

APPENDIX 6

STATUTES OF THE IAAF
ETHICS COMMISSION

A Creation, Composition and Organisation

1. The IAAF Ethics Commission (the Commission) is an independent judicial body established by the Congress in accordance with Article 5.7 of the IAAF Constitution.
2. The Ethics Commission shall be composed of at least nine members appointed by the Council. Three of these members shall be individuals who have a legal background and who also have a significant involvement with sports, preferably including Athletics.
3. The Council shall appoint a Chairperson of the Ethics Commission and the other members upon the recommendation of the IAAF President.
4. No current member of the Council shall be eligible to be a member of the Ethics Commission.
5. No member of the Ethics Commission may belong to any other IAAF body.
6. The Chairperson of the Ethics Commission shall appoint a Deputy Chairperson from amongst the other members appointed by the Council.
7. If the Chairperson of the Ethics Commission is prevented from acting in any matter (whether due to personal or factual circumstances), the Deputy Chairperson of the Ethics Commission shall replace him. If both the Chairperson and the Deputy Chairperson are prevented from acting in any matter (whether due to personal or factual circumstances), the remaining members of the Ethics Commission shall choose an acting Chairperson.
8. Commission Meeting: The Ethics Commission shall meet when convened by the Chairperson. A quorum is constituted if at least five of the members are present.
9. Commission Hearings: A panel of the Ethics Commission consisting of at least 3 members appointed by the Chairperson shall conduct hearings to adjudicate on proceedings before it. In exceptional cases, a panel of more than 3 members may be appointed (either 5 or 7 members). Ethics Commission hearings shall be confidential, with only the decision of the panel being made public.
10. The Ethics Commission shall be assisted for administrative purposes by at least one legal secretary who is independent from the IAAF and appointed by the Chairperson.
11. Subject to such reasonable budgetary limitations as may be imposed by the Council, the IAAF shall provide the Ethics Commission with the necessary financial resources to fulfil its functions.

B Appointment of Members of the Commission

12. Ethics Commission members shall be appointed by the Council for a term of 4 years. Members may be re-appointed for one further term.

13. In the event of death, resignation, incapacity or inability of a member to perform his functions, the Council shall appoint a replacement to the Ethics Commission for the remainder of the 4-year term. The replacement member may be appointed for one further term.
14. An Ethics Commission member may be removed from office by the Council for just cause.
15. In the event of death, resignation, successful challenge, withdrawal or removal of a member of the Ethics Commission during the pendency of a proceeding in which he is involved, the member shall be replaced. Unless otherwise decided by the Chairperson of the Commission, the proceeding shall continue without repetition of the procedure which took place prior to the replacement.

C Powers

16. The Ethics Commission shall have the following powers under the Code:
 - (i) to appoint an independent and appropriately qualified investigator to investigate alleged violations of the Code;
 - (ii) to adjudicate whether violations of the Code have been committed, (other than violations of the Anti-Doping Rules);
 - (iii) to determine for each proceeding (a) its procedure in accordance with the Procedural Rules and (b) any other procedural matters that are not set out in the Procedural Rules, in accordance with the rules of natural justice;
 - (iv) to adjudicate whether violations of any code of ethics of a Member Federation have been committed where the alleged violation has serious and important implications for the IAAF;
 - (v) to adjudicate on any appeals against any decision by a Member Federation's Ethics Commission (or body delegated by the Member Federation) with authority to determine violations of a Member Federation's code of ethics;
 - (vi) to impose sanctions for violations of the Code;
 - (vii) to provide advisory opinions on any potential issue related to the Code;
 - (viii) to make recommendations to the IAAF, including recommending amendments to the Code (and/or the Rules thereunder);
 - (ix) to perform any other task related to the Code and the development and respect of ethical principles in the sport of Athletics that might be referred to it by the Council and/or the President or which the Commission of its own initiative considers to be appropriate for it to undertake.

D Sanctions

17. The Ethics Commission shall have the following powers to be exercised in accordance with the Procedural Rules where applicable:

- (i) to caution or censure;
- (ii) to issue fines;
- (iii) to suspend a person (with or without conditions) or expel the person from office;
- (iv) to suspend or ban the person from taking part in any Athletics-related activity, including Events and Competitions;
- (v) to remove any award or other honour bestowed on the person by the IAAF;
- (vi) to impose any sanctions as may be set out in specific Rules; and
- (vii) to impose any other reasonable sanction that it may deem to be appropriate, including community service within athletics and/or restitution;
- (viii) for any appeals under C16(v) above, to uphold, dismiss or refer back to the Member Federation for further consideration and to do so without procedural costs.

E Withdrawal of a Member

18. An Ethics Commission member shall decline to participate in a matter or withdraw from any matter to which he has been appointed in any of the following circumstances:
 - (i) if he is of the same nationality as a party involved in the matter (unless his appointment is agreed by the parties);
 - (ii) if he has a direct or indirect interest in the matter;
 - (iii) if he has already dealt with the case in a different function or capacity;
 - (iv) if he has previously expressed an opinion about the matter or its outcome;
 - (v) if there are any other serious grounds for questioning his independence or impartiality in the matter.
19. Members of the Ethics Commission who decline to participate in or who are required to withdraw from a matter shall notify the Chairperson of the Ethics Commission immediately.

F Challenge to a Member

20. An Ethics Commission member may be challenged in any matter if the circumstances give rise to legitimate doubts over his independence or impartiality.

21. Challenges must be made within 7 days of the grounds for challenge becoming known. The resolution of the challenges are in the exclusive power of the Chairperson of the Commission (or the Deputy Chairperson as applicable). A petition shall be filed by the person making the challenge setting out the facts upon which the challenge is based.
22. The Chairperson of the Ethics Commission (or the Deputy Chairperson as applicable) shall rule on the challenge after the challenged member has been invited to submit written comments in response. The Chairperson of the Ethics Commission (or Deputy Chairperson) shall give reasons for his decision.

G Confidentiality

23. The members of the Ethics Commission 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.
24. The members of the Ethics Commission shall not disclose the existence of, or make any statements related to (i) any matter that is pending before the Ethics Commission or (ii) any matter that has been concluded by the Ethics Commission, except to the extent stated in the final decision of the matter by the Ethics Commission.
25. Paragraphs G23 and G24 above shall not apply in the event that the Ethics Commission or its Chairperson decide that information should be shared in order properly and effectively to ensure discharge of the Commission's functions and/or to protect the integrity and reputation of Athletics.

H Independence

26. The members of the Ethics Commission shall carry out their functions and render their decisions entirely independently and must avoid any third-party influence. Members of the Ethics Commission shall immediately disclose any circumstances likely to affect their independence with respect to the parties.

I Exemption from Liability

27. Except in the case of bad faith or gross negligence, neither the members, nor any legal secretary, nor any investigator of the Ethics Commission may be held personally liable for any act or omission relating to any procedure.