

# WADA Code of Ethics

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*Adopted by the Foundation Board in Paris (France) on 25 November 2021 and revised by the Foundation Board in Montreal (Canada) on 17 November 2023*

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## 1. General Principles

### 1.1 Introduction

WADA's mission is to lead a collaborative worldwide movement for doping-free sport.

The core ethical values defended by WADA include:

- integrity: observing the highest ethical standards and avoiding improper influences and conflicts of interest that may undermine WADA's independent and unbiased judgment;
- openness: being trustworthy, respectful, impartial, objective, balanced, transparent and open to listening to the voice of others.

This Code of Ethics (the "**WADA Code of Ethics**") is adopted by the WADA Foundation Board (the "**Foundation Board**") pursuant to the [WADA Statutes](#).

Its purpose is to establish clear ethical standards over the activities of WADA's Officials (as such term is defined hereafter in Section 2) in order to permit WADA to achieve its mission and protect its core values. WADA and all its Officials undertake to disseminate a culture of ethics, loyalty, and integrity within their respective areas of competence.

By adopting the WADA Code of Ethics, the Foundation Board recognizes the importance of setting the highest ethical standards in the governance and administration of WADA.

### 1.2 Relationship with other laws and regulations

Conduct prohibited under this WADA Code of Ethics may amount to a criminal offence and/or a breach of laws in national jurisdictions. It is not intended to replace such laws and regulations, but to supplement them with further rules of professional conduct for the Officials involved in WADA.

The WADA Code of Ethics shall not replace, affect, or alter WADA's ability to take any action under the terms of any employment or consultancy contract with Officials who are bound to WADA by any such employment or consultancy contract. Where conduct prohibited under the WADA Code of Ethics also amounts to a breach of the terms of an employment or consultancy agreement with WADA, WADA shall be entitled, at its absolute discretion, to elect only to take action against such Official pursuant to the applicable employment or consultancy contract, and there shall be no requirement on WADA to have first commenced, or to subsequently institute, any action under the WADA Code of Ethics.

The provisions of the WADA Code of Ethics are without prejudice to the application of the rules and sanctions of other codes of ethics.

## 2. Scope of Application

The following individuals (the "**Officials**" and, each, an "**Official**") are subject to the WADA Code of Ethics and are deemed to have agreed to submit to the jurisdiction of the Ethics Officer, the Independent Ethics Board (and its Panels) and the Court of Arbitration for Sport (the "**CAS**") for any matter in relation to its enforcement,

and not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission (subject to the limitation under Sections 1.2 and 2 par. 2 [*members of WADA Staff*]):

- Each person serving as member of the Foundation Board, including the Founding President and deputies;
- Each person serving as a member of the WADA Executive Committee (the “**Executive Committee**”), including deputies;
- Each person serving as members of Permanent Special Committees, Standing Committees, Ad hoc Committees or any other Committees, Expert Advisory Groups or Working Groups established by and/or within WADA, including any deputy or substitute;
- Each person engaged as an agent, consultant, or contractor for WADA;
- Each person employed (whether full-time, part-time, permanently, for a fixed-term or temporarily) or otherwise functioning as a member of WADA staff, including the Director General and WADA Management (collectively, “**WADA Staff**”);
- Any other person who agrees to be bound by the WADA Code of Ethics.

Sections 4 (Implementation), 5 (Sanctions and Measures), 6 (Provisional Measure), 9 paragraph 2 (Arbitration) and Annex A (Regulations of the WADA Independent Ethics Board and Rules of Procedure) of the WADA Code of Ethics shall not apply to members of WADA Staff. Proceedings following an alleged breach of the WADA Code of Ethics by a member of WADA Staff shall be conducted under the applicable disciplinary rules and in accordance with applicable labour law and WADA policies.

The Officials shall comply with the WADA Code of Ethics whenever they are acting in their capacity as WADA Officials and whenever they are acting in another capacity at any other time where their conduct at such time could otherwise undermine the interests of WADA.

Officials may be required by the Chairman/Chairwoman of the Independent Ethics Board to execute a written undertaking to comply with the WADA Code of Ethics. Failure to execute such written undertaking does not exempt an Official from being subject to the WADA Code of Ethics.

The Officials shall cease to be bound by the WADA Code of Ethics as of the date they cease to perform the role and/or to conduct the activities that originally qualified them as an Official, save that they will remain subject to the WADA Code of Ethics and to the decisions of the Ethics Officer, the Independent Ethics Board (and its Panel), the Executive Committee and to the jurisdiction of the CAS hereunder in respect of matters occurring prior to that date.

## 3. Fundamental Principles

### 3.1 General duties

Each Official must comply with all applicable laws and regulations, as well as respect the WADA ethical principles. Each Official must conduct himself/herself honestly, fairly, and impartially, and must act in

accordance with the principles of integrity and transparency; when taking decisions, each Official must act in particular with impartiality, objectivity, and independence.

Each Official must, in particular:

- Demonstrate the highest standards of integrity and act in good faith, with intellectual honesty and fairness;
- Act with impartiality;
- Avoid bias, prejudice, conflict of interest or undue influence in performance of their duties;
- Respect human dignity;
- Reject and refrain from unjustified discrimination or favoritism of any kind;
- Reject and refrain from all forms of harassment, bullying and abuse, be it verbal, physical, professional, or sexual, and any physical or mental injuries;
- If involved in any aspect of doping control, refrain from any direct or intentional misconduct as a Person (as defined in the [World Anti-Doping Code](#));
- Refrain from any behavior which would bring, or risk bringing WADA into disrepute;
- Comply with the specific requirements of the WADA Code of Ethics;
- Refrain from retaliation against anyone for pursuing their legitimate rights, including making any report authorized under the WADA Code of Ethics.

### **3.2 Due care and diligence**

The Officials must use due care and diligence in fulfilling their mission and activities. They must avoid any conduct or action that is inconsistent with the WADA Code of Ethics.

### **3.3 Conflict of interest**

Each Official must comply with the conflict of interest rules referred to in the [WADA Governance Regulations](#) adopted by the Foundation Board.

### **3.4 Integrity**

The Officials must act with the highest degree of integrity, impartiality, independence, and professionalism.

They must refrain from any fraudulent activities or corruption.

In particular, the Officials must not offer, or accept, any bribe, payment, commission, gift or other inducement or undue incentive (whether monetary or otherwise) in order to unduly influence any action, conduct, omission, or decision in connection with any matter relating to, or involving, WADA.

Only tokens of consideration or friendship of nominal value, in accordance with prevailing local customs, may be given or accepted by the Officials (in addition to their normal compensation). Such tokens may not lead to the impartiality and integrity of the Officials and WADA being called into question.

### **3.5 Confidentiality**

Each Official must keep confidential any information disclosed to them as a result of their activities for WADA, in compliance with the rules on confidentiality referred to in the [WADA Governance Regulations](#), as in force at the time.

Any reporting to the WADA Ethics Officer, the Independent Ethics Board or law enforcement and regulatory authorities shall not constitute a violation of this confidentiality obligation.

### **3.6 Good governance and resources**

The principles of good governance as contained in the [WADA Governance Regulations](#) must be respected by WADA and all the Officials, in particular transparency, responsibility and accountability.

Each Official must use the resources of WADA only for the authorized purpose as explicitly determined and decided by WADA or its representative.

### **3.7 Conduct during meetings**

The Officials shall comply with the spirit of WADA meetings and events which is to serve as an effective forum to consider and debate relevant anti-doping viewpoints in an orderly, respectful, and fair manner.

The Officials shall behave appropriately at any WADA meeting and/or event. They shall treat all participants with utmost mutual respect and consideration, valuing dialogue, a diversity of views and opinions (including those they do not share). They shall communicate openly, and with respect for the participants. They may criticize the opinion of others but not the individuals themselves. They shall refrain from demeaning, discriminatory, or harassing behavior and speech directed toward other participants.

The Chair of any WADA meeting and/or event shall ensure at all times that these principles are respected and that meetings and events are run accordingly. If necessary, the Chair of a WADA meeting or event may decide to suspend the meeting, dismiss an Official from the meeting and report the matter to the Ethics Officer.

### **3.8 Duty to report**

Each Official must report immediately to the Ethics Officer:

- any approach or invitation received by such Official to engage in any conduct that might amount to a breach of the WADA Code of Ethics;
- any information that may constitute a potential breach of the WADA Code of Ethics.

The report must not be made for personal gain or with malicious intent.

Notwithstanding the above, this duty to report is considered fulfilled for a member of WADA Staff if the report is made through other existing means in accordance with WADA policies and applicable law.

### **3.9 Duty to cooperate**

Each Official undertakes to cooperate fully, trustingly and in good faith with all investigations carried out by the Ethics Officer and the Independent Ethics Board in connection with a possible breach (by such Official or others) of the WADA Code of Ethics. The duty to cooperate includes the provision of information and documentation (whether physical or electronic), the provision of any WADA mobile device (including laptops and mobile phones) subject to the limitations imposed by applicable data privacy laws, the response by the Official to questions asked by the Ethics Officer and the consent of the Official to third parties providing information if requested by the Ethics Officer.

Each Official shall refrain from any act or omission that could have the effect of obstructing, preventing, delaying, or interfering with or frustrating the investigation, including interfering with potential witnesses.

### **3.10 Attempt, instigation, complicity, and collusion**

Any agreement or attempt to commit any act, action, or conduct that would, if completed, have amounted to a breach of the WADA Code of Ethics, shall be treated as if it had been completed and resulted in such a breach.

Any Official who authorizes, causes, knowingly assists, encourages, covers up or is otherwise in complicity/collusion with any breach of the WADA Code of Ethics shall be treated as having committed such breach.

If the Official voluntarily refrains the attempt, instigation, complicity, or collusion prior to it being known by a third party and provided that such Official has duly and fully informed the Ethics Officer thereof, such Official shall not be treated as having committed such breach of the WADA Code of Ethics.

## **4. Implementation**

### **4.1 General provisions**

The rules set out herein apply to all cases of possible breaches of the WADA Code of Ethics.

The working languages are French and English. An official translation into one of these two working languages must be made of any document written in another language, unless decided otherwise by the Ethics Officer or the Independent Ethics Board.

### **4.2 Corporate bodies**

The corporate bodies in charge of implementing the WADA Code of Ethics are:

- the Independent Ethics Board, and
- the Ethics Officer.

The Regulations of the Independent Ethics Board (including the Ethics Officer) and the Rules of procedure are attached hereto as Annex A.

### **4.3 Confidentiality**

Proceedings opened under the WADA Code of Ethics are confidential and all parties concerned undertake not to disclose to any third party any fact or information relating to the proceedings, except for communication to law enforcement and regulatory authorities or when required by a court having jurisdiction on the matter that is the subject of the proceedings.

This confidentiality obligation shall not apply to any consultant appointed to assist the Ethics Officer, the Independent Ethics Board or more generally WADA, in the investigation proceedings, provided that such consultant is bound by a similar confidentiality obligation.

### **4.4 Exemption from liability**

No member of the Independent Ethics Board, nor the Ethics Officer will be personally liable for any act done or omitted to be done in good faith by the Independent Ethics Board, any member of the Independent Ethics Board and the Ethics Officer, in pursuance or intended pursuance of the functions, duties, powers, and authorities of the Independent Ethics Board and of the Ethics Officer.

## **5. Sanctions and Measures**

In the case of any breach of the ethical principles of WADA, the WADA Code of Ethics or the implementation of its provisions, the Independent Ethics Board may decide to impose the following measures and sanctions on the Officials:

- (i.) A warning;
- (ii.) A reprimand (i.e. an official written disapproval of the person's conduct);
- (iii.) A fine (of an unlimited amount);
- (iv.) An order of reimbursement or restitution;
- (v.) The forfeiture of any award or benefit;
- (vi.) The requirement to undergo mediation or conciliation, as applicable;
- (vii.) The requirement to undertake any relevant training;
- (viii.) A suspension for a specific period, which may be extended to all or part of the rights, prerogatives, and functions of the person concerned;
- (ix.) A temporary or permanent ineligibility;
- (x.) The removal from office;
- (xi.) Any other appropriate sanction.



The above measures and sanctions may be combined. They shall be proportionate and appropriate to the objectives pursued by the WADA Code of Ethics. The measure(s) and sanction(s) shall be determined by reference to all the relevant circumstances of the case, including the seriousness of the breach, the need to protect the image and the integrity of WADA, the need to deter repetition of the wrongful conduct (by the person concerned or by any other Official), and any mitigating or aggravating factors that may be present (including the prior record of the person concerned, the degree of their remorse and acceptance/cooperation in the procedure and his /her financial means).

Where more than one breach of the WADA Code of Ethics has been committed, the measure(s) and sanction(s) shall be based on the most serious breach and may be increased to reflect the other breach(es).

Where deemed appropriate under specific circumstances (to be assessed restrictively), the implementation of all or part of the measure(s) and sanction(s) may be suspended for a period of time and such suspension may be subject to certain conditions to be complied with by the person concerned (including, e.g., engaging in a mediation process or receiving relevant training).

## **6. Provisional Measure**

At any time during the investigation (including during the Reconsideration Process as stated in Annex A to the WADA Code of Ethics) and until a final decision is made, and provided that the situation so requires, the Chairman/Chairwoman of the Independent Ethics Board may, either *ex officio* or upon request from the Ethics Officer, the Executive Committee, or the parties, decide on provisional measures.

Where a provisional measure is imposed, the person concerned shall be given the opportunity to challenge such provisional measure before the Independent Ethics Board. The procedure shall be determined by the Chairman/Chairwoman of the Independent Ethics Board, provided that the person concerned is afforded a reasonable opportunity to defend their position.

The decision of the Chairman/Chairwoman or, further to a challenge, the decision of the Independent Ethics Board (with the exclusion of the Chairman/Chairwoman), is final and not subject to appeal.

## **7. Amendments to the WADA Code of Ethics**

The Independent Ethics Board shall examine once a year the Fundamental Principles of Section 3 to determine whether they should be amended. The result of such examination and the proposed amendments (if any) shall be included in the report of the Independent Ethics Board to the Foundation Board for consideration.

## **8. Entry into Effect**

The WADA Code of Ethics shall come into effect immediately at the date of its approval by the Foundation Board unless decided otherwise by the Foundation Board, and will apply to all matters reported to the Ethics Officer as of that date even if the facts occurred prior to that date. It may be amended from time to time by the Foundation Board; in such case, the Foundation Board will declare whether the procedural and the substantive provisions shall apply retroactively or not to any pending matter.

## 9. Governing Law and Arbitration

The WADA Code of Ethics is governed by the substantive laws of Switzerland to the exclusion of its rules of conflict of laws and to the exclusion of international treaties.

Subject to the limitation under Section 1.2 second paragraph and Section 2 second paragraph of the WADA Code of Ethics, any final decision made by the Panel of the Independent Ethics Board (Section 5.1.5 of Annex A) may be challenged by the concerned person exclusively by way of appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-related arbitration. The time limit for appeal is twenty-one (21) days after the reception of the decision of the Panel. The decision being appealed shall remain in force and effect pending the resolution of the appeal, unless decided otherwise by the CAS. The appeal proceedings shall be conducted in French or English. Swiss law shall be applicable to the proceedings. Decisions of the CAS shall be final and binding and may not be challenged in any forum or on any grounds. The appeal to the Swiss Supreme Court (*Tribunal fédéral, Bundesgericht*) is reserved.

Furthermore, any claim for damages as a result of a breach of the WADA Code of Ethics will be submitted exclusively to the Court of Arbitration for Sport in Lausanne, Switzerland and settled definitely in accordance with the Code of Sports-related arbitration (ordinary arbitration procedure). A previous final determination by the IEB or by CAS on whether or not a breach of the WADA Code of Ethics has been committed shall be binding for the arbitration panel.

## **Annex A to the WADA Code of Ethics**

# **REGULATIONS OF THE WADA INDEPENDENT ETHICS BOARD AND RULES OF PROCEDURE**

## **1. General provisions**

These Regulations of the WADA Independent Ethics Board have been adopted by the WADA Foundation Board (the “Foundation Board”) pursuant to the WADA Statutes.

## **2. The Independent Ethics Board**

### **2.1 Composition of the Independent Ethics Board**

The Independent Ethics Board consists of nine (9) persons, including its Chairman/Chairwoman.

### **2.2 Appointment and removal of the members of the Independent Ethics Board**

The appointment to, and removal from, the Independent Ethics Board, including its Chairman/Chairwoman, shall be decided by the Foundation Board.

### **2.3 Selection process of the members of the Independent Ethics Board**

The WADA Nominations Committee (the “Nominations Committee”) will search and identify suitable candidate profiles for the position of Chairman/Chairwoman and members of the Independent Ethics Board and collect the candidacies. The Public Authorities and the Olympic Movement (as these terms are defined in the WADA Statutes) may each appoint one member of the Independent Ethics Board.

The Nominations Committee will then be responsible for reviewing and verifying (including vetting) all the candidates, ensuring to the extent possible [except for the two members designated by the Public Authorities and the Olympic Movement] a balanced diversity, such as regional, gender and cultural.

The Nominations Committee may invite the candidates [including the two members designated by the Public Authorities and the Olympic Movement] for interviews and shall prepare a file for each candidate. The Nominations Committee shall submit the results of its review and vetting process, together with the relevant dossiers, to the President and Vice-President of the Foundation Board, with a recommendation on each candidate, including for the position of Chairman/Chairwoman of the Independent Ethics Board.

The members appointed by the Public Authorities and the Olympic Movement may not be appointed Chairman/Chairwoman or Vice-Chair of the Independent Ethics Board.

### **2.4 Independence requirements for the members of the Independent Ethics Board**

All members of the Independent Ethics Board (except for the two members designated by the Public Authorities and the Olympic Movement) shall meet the Operational, Personal and Organizational Independence criteria as set out in the WADA Regulations on Independence (as they may be amended from time to time) in force at the time of their application and during the entire time of their appointment.

The two members designated by the Public Authorities and the Olympic Movement shall only have to meet the Operational and Personal Independence criteria as set out in the WADA Regulations on Independence.

## **2.5 Term of office**

The members of the Independent Ethics Board will be appointed for a term of three (3) years and may be reappointed for two (2) further terms of three (3) years provided that they continue to meet all relevant eligibility criteria. Terms may be staggered. There are no age limits. A member of the Independent Ethics Board may not serve for more than nine (9) years in total.

## **2.6 Operations and reports**

The Independent Ethics Board is a corporate body of WADA, but it operates independently from WADA's other bodies such as the Foundation Board and the Executive Committee.

The Independent Ethics Board shall perform its duties as stated in the WADA Code of Ethics. It may communicate directly with any Official or corporate body within WADA.

The Independent Ethics Board shall meet when convened by its Chairman/Chairwoman.

The Independent Ethics Board shall provide periodic reports on its activities, but at least twice a year, to the President of WADA, who will share them with the Foundation Board and the Executive Committee.

## **2.7 Designation of a Vice-Chairman/Vice Chairwoman**

The Independent Ethics Board shall designate from its members a Vice-Chairman/Vice-Chairwoman, who will act if the Chairman/Chairwoman is prevented from performing their duty.

If the Chairman/Chairwoman is prevented from performing their duties for more than three (3) months consecutively, the Foundation Board shall immediately initiate the selection process of Section 2.3 to replace the Chairman/Chairwoman so prevented. During the process, the duties of the Chairman/Chairwoman shall be performed by the Vice-Chairman/Vice-Chairwoman.

## **2.8 Deliberations and decisions**

The deliberations of the Independent Ethics Board shall remain confidential.

The decisions of the Independent Ethics Board shall be taken by a majority of the votes cast. Each member has one vote. Abstentions and blank or spoiled votes shall not be taken into consideration in the calculation of the required majority.

A quorum of at least seven (7) members of the Independent Ethics Board shall be present for the decisions to be validly made. If the quorum is not met, the Chairman/Chairwoman will convene a new meeting at a date no sooner than ten (10) calendar days after the first meeting. During such second meeting, decisions may be validly made even if the quorum is not met.

Voting by proxy is not allowed. Voting shall take place by secret ballot if the majority of the members request it. The votes are confidential.

The Chairman/Chairwoman may decide that the meeting take place by teleconference, by videoconference or by such other electronic means that permit all persons participating in the meeting to properly communicate with each other.

## **2.9 Financing**

Subject to reasonable budgetary limitations imposed by the Foundation Board, WADA shall provide the Independent Ethics Board with the necessary financial resources to fulfil its functions in accordance with the budget established by WADA to that effect.

The Independent Ethics Board shall submit a budget proposal no later than 31 March of each year for the following year.

The members of the Independent Ethics Board shall receive an annual honorarium for the performance of their duties as well as a per diem allocation for each meeting associated to their duties, which shall be determined by the Foundation Board. Their costs incurred shall be reimbursed.

## **3. The Ethics Officer**

### **3.1 Appointment and removal**

The appointment and removal of the Ethics Officer shall be decided by the Independent Ethics Board.

### **3.2 Term of office**

The Ethics Officer will be appointed for a term of three (3) years and may be reappointed for two (2) further term of three (3) years. An Ethics Officer may not serve for more than nine (9) years in total.

### **3.3 Duties of and reporting by the Ethics Officer**

The Ethics Officer will act independently of WADA, will not be an employee of WADA and may not be removed from their position before the conclusion of their term by the Independent Ethics Board other than for gross negligence, willful misconduct or for material non-fulfillment of their duties.

The Ethics Officer shall perform their duties whenever a case is referred to them, but not ex officio.

The Ethics Officer shall perform the duties as assigned to them by the WADA Code of Ethics and/or when and how instructed by the Independent Ethics Board.

The Ethics Officer shall report directly to the Chairman/Chairwoman of the Independent Ethics Board.

### **3.4 Selection process of the Ethics Officer**

The Independent Ethics Board shall search and identify suitable candidate profiles for the position of Ethics Officer and request the Nominations Committee to review and verify (including vetting) the candidates for the position. The Nominations Committee may invite the candidates for interviews and shall prepare a file for each candidate. The Chair of the Nominations Committee shall submit the results of its review and vetting process, together with the relevant dossiers, to the Independent Ethics Board, with a recommendation on each candidate.

### **3.5 Independence requirements for the Ethics Officer**

The Ethics Officer shall meet the Operational, Personal and Organizational Independence criteria as set out in the WADA Regulations on Independence (as they may be amended from time to time) in force at the time of their application and during the entire time of their appointment.

### **3.6 Remuneration**

The Ethics Officer shall receive an appropriate remuneration for their duties and their costs shall be reimbursed.

The Ethics Officer remuneration shall be part of the Independent Ethics Board budget.

## **4. Procedure for Analyzing and Investigating Complaints**

### **4.1 Rules of procedure**

#### *4.1.1 General principles*

Subject to the limitations under Section 1.2 second paragraph of the WADA Code of Ethics, all complaints, denunciations, allegations, or suspicions of breach of the ethical principles of WADA, the WADA Code of Ethics or its implementing provisions (the “Complaint”) shall be referred to the Ethics Officer, with a view to the possible submission of the situation to the Independent Ethics Board. Such analysis will address in particular the jurisdiction of the Independent Ethics Board based on the scope of application of the WADA Code of Ethics. The Independent Ethics Board may also submit a Complaint to the Ethics Officer for investigation.

Complaints should be filed on the [WADA Ethics Reporting Platform](#), a dedicated, confidential, and independent reporting platform managed by the Ethics Officer. Complaints can also be filed by email at [Ethics.Officer@wada-ama.org](mailto:Ethics.Officer@wada-ama.org).

A complainant may request that their identity not be revealed and that all reasonable precautions be taken so that their identity is protected. The Ethics Officer shall decide which measure (if any) shall be taken in that respect. The complainant may object to such a decision of the Ethics Officer. If an objection is raised, the Chair of the Independent Ethics Board will decide, and such decision will be final and not subject to appeal.

#### *4.1.2 Conduct of the procedure by the Ethics Officer*

The Ethics Officer will be responsible for conducting investigations into the activities of the Official concerned. If necessary and with the prior approval of the Independent Ethics Board, the Ethics Officer may appoint a consultant and/or an attorney to assist them in the conduct of the investigation.

The Ethics Officer shall inform the person who is the subject of a Complaint at the stage of the investigation that the Ethics Officer deems appropriate. Such person shall be invited to submit their observations.

If the Ethics Officer is prevented from acting (whether due to personal or factual circumstances, such as, but not limited to, a conflict of interest), they shall immediately inform the Chairman/Chairwoman of the Independent Ethics Board, who shall appoint a member of the Independent Ethics Board to replace the Ethics Officer for the concerned case.

The complainant and the person subject to the Complaint may also submit to the Chairman/Chairwoman of the Independent Ethics Board that the Ethics Officer should be prevented from acting and, in such a case, the Chairman/Chairwoman of the Independent Ethics Board's decision shall be final.

To facilitate the analysis of the Complaint and of the likelihood of a breach and possible referral to the Independent Ethics Board, the Ethics Officer will conduct an investigation, which may include:

- Consulting all documents (including electronic files and/or other records relating to the alleged breach, such as telephone records, bank statements, Internet search records, computers, hard drives, and other electronic information storage devices) in connection with the facts mentioned in the Complaint and/or relevant to the issue in the case;
- Asking for all such relevant documents to be provided;
- Hearing and/or obtaining written observations of the person concerned;
- Obtaining all relevant expert reports.

All hearings will be recorded, or, at the discretion of the Ethics Officer, transcribed in verbatim transcripts, with a view to being transmitted to the Independent Ethics Board; a copy may be given to the person concerned subject to restrictions decided by the Ethics Officer to protect third party rights or confidential information. The person concerned shall be entitled to have legal counsel and an interpreter present at their own expense. Subject to the provisions of applicable data protection regulations, each Official must cooperate fully with such investigations and a failure to do so may be treated as a breach of the WADA Code of Ethics.

## **4.2 Referral to the Independent Ethics Board**

In the event that jurisdiction of the Independent Ethics Board and the likelihood of a breach of the ethical principles of WADA, the WADA Code of Ethics or its implementing provisions are established, the Ethics Officer shall submit the Complaint to the Chairman/Chairwoman of the Independent Ethics Board with a detailed written report, including all the elements of the investigation.

The Ethics Officer shall send a written notice to the person concerned including the following information:

- that the person concerned is alleged to have breached the ethical principles of WADA, the WADA Code of Ethics or its implementing provisions;
- the provisions that this person is alleged to have breached;
- a brief description of the facts.

In the event that the jurisdiction of the Independent Ethics Board and/or the likelihood of a breach of the ethical principles of WADA, the WADA Code of Ethics or its implementing provisions is not established, the Ethics Officer will reflect this accordingly in a specific written report to the attention of the Chairman/Chairwoman of the Independent Ethics Board. The complainant will be informed of this decision and may ask the Chairman/Chairwoman of the Independent Ethics Board to re-examine the file.

The report of the Ethics Officer shall be discussed by the Independent Ethics Board during a meeting to be convened by the Chairman/Chairwoman of the Independent Ethics Board. If the Independent Ethics Board

considers that the likelihood of a breach of the ethical principles of WADA, the WADA Code of Ethics or its implementing provisions is not established, the Independent Ethics Board shall render a final decision. Such decision shall be communicated to the WADA President, to the complainant and to the concerned person. The complainant (if a party to the proceedings) and the concerned person may appeal this decision to the CAS. If the Independent Ethics Board considers that there is a likelihood of a breach and that it has jurisdiction, then the Complaint will be examined by the Independent Ethics Board.

### **4.3 Referral to criminal authorities**

If, at any stage of their investigation, the Ethics Officer believes that the violation of the WADA Code of Ethics may also constitute a criminal offence, after having obtained advice from a consultant or attorney and from the WADA Intelligence & Investigations Department, the Ethics Officer may request the authorization from the Independent Ethics Board to report the case to the relevant criminal authorities.

At any stage of the investigation and after having obtained advice from a consultant or attorney and from the WADA Intelligence & Investigations Department, the Independent Ethics Board may also decide to report the case to the relevant criminal authorities.

## **5. Procedure to Decide on the Complaint**

### **5.1 Procedure before the panel of the Independent Ethics Board**

#### *5.1.1 Composition of the Panel*

Upon receipt of the report from the Ethics Officer, the Chairman/Chairwoman of the Independent Ethics Board shall appoint a panel (the "Panel") of either one (1) or five (5) person(s) appointed from the members of the Independent Ethics Board, depending on the nature and complexity of the case. If the Panel is composed of five (5) persons, the two (2) members of the Independent Ethics Board appointed by the Public Authorities and the Olympic Movement shall automatically be members of the Panel. The composition and size of the Panel shall be decided by the Chairman/Chairwoman of the Independent Ethics Board, who shall also appoint the Chair of the Panel; the member(s) of the Panel shall be independent of the parties and must not have had any prior involvement in the case; the Chairman/Chairwoman of the Independent Ethics Board may revoke the appointment of any member of the Panel.

If a member of the Panel is prevented from acting (whether due to personal or factual circumstances, such as, but not limited to, a conflict of interest), he/she shall immediately inform the Chairman/Chairwoman of the Independent Ethics Board, who shall appoint another member of the Independent Ethics Board to replace the member of the Panel whose appointment for the concerned case has been revoked.

The person concerned must raise at the earliest opportunity any objection they may have to any member of the Panel. Failure to do so will constitute a waiver of the right to object for that purpose. If an objection is raised, the Chairman/Chairwoman of the Independent Ethics Board will decide on such objection. The Chairman/Chairwoman of the Independent Ethics Board's decision shall be final and not subject to appeal.

The Panel shall hear and determine the matter.



### *5.1.2 Rules of procedure*

The Chair of the Panel may appoint one member of the Panel as a rapporteur, who will analyze the report issued by the Ethics Officer and all the information and documents from the investigation, and then report to the Panel. The Panel and the rapporteur shall be assisted for administrative purposes by at least one legal secretary who is independent from WADA and appointed by the Chair of the Panel.

The person concerned has the right to be heard by the Panel or the rapporteur, either through written observations or orally as determined by the Panel. The decision of the Panel on such issue shall be final and may not be appealed to the CAS before a final decision on the Complaint is rendered. All hearings will be recorded or, at the discretion of the Panel, transcribed in verbatim transcripts; upon their request, a copy shall be given to the person concerned. The person concerned shall be entitled to have legal counsel and an interpreter present.

If the Panel or the rapporteur is of the opinion that the investigation conducted by the Ethics Officer is not sufficient, the Panel or the rapporteur may instruct the Ethics Officer to take any additional measures.

The Panel is entitled to take all decisions and measures it deems appropriate to organize the procedure.

The Panel may decide that the Complainant shall participate as a party to the procedure. Its decision is final and may not be appealed.

### *5.1.3 Determination of the case*

The Panel shall examine the case de novo, but on the basis of the investigations conducted by the Ethics Officer, and assess and evaluate the evidence freely.

The Panel shall deliberate in camera and take any measures and/or sanctions it deems appropriate, in accordance with this Section 5.1. The Ethics Officer may be asked to present their report during the meeting, but they shall not attend the deliberations of the Panel.

Decisions of the Panel shall be taken by a majority of the votes cast. Each member has one vote. Abstentions and blank or spoiled votes shall not be taken into consideration in the calculation of the required majority. All members of the Panel shall be present for the decisions to be validly made. If all members of the Panel do not attend, the Chair of the Panel will convene a new deliberation session of the Panel at a date no sooner than ten (10) calendar days after the first session. During such second deliberation session, decisions may be validly made even if all members of the Panel are not present.

Voting by proxy is not allowed. Voting shall take place by secret ballot if the majority of the members of the Panel request it. The Chair of the Panel may decide that the members of the Panel may take part in the deliberations by teleconference, by videoconference or by such other electronic means that permit all persons participating in the meeting to properly communicate with each other.

The deliberations and the votes are confidential.

### *5.1.4 Reconsideration Process*

Once the Panel concludes that (i) the proceedings are completed, (ii) the matter is ready to be decided and (iii) the Panel has reached a provisional decision in principle, the Chair of the Panel shall inform the

Chairman/Chairwoman of the Independent Ethics Board accordingly and send them a report (the “Deliberations Report”).

The Deliberations Report shall contain a written summary of the deliberations of the Panel and the provisional decision reached by the Panel.

The Chairman/Chairwoman of the Independent Ethics Board shall pass on the Deliberation Report to the Chair of the Executive Committee, assigning a time limit of thirty (30) days to the Executive Committee to:

- (i) make any comments on the Deliberations Report; and/or
- (ii) request further investigations (such as, for example, the hearing of the person concerned or of additional witnesses, the collection of other evidence, the appointment of an expert, etc.), for consideration by the Panel (the “Reconsideration Measures”).

Upon receipt of the Deliberations Report, the Chair of the Executive Committee shall first determine whether a member of the Executive Committee is impaired by a lack of impartiality or otherwise in participating in the Reconsideration Process. The Chair of the Executive Committee shall decide without informing the concerned member. The Chair of the Executive Committee shall refer to the rules of the WADA Governance Regulations in taking their decision. If they confirm that such member is impaired, such member will not participate in the Reconsideration Process. The decision of the Chair of the Executive Committee is final and may not be appealed.

The Chair of the Executive Committee shall then pass on the Deliberations Report to the unimpaired members of the Executive Committee, to review the Deliberations Report, make comments and decide on the Reconsideration Measures (if any). The Executive Committee shall take its decision by a two-thirds majority of the votes cast. Each member has one vote. Abstentions and blank or spoiled votes shall not be taken into consideration in the calculation of the required majority.

The Chair of the Executive Committee and the members of the Executive Committee shall treat the Deliberations Report with the highest degree of confidentiality and may not share any information in that respect with the stakeholders who appointed them.

The Chair of the Executive Committee shall communicate the Executive Committee’s decision and comments to the Independent Ethics Board, which shall provide a summary of the Executive Committee decision and comments to the concerned person, assign them a time limit of thirty (30) days to submit their comments to the Independent Ethics Board.

The Independent Ethics Board shall then decide:

- (i) whether or not to ask the Panel to conduct further investigations (even in the absence of any request for Reconsideration Measures by the Executive Committee);
- (ii) which investigation measures should be undertaken (if any);
- (iii) to inform, in principle, the concerned person of any investigation measures to be undertaken, unless confidentiality is necessary to avoid a risk of tampering of the evidence to be collected.

The decision of the Independent Ethics Board may not be appealed.

### *5.1.5 Final investigations, deliberations, and final decision of the Panel*

If requested by the Independent Ethics Board, the Panel shall conduct the final investigations and then deliberate and take the final decision according to Section 5.1.3 applied by analogy.

The decision is drafted by the Chair of the Panel. They may request independent support. The decision shall also address the comments and request for further investigations made by the Executive Committee (if any) and the comments by the concerned person (if any).

The decision shall be signed by the Chair and at least one member of the Panel and, subject to an appeal to the CAS, the decision shall be final and binding on all parties. The decision shall be notified in writing to the Executive Committee and to the parties as soon as reasonably practicable, and will set out (i) with reasons, the findings as to whether any breach of the ethical principles of WADA, the WADA Code of Ethics or its implementing provisions has been committed; (ii) with reasons, the findings as to what sanctions and/or measures, if any, are imposed; (iii) the right of appeal to the CAS.

### *5.1.6 Costs*

The Panel may impose a costs order against the person concerned (and/or the Complainant if admitted to participate in the procedure) to cover the costs and expenses of the Ethics Officer, the Independent Ethics Board, and the Panel for the case. If the Panel does not exercise that power, then WADA will pay for the costs of the Ethics Officer, the Independent Ethics Board and Panel, and each party will bear its own costs (including any legal costs).

### *5.1.7 Publication*

The Independent Ethics Board may decide to publish the decisions it makes under the WADA Code of Ethics. In the interest of transparency and good governance and provided that public interest so requires, the Independent Ethics Board shall favor publication, including in an anonymized form, and/or a summary thereof; such publication shall be consistent with the duty to comply with the personality rights and data protection rights of the parties and to protect the complainant and third parties who participated in the procedure from potential retaliation.

This decision of the Independent Ethics Board on this matter shall be final and not subject to appeal.

### *5.1.8 Appeal*

Any final decision made by the Panel (Section 5.1.5) may be challenged by the concerned person exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, in accordance with Section 9 of the WADA Code of Ethics.