



## **Chapter 2.4 - Bylaws standing committees**

### **2.4.7 IPC Legal and Ethics Committee bylaws**

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**International Paralympic Committee**

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# 1 Function

## 1.1 Authority

1.1.1 The IPC Legal and Ethics Committee is accountable to the IPC Governing Board.

1.1.2 The IPC Legal and Ethics Committee shall have no authority that does not come from the Governing Board; the IPC Governing Board has the sole power to grant authority to the IPC Legal and Ethics Committee.

## 1.2 The IPC Legal and Ethics Committee shall in particular have the following roles:

1.2.1 Provide the IPC Governing Board with advice on any legal and ethical matter as requested by the Governing Board and/or CEO.

1.2.2 Conduct a regular review of the IPC Constitution and bylaws and where relevant recommend changes.

1.2.3 Review IPC standing orders and other IPC bylaws, rules and regulations to ensure they are consistent, and ensure they are in compliance with the IPC Constitution.

1.2.4 Consider all motions submitted to the IPC General Assembly and provide where relevant legal observations and/or recommendations to the IPC Governing Board.

1.2.5 Verify whether nominations for election to the IPC Governing Board are in compliance with the conditions for nominations and seek clarification from the nominating member where needed.

1.2.6 Monitor the election procedures followed at the IPC General Assemblies to ensure compliance with the nomination and election procedures adopted by the General Assembly.

1.2.7 Monitor upon request of the Governing Board or CEO the election procedures in the IPC sport assemblies, IPC Sports Council and IPC Athletes' Council to ensure compliance with the respective bylaws.



- 1.2.8 Advise the President on all legal, constitutional, and ethical matters during the IPC General Assembly.
- 1.2.9 Provide support to the Governing Board and CEO to ensure that all legal and ethical matters arising during the Paralympic Games are appropriately handled.
- 1.2.10 Review and or address all legal issues as appropriate including, but not limited to:
  - Membership applications
  - Membership confirmation, suspension and revocation
  - Athlete nationality change
  - Board of Appeal of Classification matters
  - Contracts and agreements entered into by IPC
  - CAS, WADA and other external legal procedures
- 1.2.11 Liaise with external legal consultants as requested by the CEO.
- 1.2.12 Consider and, where appropriate, make recommendations to the IPC Governing Board on any legal or constitutional matter that, in its view, may be of future significance to the IPC.
- 1.2.13 Develop and update a framework of ethical principles, including a Code of Ethics, based upon the values and principles enshrined in the IPC vision and mission.
- 1.2.14 Develop and promote best practice in the applications of the IPC's ethical principles and suggest concrete measures to this end, including the development of a process to identify, disclose, and address a potential conflict of interest in advance of its occurrence by any IPC Member or any person (including the President or any Governing Board Member and the CEO) holding any office associated with the IPC.
- 1.2.15 Provide upon request to the IPC Governing Board, advisory opinions as to whether a particular course of conduct would constitute a violation of the IPC Code of Ethics.
- 1.2.16 Assist in ensuring compliance with the IPC's ethical principles in all policies and practices of the IPC and assess the extent to which the IPC's ethical principles are being reflected in practice.
- 1.2.17 Investigate complaints raised in relation to the non-respect of the IPC's ethical principles, including breaches of the Code of Ethics, and where relevant hold hearings, and propose sanctions to the Governing Board in accordance with the 'IPC Ethics Procedures, Rules, and Regulations'.



## 2 Structure

### 2.1 Composition

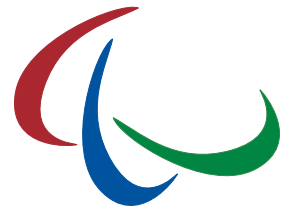
- 2.1.1 The IPC Legal and Ethics Committee shall normally consist of up to six (6) Members at Large, including the position of Chairperson. The President and CEO shall be an ex-officio member, with speaking rights only.
- 2.1.2 The IPC Legal and Ethics Committee may at its own discretion co-opt a member with specific expertise.

### 2.2 Staffing

The IPC Legal and Ethics Committee will be assigned a member of the IPC management team to assist in the work of the Committee.

### 2.3 Reporting

- 2.3.1 Whilst taking into account the confidentiality of the ethics items on the agenda, the member of the IPC management team shall produce written reports/minutes of all IPC Legal and Ethics Committee meetings for distribution to the IPC Governing Board and to the Legal and Ethics Committee members; all reports shall be archived at the IPC headquarters. The Chairperson shall approve the reports/minutes prior to distribution.
- 2.3.2 The CEO shall ensure that recommendations to the Governing Board resulting from Legal and Ethics Committee meetings are included on the agenda of the Governing Board and that the subsequent decisions from the Governing Board are communicated to the members of the Legal and Ethics Committee.
- 2.3.3 The Chairperson of the Legal and Ethics Committee may be invited to attend the meetings of the IPC Governing Board and/or may be invited to give a verbal report at the meeting of the Governing Board on a specific topic.



- 2.3.4 A regular report on the activities of the IPC Legal and Ethics Committee will be submitted by the Chairperson of the Legal and Ethics Committee to the IPC Governing Board.

### **3 Membership**

#### **3.1 Appointment of members**

- 3.1.1 All members of the IPC Legal and Ethics Committee shall be appointed by the IPC Governing Board, and their membership shall be ratified annually.
- 3.1.2 The Chairperson of the IPC Legal and Ethics Committee shall be appointed by the IPC Governing Board. The Chairperson shall inform the IPC Governing Board of any specific criteria to be considered by the Governing Board when appointing members to the Committee; this to ensure the appropriate expertise is available.

#### **3.2 Process for appointments**

- 3.2.1 The IPC membership shall be invited to suggest candidates for consideration by the incoming Governing Board as a member of the IPC Legal and Ethics Committee. Such invitations shall be sent by the IPC to its members prior to the election of the IPC Governing Board.
- 3.2.2 In addition to considering candidates suggested by the IPC membership, the IPC Governing Board may initiate an active search for suitable candidates to ensure the IPC Legal and Ethics Committee includes the best-qualified individuals.
- 3.2.3 As soon as possible after its election, the IPC Governing Board shall first appoint the Chairperson of the IPC Legal and Ethics Committee, and will then consider the Legal and Ethics Committee's further membership. The Governing Board shall receive membership nominations from the Chairperson of the IPC Legal and Ethics Committee.



### 3.3 Terms of office

Members of the Legal and Ethics Committee shall normally serve for four (4) years corresponding to the term of office of the members of the IPC Governing Board. Members may be reappointed to serve for a next term; there shall be no limitations to the number of terms members can be reappointed to the IPC Legal and Ethics Committee.

### 3.4 Vacancies

Vacancies in the IPC Legal and Ethics Committee occurring through resignation, death or any other reason shall be filled by appointment by the IPC Governing Board, following the nomination by the Chairperson of the Legal and Ethics Committee.

### 3.5 Substitutes

No substitutes are allowed for members of the IPC Legal and Ethics Committee.

### 3.6 Conflict of Interest

Members of the IPC Legal and Ethics Committee shall not participate in any decision or matter where there is a conflict of interest.

## 4 Meetings

4.1 The IPC Legal and Ethics Committee will normally hold at least one (1) meeting per year. Any additional meetings must be approved by the IPC Governing Board, which shall normally delegate that authority to the CEO.



- 4.2 All meetings of the Legal and Ethics Committee must be conducted in compliance with the rules outlined in the IPC standing order 3 'The Conduct of IPC Committee Meetings'.
- 4.3 The IPC President and the CEO are ex-officio members at meetings of the Legal and Ethics Committee, with speaking rights only.

## **5 Motions**

- 5.1 The Legal and Ethics Committee has the right to submit motions to the IPC General Assembly through the IPC Governing Board and subject to compliance with the IPC standing order 2 'The Administrative Procedures to be followed prior to IPC General Assemblies'.
- 5.2 The Governing Board may make further recommendations to the General Assembly on all motions submitted by the Legal and Ethics Committee.

## **6 Termination of membership**

- 6.1 Membership of the Legal and Ethics Committee of any member may be terminated by the IPC Governing Board following the recommendation of the Chairperson of the Legal and Ethics Committee and the CEO for reasons of not fulfilling his/her duties or any other serious breaches by him/her of IPC rules and regulations.
- 6.2 Any individual member of the committee may resign at any time for personal reasons subject only to the requirement that he/she informs the Chairperson of the Legal and Ethics Committee in writing of such decision.



## **7 Finances**

### **7.1 Annual budget**

The Chairperson of the Legal and Ethics Committee will in co-operation with the CEO produce a budget for the respective committee. The Legal and Ethics Committee budget will be included in the overall IPC budget and submitted for approval to the Governing Board and the IPC General Assembly in accordance with the IPC financial policies.

### **7.2 Other financial regulations**

Any financial regulation for the IPC Legal and Ethics Committee shall be in compliance with the financial procedures issued by IPC headquarters from time to time.

## **8 Dissolution**

The Legal and Ethics Committee can only be dissolved by a decision of the IPC Governing Board

## **9 Amendments of bylaws**

Any amendment proposed to the bylaws of the IPC Legal and Ethics Committee shall be subject to approval by the IPC Governing Board.

## **10 The electoral commission**

### **10.1 General**

- 10.1.1 The IPC Governing Board has resolved to create an electoral commission in accordance with the following provisions in this bylaw article 10 in order to assist and enable the Legal and Ethics Committee to carry out certain of its functions with regard to the control of IPC elections.





## 10.2 Authority of the electoral commission

- 10.2.1 An electoral commission is an ad-hoc commission exclusively established to monitor a specific election campaign for the elections of the IPC Governing Board or for the elections to the IPC Athletes Council, at the completion of which it automatically ceases to exist. It shall be for the Chairperson of the Electoral Commission, or the Legal and Ethics Committee (a resolution of the Legal and Ethics Committee taking precedence in the event of a conflict), to determine when the authority of the electoral commission shall terminate in respect of any election for which it has been formed.
- 10.2.2 An electoral commission is appointed by the IPC Legal and Ethics Committee in accordance with the procedures set out below and its members shall exclusively act within the framework of the IPC rules and regulations as approved by the IPC Governing Board and shall be subject to the general direction and control of the Legal and Ethics Committee.

## 10.3 Composition and appointments to the electoral commission

- 10.3.1 The IPC Legal and Ethics Committee shall appoint the electoral commission as soon as possible following the closing of the nomination process, and prior to the public announcement by the IPC of all candidates for election.
- 10.3.2 The IPC Legal and Ethics Committee shall appoint the Chairperson to the electoral commission.
- 10.3.3 The electoral commission shall be composed of maximum three (3) members of the IPC Legal and Ethics Committee, with the possibility to co-opt other persons as deemed needed.
- 10.3.4 The names of the electoral commission Chairperson and members shall be made public; this will normally be announced together with the names of the candidates to election, which also constitutes the start of the election campaign.
- 10.3.5 No member of the electoral commission shall either be a candidate to election or shall have an official position in the board of the nominating body of any of the candidates.



- 10.3.6 Members of the electoral commission shall withdraw from the discussions on a specific case under consideration should any other association with the candidate arise.

## 10.4 Mandate

The electoral commission has the mandate to:

- 10.4.1 Advise and respond to questions raised by the candidates and/or nominating body in relation to their rights and obligations.
- 10.4.2 Receive and review complaints made by any properly interested party as to any alleged breach of the Code of Conduct for Candidates to Elections, or the Code of Ethics with respect to conduct linked to the election under the jurisdiction of the election commission.
- 10.4.3 Consider and discuss with the respective candidate and/or the nominating body possible breaches of the Code of Conduct for Candidates to Election reported to the commission and decide on possible further implications.
- 10.4.4 Verify that campaign rules are followed by the candidates, decide whether an infringement of the rules has occurred, and subsequently impose appropriate sanctions.
- 10.4.5 To approve any election publication, or issue guidance of a general nature regarding permitted promotional material to be issued by candidates (if any) in addition to anything permitted under the Code of Conduct for Candidates to Elections.

## 10.5 Sanctions

- 10.5.1 The electoral commission has the authority to decide on the following sanctions in case of infringements of the rules or of the Code of Conduct for Candidates to Elections, which may include:
- Withdrawal of promotional material that constitutes an infringement to the rules
  - Reprimand



- Public notification of the reprimand to the IPC membership
- Reporting of the breach of the rules at the IPC General Assembly, prior to the elections
- In the most serious cases, withdrawal of a candidate from election.

10.5.2 Without limiting the ability to impose sanctions the electoral commission may recommend to the candidate and/or to the respective nominating body withdrawal or nullification of the nomination.

## 10.6 Advisory process

10.6.1 Any question raised by the candidate or by his/her nominating body shall be submitted in writing to the attention of the Chairperson of the electoral commission. All communication must be submitted officially to the IPC headquarters for proper registration.

10.6.2 A confirmation of receipt shall be sent immediately with notification of when the answer may be expected.

10.6.3 Members of the electoral commission shall consider the question, deliberate and provide an answer in writing within the shortest timeframe possible.

10.6.4 For formality purposes, a copy of the answer will also be provided to the CEO.

## 10.7 Process for considering alleged breaches of the Code of Conduct for Candidates to Elections

10.7.1 Any complaint on alleged breaches of the Code of Conduct for Candidates to Elections shall be formally submitted in writing to the IPC to the attention of the Chairperson of the electoral commission.

10.7.2 Members of the electoral commission, having the responsibility to monitor compliance with the Code of Conduct for Candidates to Elections, may equally observe and report such alleged breaches of the Code.

10.7.3 A confirmation of receipt shall be sent to the complainant and a notification of the complaint shall be sent to the candidate who allegedly broke the Code rules,



providing him/her with the opportunity to respond to the accusation and defend his/her case. The respective nominating body shall also be informed of the complaint and of any further process or implications.

- 10.7.4 Subsequent investigations and hearings conducted by the electoral commission shall follow the same standards as outlined in the 'IPC regulations governing the procedures for dealing with complaints regarding alleged breaches of the IPC Code of Ethics', and may adopt the same procedures. In any event no reliance shall be placed on these regulations if to do so would create a conflict with any provision laid down in this bylaw.
- 10.7.5 Prior to imposing the sanction of withdrawal the candidate shall have the right to a hearing.
- 10.7.6 The electoral commission shall reach its conclusions with simple majority, except for the sanction of withdrawal of the candidature, for which the decision shall be taken with unanimity.
- 10.7.7 The electoral commission shall communicate its decision to the relevant parties within the shortest timeframe possible.
- 10.7.8 For formality purposes, a copy of the commission's answer will be provided to the CEO.
- 10.7.9 There is no appeal possible to any of the sanctions that fall within the determination authority of the electoral commission.

## 10.8 Monitoring at time of election

- 10.8.1 Members of the electoral commission shall attend the IPC General Assembly or the Paralympic Games during which the elections take place to monitor the last days of the campaign and to monitor the election process.
- 10.8.2 Should any question or complaint arise at, or close to the time of election, either during the IPC General Assembly and IPC Conference days for Governing Board elections, or during the Paralympic Games for IPC Athletes' Council elections, the requirement for written notice may be replaced by the requirement for an official witness in case of verbal communication. Where such immediate action is required, written confirmation shall be submitted to relevant parties as soon as possible thereafter.