

IBSA Harassment Policy

1. Title

This policy is referred to as the IBSA Harassment Policy.

2. Statements Of Purpose

2.1. This policy is passed by the IBSA Executive Board pursuant to sections 2.1, 2.2.4 and 2.2.6 of IBSA's Constitution. These provisions provide:

- a. IBSA's Vision is of a world in which people who are blind or partially sighted can fulfil their dreams through sport for life. (2.1)
- b. In order to realise its Vision, it is underpinned by IBSA's Mission, which is to advocate an active way of life by providing opportunities for our members to organise and take part in sporting activities. We do this by demonstrating organisational leadership and by sharing the skills necessary to empower and support our members. The purpose of IBSA is to promote sports. The purpose of the constitution is especially realised through the following: ... (2.2)
- c. Promote sports for athletes with vision impairment with no discrimination on the of politics, religion, economics, disability, race, gender or sexual orientation; ... (2.2.4)
- d. Ensure that, in sports governed by IBSA, the spirit of fair play prevails, violence is banned, the health risk of the athletes is managed and fundamental ethical principles are upheld; (2.2.6)

2.2. This policy has been passed for three purposes. First, in keeping with IBSA's commitment to ensure that all of its athletes, coaches, officials and other team members can participate effectively in sports sanctioned by IBSA without discrimination, harassment or being bullied by others, a harassment policy is necessary to ensure that inappropriate conduct of this type is properly addressed. A second purpose of the policy is to provide education to members of IBSA about what standards of behaviour IBSA members and their delegations are required to meet when participating in IBSA sanctioned events. The final purpose is to provide a mechanism for resolving disputes between IBSA members in a fair, open and transparent manner to ensure that these disputes about harassment do not fester and cause long-term damage to the blind sports community. Nothing in this policy in any way reduces the ability of one individual who is uncomfortable with another individual's behaviour directed towards them from discussing their concerns with the other person involved. These discussions should be encouraged if the parties feel comfortable handling it in this way.

2.3. This policy has not been designed solely to sanction offenders who are found to have committed acts of sexual assault or harassment. In addition to any punitive sanctions that are associated traditionally with imposing punishments in a disciplinary or criminal context, it is equally important that any penalties or sanctions imposed under this policy are educational and remedial in nature so that the individuals involved may learn from the experience of having their conduct exposed to public scrutiny. The IBSA membership as a whole will also be educated by the decisions made under this policy so that they can advise their team members as to what conduct is appropriate and what is not. The goal of any sanctions

imposed is to ensure that the conduct in question is not repeated by anybody in the blind sports community through the implementation of appropriate educational initiatives. The most severe punishments under this policy should only be imposed in exceptional cases.

3. Definitions

3.1. In this policy, the following terms have the following meanings:

- a. **Accused Person:** An individual who competes for, represents, coaches for, is a delegate of or is an official from an IBSA member, an IBSA Sport Subcommittee or appointed by a Local Organizing Committee, who is accused of committing a criminal act or of breaching the provisions of this policy in a written complaint;
- b. **Complainant:** An IBSA member, IBSA Sport Subcommittee or Local Organizing Committee who files a written complaint under this policy on behalf of an athlete, coach, support staff, member of its national delegation or other official it represents or retained to perform duties or provide services at an IBSA Event;
- c. **Criminal Investigation:** an investigation conducted by the police service with the authority to conduct criminal investigations in the jurisdiction where an IBSA event is held;
- d. **Disciplinary Investigation:** An investigation conducted into whether a breach of this policy has occurred;
- e. **Gender:** the socially-constructed roles of and relationships between men and women. Gender concerns men and women, including conceptions of both femininity and masculinity;
- f. **Harassment:** improper conduct by an individual, that is directed at and offensive to another individual at an IBSA event and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. Harassment also includes sexual harassment and sexual assault;
- g. **IBSA Event:** Any IBSA sanctioned competition, assembly, meeting or other gathering of IBSA members for the purposes of conducting IBSA or IBSA regional business;
- h. **Local Organizing Committee:** the Committee which is designed or structured to organize an IBSA Event;
- i. **Notice of Hearing:** the originating document notifying the respondent and the accused person of the charges that they must defend;
- j. **Respondent:** an IBSA member who represents an accused person;
- k. **Sex:** The biological differences between men and women;
- l. **Sexual Assault:** all incidents of unwanted sexual activity, including sexual attacks and sexual touching. It also encompasses any other concepts covered by the definition of sexual assault in the criminal law of the country or state where an IBSA event is held;
- m. **Sexual Harassment:** Comments or conduct of a sexual nature and/or abusive conduct based on gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation directed at an individual or group of individuals by a person or persons of the same or opposite sex, who knows or ought reasonably to know that such comments or conduct is unwelcome and/or unwanted;

- n. Victim: An individual who has personally experienced sexual assault, sexual harassment or Harassment at an IBSA event.

4. Jurisdiction

- 4.1. This policy applies to allegations of sexual assault, sexual harassment or other forms of harassment that have allegedly occurred between members of two or more IBSA nations or officials appointed by an IBSA Sport Subcommittee or Local Organizing Committee. It does not apply to allegations of sexual assault, sexual harassment or other forms of harassment made by a complainant against a respondent who are represented by the same IBSA member. As a condition of maintaining their membership in IBSA, IBSA members are required to have their own harassment policies in place to deal with these sorts of allegations in an objective, fair and transparent manner.
- 4.2 This policy only applies to conduct that occurs at any IBSA Event.

5. Official Language

- 5.1. All complaints, responses, applications, replies, disciplinary investigations conducted, hearings and decisions rendered under this policy shall be prepared or conducted in English, as the case may be.

Exception

- 5.2. Any criminal investigations conducted under this policy may be conducted in the language of the police service of jurisdiction based on the needs and operational requirements of that particular police service.

6. Duties of IBSA

- 6.1. IBSA shall:
 - a. Appoint a mediator if the parties wish to resolve any complaint made under this policy informally;
 - b. Design job descriptions for mediators appointed under this policy;
 - c. Develop job descriptions for investigators appointed under this policy to conduct disciplinary investigations;
 - d. Design job descriptions for prosecutors who are appointed under this policy to prosecute cases before IBSA's Legal and Ethics Committee;
 - e. Appoint prosecutors to prosecute disciplinary misconduct under this policy in accordance with IBSA's normal appointment practices;
 - f. Create a Legal and Ethics Committee to adjudicate disputes under this policy and any others which IBSA may assign to it;
 - g. Appoint members to the Legal and Ethics Committee in accordance with IBSA's normal appointment practices;
 - h. Develop job descriptions for members of the Legal and Ethics Committee;
 - i. Incur the costs of obtaining translations of any investigative reports and related attachments into English that are prepared by local police services of jurisdiction;

- j. Retain and pay for the costs of translators to translate any evidence that may be given in any hearings before the Legal and Ethics Committee under this policy;
- k. Retain legal counsel to assist the Secretary General in determining whether the provisions of a particular complaint violate the criminal law of jurisdiction where an IBSA event is being held;
- l. Work with the chair and other members of the Legal and Ethics Committee to make rules regarding the conduct of hearings conducted pursuant to this policy;
- m. Report to the IBSA membership as a whole concerning the dispositions of complaints under this policy after any and all rights of appeal have been exhausted;
- n. Prepare appropriate educational resources and hold education sessions to educate IBSA members, athletes, coaches, support staff, officials, IBSA Sports Committee and Sport Subcommittee members and other team representatives about their rights and obligations under this policy;
- o. Prepare or update an official's contract for all of IBSA's volunteers and tournament officials who attend or officiate at an IBSA Event to bind them to follow the provisions of this policy;
- p. Conduct regular reviews of the provisions of this policy to confirm that it still meets the needs of IBSA and its members

7. Offenses

7.1. Anyone commits an offense under this policy if they do any one or more of the following:

- a. Commit an act of sexual assault, sexual harassment or other form of harassment;
- b. Engage in activities which they knew or ought to have known amount to a reprisal against an individual who has made a complaint of sexual assault, sexual harassment or harassment;
- c. If an IBSA member condones the behaviour of any one or more of its athletes, coaches, delegates, officials or other team members who have allegedly committed an act of sexual assault, sexual harassment or other form of harassment prohibited by this policy;
- d. If any individual who is a respondent to a complaint under this policy takes any steps to obstruct, impede or otherwise interfere with the laying of a complaint, the conduct of an investigation or the conduct or scheduling of a hearing under this policy; or
- e. If any individual attempts to influence the result of an investigation, a hearing or any other decision made under this policy by attempting to give or by the actual giving of a bribe or other sort of monetary reward to any decision-maker involved

8. Complaints

8.1. Any complaints of sexual assault, sexual harassment or other forms of harassment brought under this policy must be brought by one IBSA member, a Local Organizing Committee or IBSA Sport Subcommittee against any one of another IBSA member, Local Organizing Committee or IBSA Sport and an accused person that the respondent represents. If the complaint is brought by an IBSA member on behalf of the athlete, coach, support staff, team delegate, event volunteer or sport official from another country, it must be brought with the consent of the Victim who has been allegedly harassed or assaulted. If a complaint is brought by an IBSA Sport Subcommittee or Local Organizing Committee on behalf of a referee or

other sport official or event volunteer, whether they be from the same or a different country from the Respondent or Accused person, the Sport Subcommittee must have the victim's consent.

- 8.2. In the event that an IBSA Sport Subcommittee or Local Organizing Committee is put in the position of having to represent a Victim and an Accused Person, such conflict will be resolved by having the victim represented by an IBSA Executive Board member.
- 8.3. The complaint shall:
 - a. Be submitted to IBSA's Secretary General in writing;
 - b. Set out sufficient particulars to identify when the alleged violation of this policy occurred, where it occurred, who was victimized, who committed the alleged breach of this policy, what the alleged policy breach consisted of and where possible, what laws, if any, of the host country have been allegedly broken as a result of the conduct of the Respondent or Accused Person which lead to the laying of the complaint;
 - c. Be submitted:
 - i. during the event where any of the conduct at issue is alleged to have violated the criminal law of the host country of the event; or
 - ii. Within 30 days of the end of the competition if the conduct complained of is alleged to violate any of the provisions of this policy without violating the criminal law in the jurisdiction where the event is being held
 - d. Upon receipt of a complaint during an IBSA event, the Secretary General shall review the complaint to determine if any of the allegations, if proven, would violate the criminal law of the host country of the IBSA event; and
 - e. Refer the matter to the local police service of jurisdiction for investigation if any of the allegations, if true, violate the applicable criminal law. If such a referral is made, the Secretary General shall also provide to the police copies of all of the documentation she or he has received in relation to the complaint
- 8.4. The Secretary General shall not:
 - a. Review the merits of a complaint for the purposes of making an assessment in her his opinion whether the allegations are true or can be proven; or
 - b. In the case of conduct which is potentially criminal in nature, provide a copy of the complaint to the respondent or any accused person without the permission of the local police service of jurisdiction
- 8.5. Upon receipt of a complaint alleging only that this policy has been breached and there is no breach of the criminal law of the jurisdiction where an IBSA event is held, the Secretary General shall:
 - a. Review the complaint in combination with this policy to assess what provisions, if any, have been breached if the allegations made in the complaint are proven;
 - b. Provide a copy of the complaint to the IBSA member nation, IBSA Sport Subcommittee or Local Organizing Committee who represents the accused person who is alleged to have breached this policy;

- c. Draft any preliminary allegations for the investigators to investigate; and
- d. Appoint at least two investigators to investigate the complaint, one of whom should be from the IBSA event's organizing committee, where possible, unless the Local Organizing Committee is already a party to the Complaint as a Complainant or Respondent

8.6 Once a respondent is notified of a complaint made against an accused person under its authority, it shall take all reasonable efforts to ensure that there is no contact between the accused person and the victim, except as such contact is authorized under this policy.

9. Frivolous OR Vexatious Proceedings or Proceedings Brought in Bad Faith

9.1. Upon receipt of a copy of a complaint which has not been sent for criminal investigation, the respondent may bring an application before the Secretary General on behalf of itself or on behalf of an accused person that it represents, if the respondent believes that the allegations in the complaint are frivolous, vexatious or have been made in bad faith.

9.2. The onus is on the respondent to prove on the balance of probabilities that the complaint is frivolous, vexatious or made in bad faith.

9.3. Upon receipt of an application under this section, the Secretary General shall provide a copy of the application to the complainant.

9.4. The complainant shall have seven days to submit any responding materials by sending a copy of its submission to the Secretary General and the respondent. The respondent shall have an additional seven days to submit any reply materials to the Secretary General and the complainant.

9.5. Any of these time periods may be abridged or extended by the Secretary General on application to her or him by either party to the proceedings.

9.6. The Secretary General shall have up to 30 days to provide a written decision on any applications brought under this section.

9.7. No applications may be brought under this section after the investigators' report has been submitted to the Secretary General.

10. Mediation

10.1. If both the complainant and the respondent consent, the parties may resolve any complaints under this policy, except for those referred for criminal investigation, through a mediation process. If the parties wish to mediate, the parties shall jointly apply to the Secretary General to have a mediator appointed for this purpose. The mediation process shall continue until such time as a resolution is achieved or the mediator reports to the Secretary General that the parties are at an impasse. The parties may apply for mediation at any stage of the process up to and until such time as the Notice of Hearing has been served.

Exception

10.2. No complaints under this policy may be mediated that involve a person under 18 years of age as either a victim or as an accused person.

11. Investigations

- 11.1 All criminal investigations shall be conducted by the local police service where the IBSA event is being held. Investigators will be appointed pursuant to the policies and procedures of the local police service.
- 11.2 When a criminal investigation is being conducted by the local police service of jurisdiction, the complainant, the victim, the respondent and the individual who is alleged to have committed the act of sexual assault or harassment are hereby required to comply with all of their legal obligations to participate in the investigation as defined in the criminal law of jurisdiction where the IBSA event is taking place.
- 11.3 An accused person is entitled to have counsel present or to remain silent when they are interviewed for the purposes of a criminal investigation in accordance with the laws in place in the country where the interview is being conducted.
- 11.4 If a complaint alleges violations of both the criminal law and the provisions of this policy, any criminal investigations conducted by the local police must be completed and any related charges disposed of through the courts before any investigations under this policy are commenced.
- 11.5 A decision not to lay charges is not necessarily determinative as to whether a disciplinary investigation under this policy is warranted. After the criminal investigation has concluded and related charges, if any, have been disposed of, the Secretary General shall review the criminal investigation and any reasons for judgment arising from any court proceedings related to the investigation that have been issued to determine if a disciplinary investigation is still viable in the circumstances.
- 11.6 No investigation into an alleged act of disciplinary misconduct may commence while an IBSA sanctioned competition is still underway. Athletes remain eligible to compete until such time as a disciplinary investigation has commenced.

Duties of Investigators in Disciplinary Investigations

- 11.7 Where the investigation is being conducted by IBSA's investigators into allegations only that this policy has been breached, the investigators shall:
- a. Review all pertinent documentation;
 - b. Interview all of the witnesses who have knowledge of the incident;
 - c. Interview the victim;
 - d. Interview the respondent; and
 - e. Interview the accused person
- 11.8 Any individual representing the complainant OR the respondent, along with any other individuals who have witnessed the alleged violations of this policy have a duty to participate as witnesses and to answer questions during the course of the investigation.
- 11.9 The victim and the accused person are also compellable by the investigators to provide statements and to answer questions regarding their involvement in the incident.

- 11.10 None of the information collected from the accused person may be used in a subsequent criminal investigation or any other disciplinary or civil proceeding.
- 11.11 The failure by an accused person to provide a statement or to answer proper questions posed by the investigators may give rise to a separate charge of a breach of section 7(d) of this policy.
- 11.12 If a victim fails to answer proper questions or to provide a statement, the investigators may recommend to the Secretary General that the complaint be dismissed due to the victim's failure to cooperate with the investigation.
- 11.13 The victim, complainant, respondent and the accused person are entitled to be represented by counsel while they are being interviewed.
- 11.14 If the investigators require legal advice during the course of their investigation, the Secretary General shall retain counsel to assist the investigators for this purpose. On all other matters on which the investigators require direction, IBSA's Secretary General shall be the sole individual to provide such direction unless a conflict of interest exists. In such a case, the Secretary General's duties shall be delegated to the President of IBSA.
- 11.15 Once the investigation is complete, the investigators shall submit a written report containing copies of all of the documents collected and written summaries of the information obtained during the interviews of the complainant, the victim, any witnesses, the accused person and the respondent. The investigators shall also apply the evidence collected to each of the particulars being investigated to assist the Secretary General in her/his review of the matter. The investigators shall not make a recommendation as to whether charges should be laid.
- 11.16 All disciplinary investigations shall be completed within 90 days of the date on which the investigation is assigned by the Secretary General to the investigators.

Duty of the Secretary General after the Investigation Report is received

- 11.17 Upon receipt of the investigation report, the Secretary General shall review the report and make a determination as to whether or not sufficient evidence exists to refer the matter to a hearing. In making this assessment, the Secretary General shall refer all matters to a hearing except where the evidence is contradictory, incomplete, otherwise unreliable or if the referral of the matter to a hearing is not in the public interest. It is not up to the Secretary General to determine if the allegations themselves can be proven at a hearing. It is sufficient if the evidence to support a conviction may be believed.
- 11.18 Before referring the matter to a hearing, the Secretary General has the authority to revise the allegations to be made against the respondent provided that the allegations are supported by the evidence gathered during the investigation process.
- 11.19 If the Secretary General decides not to refer a matter to a hearing, he or she shall inform the parties with reasons in writing supporting the decision. The Secretary General's decision may not be appealed.

11.20 The Secretary General must render her/his decision under Section 11 of this policy within 60 days of receiving the investigators' report.

12. Prehearing Procedures

12.1. If the Secretary General decides to refer a matter to a hearing, she/he shall:

- a. Appoint a prosecutor;
- b. Contact the chair of the Legal and Ethics Committee to request her or him to appoint a panel of at least three Legal and Ethics Committee members to hear the case;
- c. Provide a Notice of Hearing to the parties which sets out the time and place of the hearing, the method of hearing (in person or by video conference), the allegations that the accused person or Respondent if applicable, must answer to at the hearing and the contact information for the prosecutor and the chair of the Legal and Ethics Committee in the event the documentary evidence needs to be exchanged in advance of the hearing

12.2. The date for the hearing must be no more than 90 days after the Notice of Hearing is served.

12.3. Once the prosecutor is appointed, he or she must review the investigation report, any criminal investigation reports that have been obtained from a local police service and any other documentary evidence in the possession of the Secretary General to determine what documentary evidence should be disclosed to the respondent and accused person. The prosecutor is required to disclose all documentary evidence that is relevant to the charges that have been laid. If the respondent or the accused person has concerns regarding the sufficiency of the disclosure, the respondent on its own motion or on behalf of an accused person may make an application to the Legal and Ethics Committee panel who will be hearing the case to request that additional disclosure be provided. This application shall be brought, if required, within 30 days of receiving the disclosure package from the prosecutor. This time period may be extended or abridged at the discretion of the panel hearing the case.

12.4. At the direction of the chair of the Legal and Ethics Committee, the parties may be required to attend a prehearing conference in an attempt to narrow the issues to be determined during the hearing, to determine if the outstanding matters can be resolved and or to discuss any other issues which will assist both the parties and the panel in the presentation of the evidence. If a prehearing conference is held, it shall be held before a member of the Legal and Ethics Committee who is not assigned to hear the evidence at the hearing itself.

12.5. If the prosecutor, in consultation with the Secretary General, and the respondent on behalf of an accused person, are able to negotiate a plea arrangement, such plea arrangement must be accepted by the panel of the Legal and Ethics Committee scheduled to decide the complaint before it is effective.

13. Hearings

13.1. All hearings under this policy will either take place in person or by video conference.

13.2. All of the hearings conducted under this policy are to be presided over by a minimum of three members of the IBSA Legal and Ethics Committee. No member of the Legal and Ethics

Committee may preside over a hearing if she or he is from the same country as the complainant, the victim, any of the witnesses, the respondent or the accused person.

- 13.3. The following individuals will have standing to appear at the hearing, examine and cross-examine witnesses and make opening and closing statements:
 - a. The prosecutor appointed by IBSA who will argue the case in support of the charges to be laid; and
 - b. The respondent who will argue the case on behalf of the accused person and the respondent itself if required. The respondent may be represented by legal counsel
- 13.4. All of the evidence given at the hearing shall be recorded, and transcribed if necessary if an appeal is filed. The costs of producing a transcript for any appeal will be paid by IBSA.
- 13.5. At the commencement of the hearing, the accused person on their own behalf or the respondent on behalf of an accused person or on behalf of itself shall enter a plea to all of the outstanding charges.
- 13.6. The hearing will be divided into two phases: the liability phase and the penalty phase.
- 13.7. During the liability phase of the hearing, the prosecution will present its case first. The case will consist of an opening statement and the examination in chief by the prosecutor of each witness, cross examination by the respondent and reply evidence given by each of the prosecution's witnesses.
- 13.8. If an accused person has been found guilty of a criminal offense arising out of the same incident which forms the basis for the hearing, evidence of the conviction is automatically admissible for the truth of its contents at the hearing without any further proof of the conviction being required.
- 13.9. After the prosecution's case has concluded, the respondent will lead evidence on behalf of the accused person and or in itself, where applicable. The respondent's case presentation will consist of an opening statement and the examination in chief by the respondent, cross examination by the prosecutor and reply evidence by any witnesses the respondent chooses to call.
- 13.10. Both the Victim and the accused person are both compellable and competent to testify as witnesses at the hearing.
- 13.11. After all of the evidence has been introduced, each party will be given an opportunity to make closing arguments. The prosecution shall proceed first, followed by the respondent. The prosecution will have the final word in reply to address any new issues that have been raised by the respondent for the first time in its closing argument.
- 13.12. The burden of proof of a policy breach under this policy falls on the prosecution. The prosecution must show on the balance of probabilities that the conduct of the accused person or the respondent is in breach of the policy.

- 13.13. Upon conclusion of the closing statements, the members of the Legal and Ethics Committee who have heard the evidence shall adjourn the proceeding to render a decision supported by written reasons indicating whether the charges made against the accused person or the Respondent have been proven. The panel hearing the case shall deliver its reasons to both parties as soon as they are finalized.
- 13.14. If the charges have not been proven, the hearing is concluded. If the charges have been proven, the matter will proceed to the penalty phase.
- 13.15. At the penalty phase, the parties will re-attend before the same panel of the Legal and Ethics Committee who rendered their decision at the liability phase of the hearing. Evidence during the penalty phase will be presented in the same fashion as it was during the liability phase of the proceeding.
- 13.16. At the conclusion of the penalty phase of the hearing, the members of the Legal and Ethics Committee who have heard the evidence will render a decision supported by written reasons describing the penalty to be imposed. After these reasons are released to the parties, the hearing is concluded.

14. Penalties

- 14.1. If an individual is found guilty of breaching this policy, he or she may face one or more of the following penalties:
 - a. A reprimand;
 - b. A suspension from participating in, volunteering at or officiating at any IBSA events for up to four years;
 - c. A lifetime ban from participating in, volunteering at or officiating at any IBSA events;
 - d. An order to pay all or a portion of the costs of the hearing and related investigation;
 - e. An order requiring the person convicted to take a course in any one or more of the following areas: gender equity, anger management, the role of diversity in sport, and or any other courses which may be relevant to the allegations for which the individual has been found guilty
- 14.2. If an individual is required to take a course as set forth in section 14.1 above, the individual required to take such a course will have their privileges to participate in IBSA sanctioned events suspended until such time as satisfactory evidence of the courses completion has been provided to the Secretary General of IBSA.
- 14.3. If any penalties are imposed against an individual under this section, IBSA shall provide copies of the reasons for judgment to any other relevant sports governing bodies that may be appropriate in the circumstances.
- 14.4. If a respondent IBSA member is convicted of an offense under this policy, the respondent may receive one or more of the following penalties:
 - a. A reprimand;

- b. An order requiring it to pay all or a portion of the costs of the hearing and related investigation; or
- c. A suspension of its IBSA membership privileges for up to four years

15. Appeals

- 15.1. Either the prosecutor in consultation with the Secretary General or the respondent on behalf of itself or any accused person under its jurisdiction, may appeal the decision of the Legal and Ethics Committee panel on the issue of liability, penalty or both to IBSA's Executive Board. The appeal must be commenced within 30 days of the date on which the decision being appealed is issued.
- 15.2. Any penalty rendered by the Legal and Ethics Committee is stayed pending the result of the appeal.
- 15.3. Appeals on liability will not be heard by the Executive Board where an accused person or respondent is found guilty until the Legal and Ethics Committee's decision on penalty has been rendered and all appeal periods related to it have expired.
- 15.4. The Executive Board as a whole shall review the record of the proceedings held before the Legal and Ethics Committee and here the legal arguments presented by the prosecutor and the Respondent to determine if the decision made by the Legal and Ethics Committee was reasonable in the circumstances. If the Executive Board determines that the decision is reasonable, the decision of the Legal and Ethics Committee stands. If the Board determines that the decision is unreasonable, the Board may substitute its own decision for that of the Legal and Ethics Committee on the matters under appeal.
- 15.5. The Board may not impose a penalty against an accused person or a respondent if it reverses the decision of the Legal and Ethics Committee panel to acquit the respondent or accused person. Instead, the Board shall remit the matter back to the Legal and Ethics Committee panel that originally heard the case to conduct the penalty phase of the hearing. If any party is unhappy with the penalty decision which results, they may appeal the penalty decision in accordance with Section 15.1, above.
- 15.6. When making a decision on an appeal, The Board may render the same penalties as the Legal and Ethics Committee may render under Section 14 of this policy.
- 15.7. When the appeal is argued, the party who has appealed the decision of the Legal and Ethics Committee shall proceed first with its legal argument. The respondent will then have an opportunity to make its argument with the appellant having an opportunity to reply.
- 15.8. Once the Executive Board has made its determinations on the issues involved, it will render a decision to the parties supported by written reasons.

Exception

- 15.9. Neither the Secretary General nor any other board member who is a member of the Legal and Ethics Committee panel that rendered the decision at first instance shall participate as a member of the Executive Board on any appeals filed under this policy. No board member

who is from the same country as the victim, complainant, respondent or accused person, may participate in the appeal.

16. Further Appeals

- 16.1. If either the prosecutor in consultation with the Secretary General or the respondent is still dissatisfied with the result, they may appeal the decision to the World Court of Arbitration for Sport in Switzerland. Any appeals to that body will be conducted in accordance with the rules of that organization. The World Court of Arbitration For Sport has the same authority to reverse or affirm decisions and to render penalties as the Board has under Section 15 of this policy.
- 16.2. No appeals may be made under this section until all appeals on both liability and penalty, where applicable, have been disposed of by IBSA's Executive Board.

17. Additional rule-making authority

- 17.1 IBSA may create rules to expand further on provisions contained in this policy in the following areas:
- a. Procedures to be followed at prehearing conferences and hearings;
 - b. Administering the complaint intake process
 - c. Investigative procedures;
 - d. Appeals; and
 - e. Mediations
- 17.2 IBSA may also develop standard forms to assist parties in complying with their obligations under this policy in the following areas:
- a. Consent forms;
 - b. Complaint forms; and
 - c. Notices of application to obtain time extensions or other forms of relief either from the Secretary General, the Legal and Ethics Committee or IBSA's Executive Board

18. Governing Law

This policy shall be governed and interpreted in accordance with the laws of Germany.

Approved in the IBSA Executive Board Meeting May 11th 2015, Seoul, South Korea