before CAS as it thinks fit.
- Public Disclosure will not, however, be required where the person found to have committed a violation is a Minor. Any optional Public Disclosure in a case involving a Minor will be proportionate to the facts and circumstances of the case. If the person or entity is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the person or entity who is the subject of the decision.
- 13.9 The decision of CAS will be final and binding on all parties, and all parties waive irrevocably any rights they might otherwise have to any form of appeal, review or other challenge in respect of that decision, except as set out in Chapter 12 of Switzerland's Federal Code on Private International Law.

#### **14. Recognition of Decisions**

- 14.1 Provisional Suspensions, hearing results or other final decisions of the Disciplinary Tribunal will be applicable worldwide and will be recognised and respected by World Athletics, its Members and Area Associations automatically upon receipt of notice of the same, without the need for any further formality.

#### **15. Statute of Limitations**

- 15.1 There is no statute of limitations to the commencement of Proceedings or Preliminary Proceedings except to the extent required under the law of Monaco.

#### **16. Miscellaneous**

- 16.1 Any notice or other communication required to be given by a party pursuant to these Rules must be given in writing and must be sent by registered post or transmitted by email. If sent by registered post, the notice or other communication will be deemed to have been given on the Business Day following the day it is sent. If transmitted by email before 5pm (Monaco time) on a Business Day, the notice or other communication will be deemed to have been given on that day. If transmitted by email on a non-Business Day, or at or after 5pm (Monaco time) on a Business Day, the notice or other communication will be deemed to have been given on the next Business Day.
- 16.2 A party's last-known residence, place of business or email will be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to the chairperson of the Disciplinary Tribunal. Notice to a person who is a member of or affiliated to a Member Federation may be accomplished by delivery of the notice to the Member Federation.
- 16.3 Any period of time specified in these Rules will begin to run on the day following the day when a notice or other communication is given. Non-Business Days occurring

during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Business Day, then it will be deemed to end on the next Business Day.

- 16.4 Where a matter arises that is not otherwise provided for in these Rules, the chairperson of the Disciplinary Tribunal (or the deputy chairperson) will resolve it as they see fit.
- 16.5 Any deviation from any provision of the Integrity Code of Conduct, these Rules or any of the Procedural Rules of the Code and/or any irregularity, omission, technicality or other defect in the procedures will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.

## **PART III – REMOVAL OF COUNCIL MEMBERS AND EXECUTIVE BOARD MEMBERS**

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### **17. Jurisdiction of Tribunal**

- 17.1 The Disciplinary Tribunal shall have jurisdiction to hear and decide applications by Member Federations to remove (i) a Council Member in accordance with Article 46.2 of the Constitution; and/or (ii) an Executive Board Member in accordance with Article 57.10 of the Constitution.

### **18. Procedure**

- 18.1 The procedure to be followed in respect of a removal application under this Part III will be at the discretion of the chair of the Panel appointed to hear the application, provided always that the proceeding must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and to present their case to the Panel.

### **19. Appeal**

- 19.1 A Member Federation whose application for removal is not granted in full, or a Council Member or an Executive Board Member who is removed from office before the end of their term, may appeal the Disciplinary Tribunal's decision to the CAS (Appeal Arbitration Division) in accordance with Article 84 of the Constitution. Such appeal must be filed with the CAS within 21 days of the appealing party's receipt of the final decision of the Disciplinary Tribunal.

The provisions of Rule 13.7 and 13.9 will apply, *mutatis mutandis*, to such appeals.