



## **ITU Rules on the Prevention of the Manipulation of Competitions**

## 1. INTRODUCTION

- 1.1. The integrity of sport depends on the outcome of sporting events and competitions being based entirely on the competing merits of the participants involved. Any form of corruption that might undermine public confidence in the integrity of a sporting contest is fundamentally contrary to the spirit of sport and must be eradicated at all costs.
- 1.2. The International Triathlon Union ("ITU") has adopted these rules ("Rules") as a means of safeguarding the integrity of the sport of triathlon, by:
  - 1.2.1. Prohibiting any conduct that may impact improperly on the outcome of its events and competitions and
  - 1.2.2. Establishing a mechanism of enforcement and sanction for those who, through their corrupt conduct, place the integrity of the sport at risk.
- 1.3. These Rules incorporate by reference the Olympic Movement Code on the Prevention of the Manipulation of Competitions of 8 December 2015. Both, these Rules and the Olympic Movement Code on the Prevention of the Manipulation of Competitions establish regulations that are in compliance with the Council of Europe Convention on the Manipulation of Sports Competitions.
- 1.4. The ITU is committed to taking all practical steps within its power to prevent corrupt practices undermining the integrity of the sport of triathlon in all its disciplines. This commitment shall include:
  - 1.4.1. Raising awareness of these Rules at all levels, including using existing and/or suitably adapted educational programmes and tools to provide information and educational materials to the widest possible target audience;
  - 1.4.2. Establishing the best means of monitoring sports betting at International Competitions, including monitoring any irregular betting patterns that may occur;
  - 1.4.3. Establishing the best means for the receipt of third party information on a confidential basis, for example, by establishing an information `hot-line`;
  - 1.4.4. Establishing and, where appropriate, making use of effective channels for the exchange of intelligence and information related to the investigation and/or prosecution of Violations under these Rules;
  - 1.4.5. Co-operating with competent National and International authorities where information in its possession may also amount to or evidence infringements of other applicable laws or regulations; and
  - 1.4.6. Exchanging information with partners in the Olympic Movement through the International Olympic Committee (IOC) and the Association of Summer Olympic International Federations (ASOIF) on acknowledged areas of best practice in relation to combating corruption in sport.

## 2. APPLICATION AND SCOPE

- 2.1. These Rules shall apply to all Participants who participate, assist in or prepare Athletes to participate in ITU Competitions or Competitions of Major Event Organisations, provided that if a Major Event Organisation has its own rules on the prevention of the competition manipulation those rules shall apply to violations committed in relation with the competitions of the Major Event Organisation. Each Participant shall be automatically bound by, and be required to comply with, these Rules by virtue of such participation, assistance or preparation;
- 2.2. It shall be the personal responsibility of every Participant to make him/herself aware of these Rules including, without limitation, what conduct constitutes a Violation of the Rules and to comply with those requirements. Participants should also be aware that conduct prohibited under these Rules may also constitute a criminal offence and/or a breach of other applicable laws and regulations. Participants must comply with all applicable laws and regulations at all times;
- 2.3. Each Participant submits to the exclusive jurisdiction of the ITU Ethics Panel to hear and determine charges brought by ITU and to the exclusive jurisdiction of the Court of Arbitration for Sport in Lausanne to determine any appeal from the ITU Ethics Panel decision in accordance with the Article 37 of International Triathlon Union Constitution;
- 2.4. Each Participant shall be bound by these Rules until a date six months following his last participation or assistance in a Competition. Each Participant shall continue to be bound by these Rules in respect of his participation or assistance in Competitions taking place prior to that date;
- 2.5. National Associations are obliged to put in place similar rules and regulations to safeguard the integrity of competitions held under their respective jurisdictions; and
- 2.6. Notice under these Rules to a participant who is under the jurisdiction of a National Association may be accomplished by delivery of the notice to the National Association concerned. The National Association shall be responsible for making immediate contact with the Participant to whom the notice is applicable.

## 3. DEFINITIONS

- 3.1. **“Benefit”** means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts.
- 3.2. **“Competition”** means an ITU competition or a competition of a Major Event Organization.
- 3.3. **“Inside Information”** means information relating to any competition that a person possesses by virtue of his or her position in relation to a competition, excluding any

information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition.

3.4. **"Major Event Organisation"** means any international multi-sport organisation that acts as the ruling body for any continental, regional or other international competition.

3.5. **"Member Federation"** means the National Federations affiliated to ITU in a country or a sport country recognised by ITU in accordance with article 3 of the International Triathlon Union Constitution.

3.6. **"Participant"** means any natural or legal person belonging to one of the following categories:

- a) **"Athlete"** means any person or group of persons, participating, or qualified to participate in a competition;
- b) **"Athlete Support Personnel"** means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for a competition, and all other persons working with the athletes; and
- c) **"Official"** means any person who is the owner of, a shareholder in, an executive or staff member of the entities which organise and/or promote a competition, as well as referees, jury members and any other accredited or engaged persons. The term also covers the executives and staff of the international sports organisation, or where appropriate, other competent sports organisation or club which sanctions a competition.

3.7. **"Sports Betting, Bet or Betting"** means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a competition.

## 4. RULE VIOLATIONS

### 4.1. Betting

4.1.1. The following conduct shall constitute a violation of these Rules (in each case whether effected directly or indirectly):

4.1.2. Participation in, support for, or promotion of, any form of betting related to any sports competition;

4.1.3. For participants who are not members of the ITU Congress, a member of a judicial body of the ITU a member of a competition jury or an appeals jury, a technical delegate or an employee of the ITU, the following shall constitute a Violation of these Rules; and

4.1.4. Participation in, support for, or promotion of, any form of betting related to an event or competition in which the participant is directly participating or is otherwise taking place in the participant's sport or is taking place in another sport at an international competition hosted by a Major Event Organisation in which the participant is participating, including betting with another person on the result, progress, outcome, conduct or any other aspect of such an Event or Competition.

#### **4.2. Manipulation of results**

4.2.1. Fixing or contriving in any way or otherwise improperly influencing, or being a party to fix or contrive in any way or otherwise improperly influence, the result, progress, outcome, conduct or any other aspect of an event or competition.

4.2.2. Ensuring or seeking to ensure the occurrence of a particular incident in an event or competition which occurrence is to the participant's knowledge the subject of a bet and for which he or another person expects to receive or has received a benefit.

4.2.3. Failing in return for a benefit (or the legitimate expectation of a benefit, irrespective of whether such benefit is in fact given or received) to perform to the best of one's abilities in an event or competition.

#### **4.3. Corrupt Conduct**

4.3.1. Accepting, offering, agreeing to accept or offer, a bribe or other benefit (or the legitimate expectation of a benefit, irrespective of whether such benefit is in fact given or received) to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an event or competition.

4.3.2. Providing, offering, giving, requesting or receiving any gift or benefit (or the legitimate expectation of a benefit, irrespective of whether such benefit is in fact given or received) in circumstances that the participant might reasonably have expected could bring him or the sport into disrepute.

#### **4.4. Inside Information**

4.4.1. Using Inside Information for betting purposes or otherwise in relation to betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the participant or via another person and/or entity.

4.4.2. Disclosing Inside Information to any person with or without benefit where the participant might reasonably be expected to know that its disclosure in such circumstances could be used in relation to betting, any form of competitions or any other corrupt purposes.

4.4.3. Giving and/or receiving a benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

#### **4.5. Failure to report**

- 4.5.1. Failing to disclose to the ITU or a relevant disclosure/reporting mechanism or authority at first available opportunity, full details of any approaches or invitations received by the participant to engage in conduct or incidents that would amount to a Violation as set out in these rules.
- 4.5.2. Failing to disclose to the ITU or a relevant disclosure/reporting mechanism or authority at first available opportunity, full details of any incident, fact or matter that would amount to a Violation as set out in these rules.

### **5. DISCIPLINARY PROCEDURES**

#### **5.1. Investigations**

- 5.1.1. The ITU may conduct an investigation into the activities of any participant that it believes may have committed a violation of these Rules and may appoint an Arbitration Tribunal, according article 13.8 of International Triathlon Union Constitution. Such investigation may be conducted in conjunction with relevant competent national or international authorities (including criminal, administrative, professional and/or judicial authorities) and all participants must co-operate fully with such investigations. The ITU shall have discretion, where it deems it appropriate, to stay its own investigation pending the outcome of investigations conducted by other competent authorities.
- 5.1.2. Any allegation or suspicion of a violation of these Rules shall be reported to the ITU for investigation and possible charge in accordance with these Rules.
- 5.1.3. Anonymous reports of a possible violation may be submitted to the ITU or to the IOC's Integrity and Compliance Hotline available at [www.olympic.org/integrityhotline](http://www.olympic.org/integrityhotline). The ITU encourages disclosure of personal information to enable appropriate follow up when reports are made.
- 5.1.4. The participant who is alleged to have committed a violation of these Rules must be informed of the alleged Violations that have been reported, details of the alleged acts and/or omissions, and the range of possible sanctions.
- 5.1.5. Upon request by the ITU, the participant concerned must provide any information which the ITU considers may be relevant to investigate the alleged Violation, including records relating to the alleged violation (such as betting account numbers and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and/or a statement setting out the relevant facts and circumstances around the alleged violation.
- 5.1.6. As part of any such investigation, the ITU may also require the attendance of such participant for interview. Any interview shall be at a time and place to be determined by the ITU and the relevant participant shall be given reasonable

notice in writing of the requirement to attend. Interviews shall be recorded and the participant shall be entitled to have legal counsel and an interpreter present.

5.1.7. By participation in a competition, each participant shall be deemed to have agreed for the purposes of applicable data protection laws and other laws, and for all other purposes, to have consented to the collection, processing, disclosure or any other use of information relating to his activities (including without limitation personal information) to the extent permitted under these Rules and shall confirm such agreement in writing upon demand.

5.2. If a **participant retires** whilst a disciplinary procedure under these Rules is underway, the ITU shall retain jurisdiction to complete the relevant procedure. If the Participant retires before any disciplinary procedure has begun, the ITU shall nevertheless have jurisdiction to conduct the relevant procedure.

5.3. **The principle of confidentiality** must be strictly respected by the ITU during all procedures: Information should only be exchanged with entities on a need to know basis. Confidentiality must also strictly be respected by any person concerned by the procedure until there is public disclosure of the case.

#### 5.4. **Issuing a notice of charge**

5.4.1. Where following an investigation the ITU decides to charge a Participant with a Violation of these Rules, it shall:

5.4.2. Issue a written Notice of Charge to the Participant; and

5.4.3. Transfer any such matter to the ITU Arbitration Tribunal for determination in accordance with these Rules.

5.4.4. The Notice of Charge shall set out the following:

5.4.5. The specific Violation(s) that the Participant is alleged to have committed;

5.4.6. The facts upon which such allegation(s) are based;

5.4.7. The range of sanctions applicable under the Rules for such Violations;

5.4.8. Details relating to the Participant's response to the Notice of Charge within a specified deadline; and

5.4.9. The Participant's right to have the matter determined by a hearing.

5.5. **The Notice of Charge** shall also specify that, if the Participant wishes to exercise his right to a hearing, he must submit a written request for a hearing so that it is received by the ITU as soon as possible but in any event within 14 days of receipt of the Notice of Charge. The request must state how the Participant responds to the charge and must explain (in summary form) the basis for such response.

5.6. If the **Participant fails** to file a written request for a hearing by the specified deadline, he shall be deemed to have:

5.6.1. Waived his right to a hearing;

5.6.2. Admitted that he has committed the Violation(s) specified in the Notice of Charge;

5.6.3. Acceded to the range of applicable sanctions specified in the Notice of Charge; and

5.7. Where the Participant requests a hearing the matter shall proceed to a hearing before the Arbitration Tribunal. Where the Participant is deemed to have waived his right to a hearing and to have admitted the Violation(s) in accordance with Rule 5.5, any hearing held at the discretion of the Hearing Panel shall be limited to determining the applicable sanctions only.

## 6. **PROVISIONAL SUSPENSION PENDING THE INVESTIGATION AND ADJUDICATION PROCEDURE**

6.1. In any case where the ITU decides to charge a participant with a violation under these Rules, the Arbitration Tribunal shall have discretion, in circumstances where it considers that the integrity of the sport could otherwise be seriously undermined, to provisionally suspend the participant pending the Arbitration Tribunal final decision whether he has committed a violation. A provisional suspension shall be effective from the date of notification to the participant. Alternatively, the participant may accept a voluntary suspension from competition provided that it is confirmed in writing to the ITU. A voluntary suspension shall be effective only from the date of receipt of the participant's written confirmation of such to the ITU.

6.2. A decision to impose a provisional suspension on a participant shall not be subject to appeal.

## 7. **RIGHTS OF THE CONCERNED PERSON**

7.1. In all procedures linked to violations of the present Code, the following rights must be respected:

7.1.1. The right to be informed of the charges;

7.1.2. The right to a fair, timely and impartial hearing either by appearing personally in front of the ITU and/or submitting a defence in writing; and

7.1.3. The right to be accompanied and/or represented.

## 8. BURDEN AND STANDARD OF PROOF

8.1. The ITU shall have the burden of establishing that a violation has been committed. The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred.

8.1.1. Evidence according to article 13 of ITU Disciplinary Rules.

8.1.2. Any piece of evidence lawfully submitted may be used by the Panel.

8.2. In particular, the evidence may consist of:

- a) The technical officials report;
- b) Statements by the parties;
- c) Witness depositions;
- d) Audio and video recordings; and
- e) Expert reports/testimonies.

8.2.1. Witnesses and individuals called on to provide information:

8.2.2. 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; and

8.2.3. 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.

## 9. CONFIDENTIALITY

9.1. The principle of confidentiality must be strictly respected by the ITU during all the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality must also be strictly respected by any person concerned by the procedure until there is public disclosure of the case. According article 9 of ITU Disciplinary Rules:

9.2. 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); and

9.3. Only decisions already communicated to the parties may be made public by the Arbitration Tribunal.

## 10. APPEALS

10.1. The Participant has a right to appeal following the ITU Disciplinary Rules.

## 11. PROVISIONAL MEASURES

11.1. The ITU (Arbitration Tribunal) may impose provisional measures, including a provisional suspension, on the participant where there is a particular risk to the reputation of the sport, while ensuring respect for Articles 5 to 9 of these Rules.

11.2. Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

## 12. SANCTIONS

12.1. Where it is determined that a violation has been committed, the ITU shall impose an appropriate sanction upon the Participant from the range of permissible sanctions. In accordance with article 6 of ITU Disciplinary Rules.

12.1.1. 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); and
- i) Expulsion for a determinate or indeterminate period of time from exercising any official functions on behalf of the ITU.

12.2. When determining the appropriate sanctions applicable, the ITU shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.

12.2.1. Mitigating factors may include:

- a) Co-operation by the participant with any investigation or requests for information;
- b) A timely admission of a violation by the Participant;
- c) The participant's clean disciplinary record;
- d) The violation not having affected or not having the potential to affect the course or result of a Competition;
- e) The Participant displaying remorse (including, for example, agreeing to take part in anti-corruption educational programs organised by ITU and
- f) Any other mitigating factor the ITU deems relevant.

12.2.2. The severity of the disciplinary sanctions shall depend on the nature of the violation.

12.3. Substantial assistance provided by a participant that results in the discovery or establishment of an offence by another participant may reduce any sanction applied under these Rules.

### **13. REINSTATEMENT**

13.1. Once the period of the Participant's ineligibility has expired, he or she will become automatically re-eligible to participate in Triathlon provided that he or she has:

- a) Completed to ITU's satisfaction any official integrity education imposed on him or her as a sanction by the Arbitration Tribunal disciplinary body;
- b) Has paid, in full, any fine imposed under this Code and/or any order of costs made against him or her by the ITU disciplinary body; and
- c) Has agreed to subject himself or herself to any reasonable and proportionate monitoring of his or her future activities in connection with Triathlon as ITU may reasonably consider necessary given the nature and scope of the violation that he or she has committed.

### **14. MUTUAL RECOGNITION**

14.1. Subject to the right of appeal, any decision in compliance with the Code by any other Sporting Organisation will be recognised and respected by the ITU.

### **15. IMPLEMENTATION**

15.1. Pursuant to Rule 1.4 of the Olympic Charter, all Sports Organisations bound by the Olympic Charter agree to respect this Code. The ITU is bound by the Olympic Charter and therefore agrees to respect the Code.

15.2. The ITU commits to the implementation of the present Rules within its own jurisdiction, including educational measures.