



ITU Disciplinary Rules

Based on Section 17.5 of the ITU Constitution

I. INTRODUCTION

Article 1 Object

1. These rules set out the applicable procedure before the ITU, within the limitations of Swiss law.
2. They do not apply to anti-doping rule violations or disciplinary actions taken under the ITU Anti-Doping Rules, unless when expressly stated otherwise in the ITU Anti-Doping Rules. They do not apply to classification rules for Para athletes, which are governed exclusively by the International Paralympic Committee.

II. ARBITRATION TRIBUNAL

Article 2 Jurisdiction

1. The ITU Arbitration Tribunal recognizes ordinary procedures submitted to it according to article 37, paragraphs 37.1 and 37.2 of the ITU Constitution.
2. It recognizes recourses submitted to it according to article 37 paragraphs 37.3 and 37.4 of the ITU Constitution.

Article 3 Special jurisdiction

The Arbitration Tribunal also has jurisdiction over the following:

- a) Sanctioning serious offences that competition officials failed to notice;
- b) Correcting manifest errors in the rulings by competition officials;
- c) Levying additional sanctions to the ones contemplated by the ITU Competition Rules or the relevant Continental Confederation Rules such as, for example, a monetary penalty.

Article 4 Composition and organization

1. The Arbitration Tribunal is composed of five (5) independent and qualified members elected by the Executive Board to hear and decide on the application of the Disciplinary Rules. They are elected for a term of four (4) years. At least three (3) of the elected members must be lawyers or judges by profession (currently actively practicing or retired).
2. The Chair of the Arbitration Tribunal, who must be a (retired) judge or lawyer, is responsible for assembling the Panels to hear each case.
3. Within seven (7) days of receiving a validly constituted Complaint, the Arbitration Tribunal shall assemble a Panel composed of three members who are designated by the Arbitration Tribunal Chair. The Tribunal Chair designates the Panel President from among the three members, and such President must be a lawyer or judge by profession.
4. An ad hoc clerk, who must not be a member of any other ITU body, may be named by the Arbitration Tribunal for the purpose of assisting it in various clerical tasks.

Article 5 Headquarters

The Arbitration Tribunal is headquartered at ITU headquarters in Lausanne, Switzerland.

III. DISCIPLINARY SANCTIONS

Article 6 Types and Severity

1. The following disciplinary sanctions may be levied:
 - a) Warning;
 - b) Suspension from competitions for a maximum period of forty eight (48) months;
 - c) Roll down in race ranking;
 - d) Overturning of a result;
 - e) Revocation of a title;
 - f) Revocation of a medal;
 - g) Expulsion from participation in one or multiple national or international competitions.
 - h) Monetary penalties to a maximum of five thousand USD(\$5,000);
 - i) Expulsion for a determinate or indeterminate period of time from exercising any official functions on behalf of the ITU.
2. The severity of the disciplinary sanctions shall depend on the nature of the violation.

Article 7 Combination and Restitution

1. Individual disciplinary sanctions may be combined.
2. Athletes against whom disciplinary sanctions are imposed may be required to repay any monetary or in-kind benefits.

IV. PROCEDURAL PROVISIONS

Article 8 Recusal

1. A Panel member must disqualify him/self when he/she, his/her club or his National Federation has an interest in the issue under dispute or when he/she believes his/her independence may be compromised.
2. A party may cause the recusal of a Panel member in the cases contemplated in paragraph 1, if the Panel member has publicly expressed him/herself about the matter in dispute or otherwise possesses a preconceived view of the matter, or in the case of any personal enmity on the part of a Panel member against any party, club or National Federation.
3. The recused member may not participate in the selection of his/her replacement.
4. If a party wishes to contest the refusal of a Panel Member to recuse him/herself, he/she may appeal to the Arbitration Tribunal who shall make a final determination.

Article 9 Confidentiality

1. Panel members must keep confidential any information of which they have knowledge by virtue of their position (particularly facts of the case, content of the deliberations on decisions taken).
2. Only decisions already communicated to the parties may be made public by the Arbitration Tribunal.

Article 10 Parties to the Proceedings

1. The Continental Confederation, National Federation and the Federation member concerned are all party to the proceedings.
2. The body that rendered the original decision in dispute is also a party to the proceedings.
3. The parties shall be informed of the date, time, and manner for the start of proceedings by the session President at least ten (10) days before the beginning of such proceedings.

Article 11 Language of the Proceedings

1. The language of the proceedings will be English.
2. All parties must translate all documents produced in another language into English.
3. Each party shall pay its own translation and interpretation costs.

Article 12 Right to be Heard

1. The right to be heard is guaranteed during all Arbitration Tribunal proceedings, subject to section 36, paragraph 2. The right to be heard is exercised in principle by the most appropriate means of telecommunication (telephone, internet, videoconference, etc.) and if such is not technologically feasible, by written communication. An in-person hearing is possible according to the conditions of the Disciplinary Rules.
2. All parties have the right to consult the file of the proceedings. Panel members' notes do not form part of the file unless the panel decides otherwise.

Article 13 Evidence

1. Any piece of evidence lawfully submitted may be used by the Panel.
2. In particular, the evidence may consist of:
 - a) the arbitrator's report;
 - b) statements by the parties;
 - c) witness depositions;
 - d) audio and video recordings;
 - e) expert reports/testimonies.

Article 14 Representation

1. Parties may be represented.
2. Panel members may not represent any party, even in proceedings from which they are disqualified.
3. Any representative whose power does not flow from the statutes of National Federation or Continental Confederation, must present a written mandate.
4. Minors must have a legal representative.

Article 15 Witnesses and individuals called on to provide information

1. Only those with personal knowledge of the facts which form the subject of the proceedings may act as witness or be called on to provide information.
2. Witnesses and those called on to provide information shall appear at the hearing or respond in writing or by the most appropriate means of communication to the questions of the Panel.

Article 16 Scope of Panel's Review

The Panel has full power to review the facts and the law.

Article 17 Administration of Evidence

1. The Panel freely administers and evaluates the evidence submitted to it.
2. Following consultation with the parties, the panel President may order a hearing. Such decision is not subject to appeal.
3. The panel President may demand that all parties pay in advance any fees, particularly those of experts.

Article 18 Hearing

The Panel may decide to hold a hearing after consultation with other Panel members. If such a case exists, the President shall summon all interested parties to the hearing by telecommunication. Best effort must be made to accommodate all schedules. Once a meeting time is agreed upon, if any party is absent, after having been duly invited, the hearing may take place without the presence of such party.

Article 19 Incident(s) during the proceedings

The parties shall be invited to present the facts of any incident at the start of the hearing.

Article 20 Testimonies

The Panel shall thereafter hear, in the order it deems appropriate, the parties and if necessary the witnesses, persons called on to furnish information and experts.

Article 21 Hearing suspension and supplemental investigation

1. If the circumstances so require, particularly in order to obtain additional clarification, the session President may suspend the hearing which may be held at a later date.
2. Additional investigation may be ordered by the session President. Such investigation may take place in writing or with an additional hearing.

Article 22 Closing of the investigation

1. Upon completion of the investigation, the parties shall be invited to express themselves orally. The Claimant or Appellant proceeds first and thereafter the Respondent respond.
2. In complex matters, the session President of the hearing may fix a deadline within which parties must express themselves in writing.

Article 23 Investigation without hearing

1. If the Panel President decides not to hold a hearing, the investigation shall take place in writing.
2. The Panel may communicate in writing or by the most appropriate means of communication, with all witnesses, persons called on to furnish information, or experts. All communications from the Panel shall be sent to all parties.
3. The Panel President shall fix a deadline within which the parties must submit their comments.

Article 24 Decision

1. The Panel cannot make a finding that goes beyond the request of the Parties.
2. The Panel's decision shall be made in writing and shall contain:
 - a) the names of the members who sat on the panel;
 - b) identity of the parties;
 - c) the arguments of the parties or the question at issue;
 - d) the questions of fact, law and, if applicable, equity, unless the parties have explicitly renounced any of same;
 - e) decision as to measures and sanctions on the main issue(s);
 - f) decision as to the amount and payment of costs, if any.
3. The Panel shall render its decision by majority vote. All members must sign the decision. In case of tie the Chair will have the casting vote.

Article 25 Deadline to render the decision

1. Decisions must be rendered within three (3) months of the start of the proceedings, except in exceptional circumstances, as determined by the Chair of the Arbitration Tribunal.
2. Decisions that may impact the holding of a championship or a competition must be rendered as quickly as possible.

Article 26 Notice and Communication

Arbitration Tribunal decisions must be sent to parties by registered mail or by email. The Arbitration Tribunal Chair is responsible for ensuring that ITU receives a copy of all final decisions.

Article 27 Costs

1. The Appellant or Claimant must pay an application fee of five hundred USD (\$500).
2. Costs may be awarded by the Panel to one of the Parties, considering the legitimacy of the arguments, as well as the conduct of the Parties.

Article 28 Procedural violation

1. The launching of a manifestly abusive proceeding or a breach of the rules of propriety shall each constitute a procedural violation.
2. The Arbitration Tribunal is authorized to set fines up to a maximum of five thousand USD (\$5,000) for a procedural violation.

V. ORDINARY PROCEEDINGS

Article 29 Introduction of the Claim and Compliance with these Rules

1. An ordinary proceeding shall begin with the submission of a detailed written report accompanied by a statement of facts filed with the Arbitration Tribunal. The following persons are authorized to submit such a report: representatives (referees, technical delegates, directors, members) of the ITU, representatives of National Federations and the Continental Confederations where the statutes contemplate the ordinary or appellate jurisdiction of the ITU Arbitration Tribunal.
2. The report should be submitted to the headquarters of the Arbitration Tribunal no more than five (5) days following the occurrence of the event in dispute.
3. The report shall include:
 - a. A brief statement of the facts and legal arguments on which the report is based;
 - b. The Claimant's request for relief;
 - c. If applicable, an application for a stay of the effects of the decision being challenged or a request for preliminary relief of an extremely urgent nature;
 - d. Any appropriate comments on the basis for the panel's jurisdiction; and
 - e. The Claimant's address and, where applicable, the facsimile numbers and electronic mail address where the Claimant can be reached for the purposes of the proceedings, and, if any, for the person representing the Claimant, and, to the extent available, the same information for the Respondent.
4. The Arbitration Tribunal Chair shall determine whether the report is compliant with these Rules. If it is deemed inadmissible, a written and reasoned communication shall be communicated to the ITU bodies and individuals concerned. This decision cannot be appealed.

Article 30 Statutes of limitation

1. Notwithstanding Article 29 (2):
 - a) Infringements committed during a competition may no longer be prosecuted after a lapse of two (2) years.
 - b) Manipulation in a competition and other infringements may not be prosecuted after a lapse of ten (10) years.
 - c) Anti-doping rule violations may not be prosecuted after eight years have elapsed.
 - d) Prosecution for corruption is not subject to a limitation period.
 - a) Infringements committed during a competition may not be prosecuted once the limitation period of two (2) years has lapsed.
 - b) Manipulation in a competition and other infringements may not be prosecuted once the limitation period of ten (10) years has lapsed.
 - c) Anti-doping rule violations may not be prosecuted once the limitation of ten (ten) years has lapsed.
 - d) Prosecution for corruption is not subject to a limitation period.
2. The statute of limitations set out above is interrupted by all procedural acts, starting afresh with each interruption.

VI. APPEAL PROCEEDINGS

Article 31 Start of the Proceedings and Fee

1. The Appellant files an appeal with the Arbitration Tribunal by mail or by email at the ITU headquarters.
2. The appeal must be submitted no more than thirty (30) days following the communication of the contested decision to the Appellant.
3. The Appellant must pay the fee concurrently with the filing of the statement of facts. If the payment is not made, the appeal is deemed non-compliant with these rules and the appeal shall be inadmissible.
4. The amount paid will only be refunded if the appeal is successful.

Article 32 Suspensive effect of an appeal

The beginning of an appeal has a suspension effect, unless otherwise decided by the Chair Arbitration Tribunal.

Article 33 Content of the Appellant 's factum

1. The Appellant's factum must include, at a minimum:
 - a) Arguments of the Appellant;
 - b) Identification of the contested decision, which shall be appended to the factum;
 - c) Recitation of the facts with references identifying the source of each fact and a brief legal justification;
2. All proposed exhibits and supporting documents are to be appended to the appeal factum.

Article 34 Preliminary examination

1. The Arbitration Tribunal shall examine the compliance of the factum with these rules including:
 - a) That the appeal is signed;
 - b) That the appeal is submitted within the time required by these rules;
 - c) That the payment of fees was done within the time required time; and
 - d) That the appeal is otherwise compliant with these Rules.
2. In the case of non-compliance with paragraph 1, the Arbitration Tribunal shall determine the appeal to be inadmissible. If the Appellant asserts extenuating circumstances in his factum which are deemed to justify a violation of any an untimely submission or other non-compliance, the Arbitration Tribunal may deem the appeal admissible.
3. In the case of a reparable error, the Panel Chair may grant an extension of time to the Appellant during which he must remedy said error. If the Appellant fails to remedy such error, the Arbitration Tribunal shall deem the appeal inadmissible.

Article 35 Respondent's factum

1. The Respondent must submit two (2) copies of the Respondent's factum by mail or by email to the ITU headquarters, and one (1) copy to the Appellant and Appellant's representative, if any, no more than ten (10) days following the communication of the Appellant's factum to the Respondent.
2. The Respondent's factum must include, at a minimum:
 - a) Arguments of the Respondent;
 - b) Recitation of relevant facts not included in the Appellant's factum with references identifying the source of each fact and a brief legal justification;
3. The Arbitration Tribunal shall send a copy of the Respondent's factum to the Panel and to all other respondent parties.

Article 36 Withdrawal of appeal

1. The Appellant may at any time withdraw his/her appeal. He/she may be responsible for any procedural costs.
2. In the case of a settlement the Arbitration Tribunal may apportion the procedural costs among the parties.

VII. PROVISIONAL MEASURES

Article 37 Measures

1. When a decision on the merits cannot be rendered within a reasonable period of time, the Chair of the Arbitration Tribunal may, in urgent cases, issue, modify, stay, or provisionally withdraw a sanction.
2. In these circumstances, he/she may take other provisional measures exercising care, in particular to ensure the adherence to a sanction already in force.

Article 38 Procedure

1. The Panel shall rule on the basis of the available evidence.
2. The Panel is not required to hold a hearing of the parties.

Article 39 Decision

The Panel shall render its decision within five (5) working days (Switzerland).

Article 40 Duration

1. Provisional measures shall remain in effect until a final decision on the matter is rendered.
2. If a provisional sanction is issued, its duration will be calculated against the final sanction.

VIII. AD HOC PANEL AND PROCEEDINGS TO THE OLYMPIC AND PARALYMPIC GAMES

Article 41 Claims and Panel

1. Claims and appeals submitted in connection with competitions at the Olympic and Paralympic Games are judged by an Ad Hoc Panel of three (3) members of the Arbitration Tribunal, who are nominated by the ITU Executive Board and present at the Games. If any Panel Member is subject to any conflict of interests in connection with the case, the other panel Member (s) will handle the case.
2. These rules remain applicable unless the provisions of Articles 41, 42 and 43 provide otherwise.
3. Notwithstanding the provisions of Art. 29.2 and Art. 31.2, claims and appeals must be submitted within four (4) hours following the end of the competition they concern.

Article 42 Procedure before the Panel

1. Any defense of lack of jurisdiction of the Panel must be raised at the start of the proceedings or, at the latest, at the start of the hearing.
2. The Panel shall organize the procedure as it considers appropriate while taking into account the specific needs and circumstances of the case, the interests of the parties, in particular their right to be heard, and the particular constraints of speed and efficiency specific to the present ad hoc procedure. The Panel shall have full control over the evidentiary proceedings.
3. If based on the documentary facts and evidence before it the Panel considers itself to be sufficiently well informed to render a reasoned decision, and if the Panel considers that both parties have had the opportunity to be heard, the Panel may decide not to hold a hearing and to render an award immediately. The Panel shall inform the parties accordingly.
4. Except where it considers another form of procedure more appropriate, the Panel shall summon the parties to a hearing on very short notice immediately upon receipt of the application. It shall append a copy of the application to the summons to appear addressed to the respondent. At the hearing, the Panel shall hear the parties and take all appropriate action with respect to evidence. The parties shall introduce at the hearing all the evidence they intend to adduce and produce the witnesses, who shall be heard immediately.
5. If a party requests an opportunity to introduce additional evidence which, for legitimate reasons, it was not able to produce at the hearing, the Panel may permit it to the extent necessary to the resolution of the dispute. The Panel may at any time take any appropriate action with respect to evidence. In particular, it may appoint an expert and order the production of documents, information or any other evidence. It may also, at its discretion, decide whether to admit or exclude evidence offered by the parties and assess the weight of evidence. The Panel shall inform the parties accordingly.
6. If one party or both parties fail to appear at the hearing or to comply with injunctions, summonses or other communications issued by the Panel, the Panel may nevertheless proceed.

Article 43 Decision

1. The Panel shall issue a decision within twenty four (24) hours of the lodging of the application. In exceptional cases, this time limit may be extended by the Arbitration Tribunal if circumstances so require.
2. The decision shall be communicated to the parties immediately. The Panel may decide to communicate the operative portion of the award, prior to the reasons. The award shall be final from such communication.

IX. FINAL PROVISIONS

Article 44 Coming to force

These rules shall take immediate effect.

Article 45 Appeals to CAS

1. The request for arbitration must be filed with CAS no later than twenty-one (21) days following the receipt of the decision that is the subject of the arbitration procedure. In the case of recourses against provisional measures, requests for arbitration must be submitted within no more than three (3) days of receipt of the contested decision.
2. Appeals submitted to CAS pursuant to the CAS Arbitration Rules for the Olympic Games are applied.

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