



**INTERNATIONAL RAFTING
FEDERATION**
ETHICS COMMITTEE
REGULATIONS AND PROCEDURES

From October 2017

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1. Legitimacy

- 1.1. The Ethics Committee (hereinafter: “the Committee”) is an independent body within the IRF structure, its legal basis originating from the IRF Bylaws.

2. Mission

- 2.1. The Committee investigates cases of alleged contraventions of the *IRF Code of Ethical Conduct* (the “Code”). The Committee may initiate such investigations on its own initiative or as a result of a petition directed to the Committee.
- 2.2. The Committee may also provide advisory opinions on any potential issue related to the Code to IRF Administrators, and members of the IRF Board of Directors (the “BOD”) and Administrative Committees in cases described in Sections 7.2 and 7.3 of the Code, if asked for. Such advisory opinions may also concern behavior not directly connected to the involvement of a person involved in the IRF or his or her duties, if a uniform regulation is considered to be appropriate.
- 2.3. The Committee carries out its duties entirely independently and avoids any third-party influence on the course of an investigation.

3. Parties

- 3.1. The only parties in the Committee’s procedures are:
 - 1) the person or organization alleged to have contravened the Code (“the Defendant”) and
 - 2) the person or organization who has reported an alleged contravention of the Code (the “Petitioner”).
- 3.2. Minors under 18 years of age must be represented in any proceedings of the Committee by their statutory representative, guardian or an empowered attorney.
- 3.3. Organizations are obliged to assign a representative for any contact with the Committee upon request.

4. Petitions to the Ethics Committee

- 4.1. Anyone can file a petition of an alleged Code contravention to the Committee. This includes members of any IRF administrative body as long as IRF Bylaws, rules or regulations do not already designate that s/he is required to decide the regarding issue.
- 4.2. Petitions to the Committee must be submitted to the Secretary of the Committee (“the Secretary”) by e-Mail, except in cases in which the Chairperson of the Committee must be informed directly. The Secretary or

the Chairperson must acknowledge receipt of all petitions fulfilling the above mentioned requirements within a period of two weeks after they are received.

- 4.3. Petitions to the Committee must be written, and the following minimum requirements must be observed:
 - 4.3.1. All documents must be written in a clear version of the English language. Statements or evidence in other languages are not admissible unless accompanied by a translation in English.
 - 4.3.2. The petition must include the full name, address and contact details of the Petitioner,
 - 4.3.3. the designation of the organization or federation the Petitioner belongs to (if any),
 - 4.3.4. a clear designation of the Defendant purported to have contravened the Code,
 - 4.3.5. a complete description of the facts of the case,
 - 4.3.6. a designation of the article(s) of the Code alleged to be contravened,
 - 4.3.7. submitted evidence that is both reliable and relevant to the alleged contravention.

Note to 4.2.7: *When determining the reliability and relevance of the submitted evidence, the Committee will use the following criteria: 1) Admissible evidence must have some value or tendency to prove a matter of fact significant to the case. 2) The Petitioner must be able to show that the source of the evidence is reliable - the Committee shall likely exclude any testimony that it deems to be unreliable. 3) If evidence is in the form of witness testimony, the Petitioner should also provide evidence which substantiates the witness's credibility and knowledge. Hearsay (information received from third parties which cannot be substantiated; rumor) will not be accepted as reliable. 4) If the evidence is documentary, the writer must be able to show that the documentation is authentic, and must be able to demonstrate the chain of custody from the original author to the proffered documentation. All documentary evidence must be provided in its original form, accompanied (if necessary) by a translation into the English language.*

- 4.4. Petitions to the Committee may also be sent anonymously, or without a designation of the Code alleged to be contravened, or without supporting evidence. It is in the discretion of the Ethics Committee whether or not to

initiate an investigation in these cases.

- 4.5. The Committee will not consider petitions that lack objectivity. In these instances, the Committee will set a short time limit to the Petitioner to edit his or her petition. If the Petitioner fails to file an appropriate petition, the petition is treated according to clause 5.3.
- 4.6. Multiple Petitioners who seek to file petitions against the same Defendant alleging the same Code contravention/s may join together to file a Class action petition. In such cases the Petitioners must appoint a single Petitioner as their representative.

5. Preliminary Process

- 5.1. Upon review and consideration of the petition, which may include written notice to the parties and an opportunity for response, (as directed in Articles 13 and 14) and/or a preliminary investigation into the particulars of the petition (as directed in Article 9); the Secretary in consultation with the Chairperson may:
 - 5.1.1. Refer the petition for resolution, as appropriate, to a national or continental body; administrative chairs/committees; or an affiliated organization, *or*
 - 5.1.2. In the case that the Defendant is an IRF Member Organization, dispose of the petition as required under IRF Bylaw 19.
- 5.2. If the petition is not resolved through one of the processes in clause 5.1, and it meets the minimum requirements (clause 4.3), and a *prima facie* assessment shows that there is probable cause of a contravention of the Code, the Committee is obliged to initiate an investigation as directed in Article 12, and to file the date of the opening of such investigations, unless otherwise regulated in clauses 4.4, 4.5 or 5.3.
- 5.3. If the Committee decides that a petition does not describe any kind of offence falling within the jurisdiction of the Code or a petition is sent to the Committee purely for querulous reasons, the Committee may decide not to initiate an investigation. Such decisions may be subject to an appeal to the IRF Board of Directors or IRF Executive Committee.

6. Reports by the Ethics Committee

- 6.1. The Committee informs the IRF Board of Directors or the IRF Executive Committee of the results of all investigations (clause 2.1) at the latest after they are closed. If the Committee considers that also an IRF Rule, Regulation or Bylaw could have been contravened, the Committee must inform the IRF

Executive Committee before entering into an investigation, with a view to Article 15.4 of the Code.

- 6.2. Each investigation is closed by a report of the Committee, summarizing the facts of the case, the results of the investigation and including a suggestion for a disciplinary action or relief. Except for such reports, the Committee refrains from exercising any influence on the Parties or other persons involved in an investigation.
- 6.3. After having initiated an investigation in a case, the Committee is obliged to present a report on that case not later than one year after gaining knowledge of the facts or of the petition according to clause 2.1.
- 6.4. Annually, the Committee notifies the BOD summarily in writing of all reports directed to the Committee, including those that did not lead to an investigation.
- 6.5. The Committee Chair must make a biennial report to the IRF Congress when the Ordinary IRF Congress is in session. This report must include a summary of the work of the Committee since the last Ordinary IRF Congress, and a detailed description of all reports and investigations concerning BOD Members and other persons directly elected by the Congress.
- 6.6. Advisory opinions of the Committee (clause 2.2) are only reported by the Committee if the inquirer agrees, provided always that such a disagreement of the inquirer does not preclude the Committee from initiating an investigation (clause 2.1) based on the facts of the inquiry. If the Committee is asked for an advisory opinion in cases of possible conflicts of interest, the Committee may suggest that the inquirer resign from his or her office if the reason for a conflict of interest cannot be eliminated.
- 6.7. Recommendations of the Committee neither bind the IRF BOD nor the IRF Congress or any third person. Therefore, reports or any other statements of the Committee are not subject to a complaint to the IRF BOD or the IRF Congress or any other judicial institution.

7. Disciplinary Actions

- 7.1. Except where certain measures are reserved as an exclusive power and duty of the IRF Congress (as in Article 20.3.b of the Bylaws), or where an IRF BOD Member is accused of having contravened the Code, the IRF BOD will decide on appropriate disciplinary action or relief based on investigatory findings of the Committee.
- 7.2. Disciplinary measures must commensurate with the misconduct and the degree of the individual fault and responsibility.

- 7.3. In cases where the Committee has found that an IRF BOD member has contravened the Code, the IRF BOD cannot impose a disciplinary action, however depending on the level of misconduct and the degree of the individual fault and responsibility, the IRF BOD may suggest to the IRF Congress to recall the member, not to re-elect the member or to expel him or her from office.
- 7.4. The IRF Congress may not impose any sanctions in cases of alleged contraventions of the Code except in cases where such violations also contravene one or more IRF Bylaws.

8. Relation to IRF Rules, Regulations and Bylaws

- 8.1. If a specific conduct constitutes a contravention of the Code as well as a breach of an IRF Rule, Regulation or Bylaw, the case must be handled according to the principles set out in Article 15.4 of the Code.

9. Power of the Ethics Committee to ask for information

- 9.1. The Committee may ask for information as set out in Article 14.4 of the Code. Any person who is asked for information by the Committee or who is given information by the Committee is obliged to acknowledge receipt of the inquiry or communication.
- 9.2. The Committee Chair and the Secretary may set a time limit for responding to the Committee. Any unannounced and unexplained further delay is considered as a denial to give information, provided always that a lack of a response by the Parties is not to be held against them.
- 9.3. The IRF BOD or the IRF Executive Committee may refuse to give information if negotiations with third parties or a pending procedure before the IRF BOD or the IRF Executive Committee is concerned. The decision to refuse information may be subject to an appeal to the President.

10. Time limits

- 10.1. There is no time limit for investigations by the Committee, but disciplinary action may only be imposed within the limits of the applicable Rules, Regulations and Bylaws.
- 10.2. Time limits set out in IRF's governing documents may not be extended. Time limits set by the Committee may be extended once upon request by its Chair or its Secretary.

11. Members of the Ethics Committee

- 11.1. The Committee when first created will be composed of 4 members, being appointed by the IRF Executive Committee including a Chair and Secretary.

They shall serve a term until the next Ordinary IRF Congress, at which time they shall resign and a new Committee composed of 6 members shall be elected by the IRF Congress. All members must have a significant involvement in sports and at least half of the Members, including the Chair, should not be related otherwise with the IRF.

- 11.2. The Chair, the Members of the Committee and its Secretary must have an impeccable reputation, a clear understanding of the English language and must be able to speak and write in the English language with sufficient fluency
- 11.3. In the event of death, resignation, incapacity or any other permanent inability of a Member or the Chair to perform his or her functions, the IRF BOD must declare that s/he has ceased to hold office in the Ethics Committee and set the effective date. The IRF BOD must then appoint a replacement to the Committee. If the Committee Chair has to be replaced, the IRF BOD must appoint one of the former ordinary Members to so serve his or her office until the next IRF Congress. The IRF Congress then must confirm the replacing person in his or her office or elect a new Member or Chair for the remainder of the four year term.
- 11.4. If the Secretary resigns or is permanently unable to perform his or her duties, the IRF BOD may appoint a replacement of the Secretary to so serve his or her office until the next IRF Congress. The IRF Congress then must confirm the replacing person as Secretary or elect a new Secretary for the remainder of the four year term.

12. Work of the Ethics Committee

- 12.1. The Committee Chair and the Secretary inform the other Committee Members of all notifications and petitions directed or forwarded to the Committee. As long as the Committee has not yet started an investigation in a case, the Committee Chair directs the procedure in a case.
- 12.2. The Committee normally collects the required information by means of written inquiries or written questioning.
- 12.3. The Committee Chair may appoint one of the Committee Members as a rapporteur. The Chair may delegate any sort of inquiries, including hearings, to the rapporteur.
- 12.4. The Committee Members normally communicate via e-mail, telephone or video conference and convey decisions in writing, purely based on the gathered information. Any communication of the Committee must be in English. The Secretary may participate in the communications and

deliberations of the Committee.

- 12.5. Decisions in the Committee are taken by majority vote. The Committee Chair and the Committee Members are obliged to vote, except if clause 12.6 applies. Proxy votes are not permitted. The Secretary has no counting vote regarding formal decisions of the Committee.
- 12.6. If the Committee Chair, one of the Committee Members, the Secretary or one of their family members (including cohabitants) is personally involved in a case that should be investigated by the Committee or s/he is otherwise biased, s/he must recuse him/herself from further participation in the investigations of the Committee, and must inform the Committee Chair and the Committee Members immediately of this fact. In these cases, the remaining persons finish the investigation. If they disagree on the result of the investigation or the suggestion of disciplinary action, and one of the Members had to refrain from participating in the investigation, the Chair must cast a deciding vote. If the Chair was the person who had to recuse him/herself from the investigation, the longest-serving Member must cast a deciding vote. If more than one longest-serving, divided Member was elected in the same year, they must present their decisions in the same report, even if they are different.
- 12.7. The files of each investigation and all reports directed to the Committee must be kept for at least ten years. They may be filed in electronic form. The Secretary is responsible for the correct archiving of the files of the Committee and a complete handover to his or her successor.
- 12.8. The Secretary prepares all documents and statements issued by the Committee, including decisions. The Secretary also receives communication from outside the Committee (see Article 4) and supports the Committee in its work, e.g. by preparing its deliberations. The Committee Chair or the Member appointed as rapporteur (see Article 11.3 above) may delegate inquiries (except hearings) and notifications to the Secretary. In these cases, the Secretary may sign communications in the name of the person who devolved the inquiry unto the Secretary, making reference to this delegation. If the Secretary participated in the preparation of communications or other documents, including decisions, the Secretary may sign such documents together with the responsible person(s), but indicating his or her function.

13. Procedural rights of the Defendant

- 13.1. If a petition to the Committee accuses a Defendant of having contravened the Code, the Committee must inform the Defendant of the report only after

collecting any evidence which in its view might be in any danger of being lost so that such loss may not interfere with the conduct of the investigation.

- 13.2. Before the Committee closes its investigation, the Defendant has the right to be heard, to present their own evidence and to have access to all files of the case, including the petition that initiated the investigation, provided always that the authorizations of the IRF BOD or the IRF Executive Committee and the Committee not to disclose information, specified in clauses 13.3 and 13.4 below, remain reserved.
- 13.3. The IRF BOD or the IRF Executive Committee may decide that information given to the Committee may not be disclosed to the Defendant if confidential matters need to be safeguarded. Such denial of access to the files may be subject to an appeal to the IRF BOD.
- 13.4. At the request of a person submitting any statement to the Committee, the Committee may decide not to disclose the name of that person to the Defendant. If the IRF BOD later decides to apply disciplinary action against a person based on the investigations of the Committee, or the IRF Congress takes any action according to clauses 6.3 and 6.4 above, the statements or testimonies of such anonymous persons may not be used as the only evidence against the Defendant.
- 13.5. The Committee Chair grants the Defendant at least 30 days to file a statement after they had the chance to look at all files of the case.
- 13.6. The Defendant has the right to file additional questions to the Committee in order to present them to any person who filed a statement or testimony to the Committee.
- 13.7. The Defendant has the right to obtain a copy of the Committee's report and reasons.

14. Confidentiality

- 14.1. Anything disclosed to the Committee must remain confidential and the Committee must not make statements related to any matter that is pending before the Committee, unless otherwise stated in the provisions of the Defendants rights (clause 12) and the content of the Committee's information and reports (clause 5), provided always that the IRF BOD or the IRF Executive Committee may be informed in circumstances that allow an appeal to the IRF BOD, but limited to the facts that the IRF BOD needs to decide the appeal.
 - 14.2. Committee deliberations and votes must be confidential.
 - 14.3. The summary of the work of the Committee directed to the IRF Congress does not contain the names of persons alleged to have contravened the
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Code except if they are IRF BOD Members or other persons directly elected by the IRF Congress. If the IRF BOD imposes disciplinary action, the right to publish the names of concerned persons remains reserved.

15. Review

- 15.1. If an investigation has been closed, the Committee may reopen an investigation if new facts or evidence appear that may change the conclusion of an investigation. Parties may only present new facts and evidence to the Committee after investigations are closed, if they can prove that they had no reasonable chance to discover those facts or evidence until the end of the time limit set by the Committee (clause 9.2).

16. Development of relevant Codes

- 16.1. The Committee may recommend amendments to the Code to the IRF BOD or the IRF Executive Committee. If the IRF BOD or IRF Executive Committee decides not to accept Committee recommendations to the Code, the Committee must publish its recommendations in its annual report.

17. Cost

- 17.1. Committee Members as well as its Chair and its Secretary serve as volunteers. They are entitled to be reimbursed for travel, accommodation and other reasoned expenses.
- 17.2. The Ethics Committee renders its investigation results and any other communication free of charge.

18. Exemption from liability

- 18.1. The Committee Chair, the Committee Members and its Secretary may not be held personally liable for any act relating to their work in the Committee as long as they do not directly contravene the law.