



## Implementing Provisions of the Statutes of the IOC Ethics Commission

# Rules of Procedure Governing Cases of Possible Breach of Ethical Principles

## A. GENERAL PROVISIONS

### Article 1

These Rules of procedure apply to all cases of possible breaches of the ethical principles.

### Article 2

The working languages are French and English. An official translation into one or other of such working languages must be made of any document written in another language.

### Article 3

The proceedings opened through application of these Rules of Procedure are confidential. All the parties concerned undertake not to divulge to third parties any of the facts or other information linked to the proceedings.



## **B. PROCEDURE FOR ANALYSING AND INVESTIGATING COMPLAINTS, DENUNCIATIONS OR ACTS WITH A VIEW TO THEIR SUBMISSION TO THE IOC ETHICS COMMISSION**

### **Article 4**

All complaints or denunciations received by the IOC Ethics and Compliance Office, and all acts brought to its attention, which might constitute a breach of the ethical principles of the Olympic Charter, the IOC Code of Ethics or its implementing provisions are analysed by the IOC Chief Ethics and Compliance Officer, with a view to a possible submission of the situation to the IOC Ethics Commission.

Such analysis will address the jurisdiction of the IOC Ethics Commission based on the scope of application of the IOC Code of Ethics and/or the likelihood of a breach of the ethical principles of the Olympic Charter, the IOC Code of Ethics or its implementing provisions.

### **Article 5**

A complainant may request that his/her identity not be revealed and that all precautions be taken so that his/her identity is protected.

### **Article 6**

The IOC Chief Ethics and Compliance Officer informs the person who is the subject of a complaint or denunciation. Such person is invited to submit his or her observations.

If the subject of the complaint or denunciation is a corporate body, the IOC Chief Ethics and Compliance Officer will inform its representative, who is invited to submit his or her observations.



## Article 7

With a view to facilitating the analysis of the likelihood of a breach and possible referral to the IOC Ethics Commission, the IOC Chief Ethics and Compliance Officer will conduct an investigation, which may include:

- a. consulting all the relevant documents;
- b. asking for all the relevant documents to be provided;
- c. hearing and/or obtaining the written observations of the person concerned, in particular with regard to the evidence;
- d. obtaining all the relevant expert analysis; and
- e. travelling to the place concerned if this may facilitate an understanding of the facts.

All hearings and interviews will be recorded with a view to their being forwarded to the IOC Ethics Commission; a copy of the recording will be given to the person concerned.

The person concerned must cooperate fully with the IOC Chief Ethics and Compliance Officer, in particular by providing any information or document considered necessary for the investigation. Any lack of cooperation will be taken into account when assessing the situation.

## Article 8

During the course of the investigation and after hearing the person concerned, the IOC Chief Ethics and Compliance Officer may submit the situation to the IOC Ethics Commission for a recommendation for a provisional measure, pursuant to paragraph 2 of Bye-law to Rule 59 of the Olympic Charter.

This recommendation shall be submitted to the IOC Executive Board without undue delay.



## Article 9

In the event that, within the scope of application of the IOC Code of Ethics, the likelihood of a breach of the ethical principles, the IOC Code of Ethics or its implementing provisions is established, the IOC Chief Ethics and Compliance Officer will submit the complaint to the Chair of the IOC Ethics Commission with the specific report, including all the elements of the investigation.

## Article 10

In the event that, the jurisdiction of the IOC Ethics Commission within the scope of application of the IOC Code of Ethics and/or the likelihood of a breach of the ethical principles, the IOC Code of Ethics or its implementing provisions are not established, the IOC Chief Ethics and Compliance Officer will record this accordingly in a specific report. This specific report will be an agenda item at each meeting of the IOC Ethics Commission.

The plaintiff will be informed of this decision, and may ask the Chair of the IOC Ethics Commission to re-examine the file if the analysis by the IOC Chief Ethics and Compliance Officer has not determined that the file should be referred to the IOC Ethics Commission.

If the majority of the IOC Ethics Commission's members nonetheless considers that it has jurisdiction to address a case and that there is likelihood of a breach, the file will be analysed in order to be submitted to the IOC Ethics Commission, in accordance with the present procedure.



## C. REFERRAL TO THE IOC ETHICS COMMISSION

### Article 11

Referral to the IOC Ethics Commission is made in writing by the IOC Chief Ethics and Compliance Officer based on the referral report, and includes the complete investigation file.

## D. PROCEDURE BEFORE THE IOC ETHICS COMMISSION

### Article 12

The IOC Ethics Commission takes note of the referral report, the complete investigation file and the various written observations made by the person concerned.

### Article 13

The Chair of the Commission may appoint one of the Commission members as a rapporteur who will analyse the referral report and all the documents from the investigation and then report to the IOC Ethics Commission.

### Article 14

The person concerned is invited to exercise personally his or her right to be heard by the IOC Ethics Commission or its rapporteur, either through written observations or orally, during an interview for which the circumstances will be decided by the



Commission or its rapporteur. Such interviews will be recorded and a copy of the recording given to the person concerned.

## Article 15

If the IOC Ethics Commission or its rapporteur considers that the investigation conducted by the IOC Chief Ethics and Compliance Officer is insufficient, it may instruct him/her to take any additional appropriate measures, including:

- a. the request of additional written information or documents from the parties concerned;
- b. the hearing of new witnesses at their own discretion or at the request of the parties concerned;
- c. obtaining new experts analysis or any other action.

## Article 16

The IOC Ethics Commission freely assesses the evidence.

Regarding the measures or sanctions against the person concerned, the IOC Ethics Commission makes recommendations to the IOC Executive Board which takes a decision pursuant to Rule 22 of the Olympic Charter and as provided by Article 18 below.

## Article 17

The IOC Ethics Commission deliberates in camera and takes the recommendations of measures or sanctions it deems appropriate.

The Commission's deliberations are led by the Chair. The IOC Chief Ethics and Compliance Officer will not take part in the deliberations.



Upon request by the Chair and after presenting his/her report, the IOC Chief Ethics and Compliance Officer may leave the room. Nonetheless, the Chair may ask the IOC Chief Ethics and Compliance Officer to return in the room in order to answer questions on the investigation and the referral report which may arise during the deliberations.

The IOC Ethics Commission's decisions of the recommendations are taken by a simple majority of the members present. The required quorum is constituted if at least five members are present, at least three of whom are independent members.

Voting takes place by secret ballot if the Chair of the Commission so decides, or if a majority of the members present requests it. Voting by proxy is not allowed.

If necessary, the members may take part in the deliberations via telephone or video conference. In certain circumstances, the Commission members may be consulted by circulating the documents.

All deliberations and votes are confidential.

The decisions with recommendations are drafted by or under the direction of the IOC Ethics Commission's Chair; for this the Chair may request a specific independent support. Each decision is signed by the IOC Ethics Commission Chair and is translated into the other working language.

The IOC Chief Ethics and Compliance Officer forwards the IOC Ethics Commission's decision of recommendations to the IOC President for submission to the IOC Executive Board without undue delay.

These recommendations remain confidential until the decision by the IOC Executive Board.



## Article 18

The IOC Ethics Commission recommends to the IOC Executive Board the measures or sanctions provided under Rule 59 of the Olympic Charter or any other appropriate measures, in particular those provided by the implementing provisions of the IOC Code of Ethics.

## E. PROCEDURE BEFORE THE IOC EXECUTIVE BOARD FOLLOWING A DECISION OF RECOMMENDATION BY THE IOC ETHICS COMMISSION

### Article 19

The IOC Chief Ethics and Compliance Officer informs the person concerned of the transmission to the IOC Executive Board of the recommendations and, if the IOC Ethics Commission recommends any sanction or measure, of the evidence against him or her and the reasons given by the IOC Ethics Commission.

The person concerned may be invited to exercise their right to be heard by the IOC Executive Board, in the form of written observations, which must be submitted by the deadline established by the Chief of Staff of the IOC President's Executive Office.



## Article 20

The IOC Executive Board will decide on the basis of the IOC Ethics Commission's recommendations.

Before a decision by the IOC Executive Board, the IOC President may return the file to the IOC Chief Ethics and Compliance Officer or the IOC Ethics Commission if new evidence emerges.

## Article 21

The decision by the IOC Executive Board is immediately notified to the person concerned.

## Article 22

The IOC Ethics Commission's recommendations may be published on the web site after notification of the decision by the IOC Executive Board.

## Article 23

The present provisions enter into force after their approval by the IOC Executive Board on 9 and 10 July 2017 and presentation to the IOC 131st Session in Lima (Peru), from 13 to 15 September 2017.