

WORLD TRIATHLON TRIBUNAL

PROCEDURAL RULES

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I. INTRODUCTION

1. Preamble

Based on the World Triathlon Constitution, Chapter 7, the following World Triathlon Tribunal Procedural Rules (hereinafter “Procedural Rules”) have been adopted.

2. Definition of terms

- a) TRI: World Triathlon
- b) TRI Rules: the World Triathlon Constitution, Codes, Rules and Regulations, directives, and decisions.
- c) World Triathlon Tribunal: The World Triathlon body (hereinafter “Tribunal”) in charge of adjudicating any alleged breach of the TRI Rules and any matters brought before it and by way of appeal.
- d) CAS: The Court of Arbitration for Sport, in Lausanne, Switzerland.
- e) CAS ADD: The Antidoping Division of the CAS.

3. Scope of application

- 3.1 The present Procedural Rules apply to all disputes referred to the Tribunal.
- 3.2 They do not apply to anti-doping rule violations or disciplinary actions taken under the TRI Anti-Doping Rules where the CAS ADD has jurisdiction.
- 3.3 Unless the context otherwise requires, words in these Procedural Rules denoting any one gender include all other genders, and words denoting the singular include the plural and vice versa.

4. Temporal application

- 4.1. The TRI Rules apply to all those who fall under TRI’s jurisdiction as at the date of the alleged violation, dispute, difference or original decision which is the subject of appeal.
- 4.2 These Procedural Rules apply to any case referred to the Tribunal after the day of entry into force of these Procedural Rules (no matter when the potential violation was committed).
- 4.3 Proceedings instigated against a person or an entity that fell under TRI’s jurisdiction as at the date of the alleged violation should not be dismissed by the Tribunal solely because the person or the entity no longer falls under TRI’s jurisdiction.

5. Jurisdiction

Wherever the TRI Rules, as amended from time to time, confer jurisdiction to the Tribunal to hear and determine a matter, whether as a first instance body or an appeal body, then (save to the extent otherwise provided in the TRI Rules) the Tribunal will hear and determine the matter in accordance with these Procedural Rules.

6. Applicable law

The Tribunal shall base its decisions:

- a) primarily on the TRI Rules; and
- b) subsidiarily on Swiss law and any other law that the Tribunal deems applicable.

7. Composition of the Tribunal

- 7.1 The members of the Tribunal shall be appointed by the TRI Congress in accordance with the TRI Constitution.
- 7.2 The Executive Board shall define from time to time the necessary number of members of the Tribunal in order for the Tribunal to be able to undertake its tasks at all times.

7.3 The members of the Tribunal shall elect the Chair of the Tribunal and the Deputy Chair of the Tribunal from amongst their number both of whom shall have a legal background and degree.

7.5. With the exception of ethical and safeguarding matters, which shall be handled and adjudicated exclusively by a Panel, all other matters shall be adjudicated by either a Panel or by a Single Judge in accordance with the TRI Rules.

7.6 A Panel is composed of three (3) members. The Chair of the Tribunal may enlarge the quorum to a maximum of five (5) members if he/she considers it necessary.

7.7 The Single Judge makes decisions as a judge sitting alone.

7.8 The Chair of the Panel or the Single Judge shall have a legal background and degree.

7.9 If the applicable TRI Rules or these Procedural Rules do not specify it, the Chair of the Tribunal – or the Deputy Chair in his absence – shall determine at his/her discretion whether the case shall be handled by a Panel or by a Single Judge, taking into account the circumstances and the complexity of the case. He/she shall then appoint the Single Judge or the Panel, including the Chair of the Panel.

7.10 Once the Panel has been appointed, the Chair of the Tribunal (or the Deputy Chair) shall inform the parties of the composition of such Panel.

7.11 The Chair of the Tribunal (or the Deputy Chair) may choose to appoint himself/herself to sit as the Chair or as a member of a Panel. He/she may also take a decision as Single Judge.

8. Independence

8.1 The Tribunal and its members must be independent in accordance with the TRI Rules.

8.2 They shall not take any measure nor exercise any influence in relation to a matter where a conflict of interest exists, may exist, or is perceived to exist. The members of the Tribunal must sign an official declaration agreeing to exercise their functions in accordance with the requirements of this article.

8.3 They are bound exclusively by the TRI Rules and applicable law.

8.4. If a member of a Panel is unable, unwilling, or unfit to hear the matter (whether because of an objection to his independence or impartiality or otherwise), the Chair of the Tribunal (or the Deputy Chair) may, in his/her absolute discretion, appoint another member to replace him on the Panel. In case of proceedings being conducted before a Single Judge, the Chair of the Tribunal (or the Deputy Chair) may replace that Single Judge accordingly.

9. Recusal

9.1 Members of the Tribunal must decline to participate in cases relating directly to themselves, their National Federation or Affiliated members to their respective National Federation.

9.2 In the event of any doubt or dispute, the Chair of the Tribunal (or the Deputy Chair) decides on the participation of the person concerned, including by appointing a possible replacement.

9.3 The members of the Panel or the Single Judge must have had no prior involvement with a matter in question.

9.4 Any objection by a party to a member of a Panel must be made to the Chair of the Tribunal within fifteen (15) days of the day the parties have been informed of the relevant Panel composition.

Failure to do so will constitute a waiver of that objection. The Chair of the Tribunal (or the Deputy Chair) will rule on the objection. Such decision is final.

10. Limitation of Liability of Tribunal

Members of the Tribunal and the staff of TRI assisting the Tribunal are not liable for any actions or failures to act in connection with their duties of office except in circumstances involving gross negligence or wilful misconduct.

II. GENERAL RULES APPLICABLE TO THE TRIBUNAL PROCEEDINGS

11. Language

11.1 The language of the proceedings, both written and – where applicable – oral will be English, unless otherwise decided by the Chair of the Panel or Single Judge, in which case, the language must be one of the working languages of TRI Congress.

11.2 All Parties must translate all documents that are in another language that are produced during the course of proceedings into English, unless otherwise decided by the Chair of the Panel or Single Judge.

11.3 Each Party shall pay its own translation and interpretation costs.

12. Majority decision-making

12.1 The members of a Panel take decisions by a simple majority, with no abstention being allowed.

12.2 Members of the Tribunal are bound by confidentiality.

13. Time limits

13.1 A time limit begins the day after which it is notified. It is considered to have been observed if the communication by the parties is sent before midnight, time of the location of their own domicile or, if represented, of the domicile of their main legal representative, on the last day on which such time limits expire. Official holidays and non-working days in Lausanne, Switzerland are included in the calculation of time limits. Time limits are interrupted from 20 December to 6 January inclusive.

13.2 When a deadline expires on Saturday, Sunday or a public holiday in Lausanne, Switzerland, where TRI's headquarters are located, it is carried forward to the next working day.

13.3 If a time limit is not observed, the defaulter loses the procedural right in question.

13.4 Unless otherwise explicitly provided for in these Procedural Rules, time limits laid down by these Procedural Rules may not be extended.

14. Standard of proof

The standard of proof to be applied in proceedings before the Tribunal is the comfortable satisfaction of the competent Panel, or Single Judge.

15. Burden of proof, evaluation of evidence

15.1 Unless otherwise specified in the applicable TRI Rules, the burden of proof shall be on the party asserting the claim or fact in issue. The burden of proof of a breach of TRI Rules lies with TRI, unless otherwise specified in the applicable TRI Rules.

15.2 The Tribunal has absolute discretion regarding the evaluation of evidence.

16. Evidence

16.1 No formal rules as to admissibility of evidence shall apply. Facts may be established by any reliable means. Any type of relevant evidence may be used during investigations and proceedings, provided that human dignity is not violated. Valid forms of evidence in investigations and proceedings include official reports and records, the examination of

witnesses, the examination of parties and investigators, on-site inspections, expert opinions, television and video recordings, personal confessions, and other records and documents.

16.2 The Panel or Single Judge can request that further evidence at any time be included in the proceedings.

16.3 A person is bound by and may not dispute facts determined by a court or tribunal of competent jurisdiction in a decision in proceedings to which he/she was a party that is not the subject of a pending appeal.

16.4 Where a party refuses to answer questions in writing, or in case of a hearing, to appear at that hearing, or appears but refuses to answer a question, the Panel or Single Judge may make an adverse inference against that party.

17. Limitation Periods

17.1 No action for infringement during an Event (except when such infringement also relates to safeguarding and ethics, manipulation of a competition, fraud, bribery, or corruption) may be commenced against an Athlete or other Person or entity unless they have been notified of the rule violation, or notification has been reasonably attempted, within one (1) year from the date the violation is asserted to have occurred.

17.2 No action for that relates to safeguarding or ethics, manipulation of a competition, fraud, bribery or corruption may be commenced against an Athlete or other Person or entity unless they have been notified of the rule violation, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

17.3 Prosecution for fraud, bribery and corruption are not subject to a limitation period.

17.4 Once a proceeding before the Tribunal commences, the claim can no longer be time barred.

18. Witnesses

18.1 All persons under TRI's jurisdiction are obliged to comply with an order from the Tribunal to appear as a witness or give evidence in writing. Anyone failing to comply with an order to appear or give evidence may be sanctioned in accordance with these Procedural Rules. The Panel or Single Judge may take due account of any unjustified refusal to appear at a hearing and/or provide evidence by a party, a party's representative or a witness.

18.2 All persons called to give evidence before the Tribunal are bound to tell the truth and answer in all good conscience any questions that they are asked.

18.3 The Chair of the Panel or the Single Judge decides on the examination of witnesses proposed by the parties. Each party is responsible for ensuring the availability and for covering the costs of witnesses it calls.

18.4 The Chair of the Panel or the Single Judge may limit or reject the evidence of any witness, or any part thereof, on grounds of irrelevance.

19. Anonymous Witnesses

19.1 Where a person's evidence in proceedings opened in accordance with these Procedural Rules could endanger his/her life or put that person or others at risk of harm or in physical danger, the Chair of the Panel or Single Judge, may order that:

- a) the witness is not to be identified in the presence of the parties;
- b) the witness is not to appear at the hearing;
- c) all or some of the information that could be used to identify the witness be included only in a separate, confidential case file.

19.2 In view of the overall circumstances (particularly if no other evidence is available to corroborate that of the anonymous witness), and if it is technically possible, the Chair of the Panel or the Single Judge, may exceptionally order, on his/her own initiative or at the request of one of the parties or of the witness, that:

- a) the witness's voice be distorted;
- b) the witness's face be masked;
- c) the witness be questioned outside of the hearing room;

d) the witness be questioned in writing through the Chair of the Panel or the Single Judge

19.3 Sanctions provided for in article 49 of these Procedural Rules may be imposed on anyone who reveals the identity of an anonymous witness or any information that could be used to identify them.

20. Identification of anonymous witnesses

To ensure their safety, anonymous witnesses are identified behind closed doors.

21. Form of proceedings

Proceedings before the Tribunal are ordinarily conducted in writing. However, in exceptional circumstances and at the discretion of the Chair of the Panel or the Single Judge, a hearing via videoconference may be convened. In such a case, the rules governing hearings and deliberations before the Tribunal are applicable.

22. Opening of proceedings

22.1 To commence proceedings before the Tribunal, the relevant party must send a written notice to the attention of the Tribunal, containing or accompanied by the following:

- a) contact details of the parties;
- b) a copy of the provision in the TRI Rules conferring jurisdiction on the Tribunal to hear and determine the matter;
- c) a statement of the party's case;
- d) any proposals in relation to the conduct of the proceedings, including whether any provisional measures are sought;
- e) a list of witnesses;
- f) a list of evidence.

22.2 In addition, the Tribunal may commence proceedings for unresolved disputes or differences which are referred to it by the TRI Executive Board and TRI Secretary General in accordance with the applicable TRI Rules.

22.2 The Tribunal will determine the dispute in accordance with the applicable TRI Rules and these Procedural Rules. Where the applicable TRI Rules and these Procedural Rules conflict, the TRI Rules will prevail.

22.3 All proceedings before the Tribunal shall be done via video conference save in exceptional circumstances, the Chair of the Panel or the Single Judge may hold proceedings in person in Lausanne or elsewhere but in all instances, the seat of all proceedings shall be Lausanne, Switzerland.

22.4 The Tribunal will have all powers necessary for, and incidental to, the discharge of its responsibilities under the applicable TRI Rules and these Procedural Rules, including (without limitation) the power, whether on the application of a party or of its own motion:

- a) to rule on its own jurisdiction;
- b) to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Tribunal;
- c) to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
- d) to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Tribunal and/or any other party;
- e) to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
- f) to order that certain preliminary and/or potentially dispositive questions (e.g., as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter; and
- g) to award provisional measures or other conservatory measures on a provisional basis and subject

to final determination, in accordance with article 41 of these Procedural Rules.

22.5 Where a Panel is appointed to adjudicate a case, any procedural rulings may be made by the Chair of the Panel, unless he/she prefers to have the full Panel make the ruling in any particular instance.

22.6 Fifteen (15) days after the Panel has been convened, or the Single Judge appointed, in a particular matter, the Chair of the Panel or the Single Judge will issue, through notification of procedural orders, directions to the parties in relation to the procedure and timetable to be followed in the proceedings. The Chair of the Panel or the Single Judge may hear from the parties (in person or by telephone or videoconference) prior to issuing such directions.

In particular, the directions will:

- a) establish a schedule for the exchange of one or more rounds of written submissions and evidence;
- b) make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party, and
- c) fix the date, time and venue of the hearing, if deemed necessary.

22.7 The Chair of the Tribunal may close the proceedings if he/she considers a dispute to be frivolous or vicious.

23. Combination of cases

The Chair of the Tribunal (or the Deputy Chair) has the power, whether on the application of a party or of his own motion, to order consolidation before the same Panel or Single Judge of two or more separate proceedings, and/or to order those concurrent hearings be held in relation to such proceedings.

24. Parties

The parties comprise:

- a) Any individual, National Federation, team, body or entity which is directly affected;
- b) any body that rendered the original decision in dispute (in case of appeal proceedings).

25. Representation

25.1 The parties are entitled to be represented by legal counsel and/or any other representative(s)

in all proceedings before the Tribunal, at their own expense.

25.2. Tribunal members may not represent any party, even in proceedings in which they do not serve.

25.3. Any representative whose power does not flow from the statutes of a National Federation or Continental Confederation, must present a written and signed power of attorney.

25.4 Minors must have a legal representative.

25.5 The Chair of the Panel or the Single Judge decides on issues of representation.

26. Rules governing hearings

26.1 The following rules apply if the Panel, or the Single Judge decides to hold a hearing in a specific case.

26.2 Save for good cause shown by any party, all hearings will be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives, witnesses and experts, as well as the representatives of any third party/parties permitted under the applicable TRI Rules to attend in order to participate in and/or to observe the proceedings.

26.3 The procedure to be followed at the hearing will be at the discretion of the Chair of the Panel or the Single Judge, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to

question witnesses/experts) and present his case to the Panel or Single Judge. The Panel or Single Judge will have discretion as to whether to receive evidence from witnesses/experts in person, by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.

26.4 Unless the Panel or the Single Judge decide otherwise, all parties should attend hearings in person, along with any representative(s). The non-attendance of any party and/or his/its representative(s) at the hearing, after due notice has been given, will not prevent the Panel or the Single Judge from proceeding with the hearing in his/its absence, whether or not written submissions have been made by or on behalf of that party. The Panel or the Single Judge may also take decisions in the absence of all parties.

26.5 Once the parties have completed their respective submissions, the Panel or the Single Judge must deliberate behind closed doors.

26.6 Any recorded hearing is destroyed after five years.

27. Decisions

27.1 The Tribunal cannot make a decision which goes beyond the request of the parties.

27.2 The Tribunal may work on decisions by correspondence or via teleconference, videoconference, or any other similar method.

27.3 The Tribunal shall announce its decision to the parties in a written, reasoned decision, dated and signed by at least the Chair of the Panel or the Single Judge within thirty (30) days. A copy of the decision is sent to any other interested person/entity.

27.4 On the basis of the circumstances of the case, the competent Panel or Single Judge may decide that the operative part only of the decision is notified to the parties, who are informed that they have ten (10) days from that notification to request, in writing, a decision with grounds.

27.5 If only the operative part of a decision is notified to the parties and the grounds are requested within the time limit stipulated in article 27.4 above, the time limit for lodging an appeal begins only on notification of the grounds. Only the parties to which a decision is addressed can request the grounds.

27.6 All decisions will be published on TRI's website. Where a decision contains confidential or sensitive information, the Chair of the Tribunal may decide within seven (7) days of notification of the decision, to publish a redacted and/or pseudonymised version.

27.7 The Panel or the Single Judge may award such decision as it sees fit, including declaratory and/or injunctive relief, and/or a monetary award. Where a breach of the TRI Rules has been established, then (subject to any specific sanctioning provisions set out in those rules) the Panel or Single Judge may impose such sanctions as it deems appropriate, such as – but not limited to – those foreseen in article 49 of these Procedural Rules.

27.8 Where the Panel or the Single Judge finds that an argument advanced by a party was frivolous or otherwise entirely without merit, the Panel or the Single Judge may award costs against that party.

27.9 Decisions of the Tribunal shall be final and binding on all parties and may not be challenged or appealed other than strictly as set out in Part X of these Procedural Rules. All parties waive irrevocably any right to any other form of appeal, review, or recourse by or in any court or judicial authority, insofar as such waiver may validly be made.

28. Deadline to render a decision

28.1 Decisions should be rendered within ninety (90) days of the formal starting of the proceedings by the Tribunal, except in exceptional circumstances, as determined by the Chair of the Tribunal. Nonetheless, an extension may be granted when necessary/under exceptional circumstances by the Panel or Single Judge according to the case at hand. Such extension decision must be communicated to the Parties.

28.2 Decisions that may impact the holding of an Event or of the TRI Elections must be rendered as quickly as possible.

29. Specific procedural aspects

29.1 Where a matter arises that is not otherwise provided for in the applicable TRI Rules or in these Procedural Rules, the Chair of the Tribunal or, if the case has already been opened, the Chair of the Panel or the Single Judge will resolve it based on the available evidence.

29.2 Any deviation from any provision of these Procedural Rules and/or any irregularity, omission, technicality, or other defect in the procedures followed by the Tribunal will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.

III. SPECIAL RULES APPLICABLES TO APPEAL PROCEEDINGS

30. Applicability of these rules on appeal procedures

Save where they are contradicted or pre-empted by provisions of this article, all the other articles of these Procedural Rules will apply in appeal proceedings before the Tribunal, *mutatis mutandis* (i.e., with any amendments deemed to have been made that are necessary to take account of the different context).

31. Scope of Tribunal's Review

The Panel or the Single Judge will have full power to hear the matter under appeal *de novo*, as if it were deciding the matter as the first instance decision-maker, to the extent and within the limits provided for in the applicable TRI Rules. Where it sees fit and where admissible the Panel or the Single Judge may remit the matter to the first instance decision-maker for rehearing.

32. Start of proceedings and Appeal Fee

32.1 Unless otherwise specified in the applicable TRI Rules, notice of the appeal must be filed with the Tribunal no more than thirty (30) days after the date that the appealing party receives the decision in question. The notice of appeal must specify the decision being appealed, the provision in the TRI Rules conferring jurisdiction on the Tribunal to hear the appeal, the relief sought, the grounds of appeal, the contact details of the other party or parties to the appeal as well as any proposed exhibits and supporting documents to the appeal – including a list of any proposed witnesses, witness testimonies or expert reports. The notice of appeal must include a proof of payment of the appeal fee as established in article 32.2 below.

32.2 The Appellant or Claimant must pay, within the deadline established in article 32.1 above, an appeal fee of five hundred USD (\$500). Failure to pay the appeal fee within the deadline will result in the appeal being deemed non-compliant with these Procedural Rules and the appeal shall be declared unsuccessful.

32.3 The appeal fee paid will only be refunded if the appeal is successful.

33. Admissibility of the appeal

33.1 The Tribunal shall examine the compliance of the appeal with these Procedural Rules including:

- a) That the appeal documentation is signed;
- b) That the appeal is submitted within the time required by these Procedural Rules;
- c) That the payment of the appeal fee was done within the time required time; and
- d) That the appeal is otherwise compliant with the TRI Rules and these Procedural Rules.

33.2. In case of non-compliance with article 33.1 above, the Tribunal shall determine the appeal to be unsuccessful.

33.3. In the case of a reparable error, the Chair of the Tribunal may grant an extension of time of a maximum of fifteen (15) days to the Appellant during which he must remedy the said error. If the Appellant fails to remedy such error, the Tribunal shall deem the appeal unsuccessful.

34. Stay of execution

An appeal has no staying effect on the execution of the decision under appeal. Nevertheless, the Chair of the Panel or the Single Judge may, on receipt of a reasoned request, award a stay of execution.

35. Withdrawal of an appeal

The Appellant may at any time withdraw his/her appeal, in which case, he/she may be responsible for any costs associated with the proceedings.

IV. SPECIAL RULES APPLICABLE TO ETHICS AND SAFEGUARDING PROCEEDINGS

36. Applicability of these rules on ethics and safeguarding matters

36.1 Save where they are contradicted or pre-empted by provisions of this article, all of the other articles of these Procedural Rules will apply in ethics and safeguarding proceedings before the Tribunal, *mutatis mutandis* (i.e., with any amendments deemed to have been made that are necessary to take account of the different context).

36.2 For safeguarding matters, the Chair of the Tribunal may release or reduce the obligation of paying the Appeal fee.

37. Composition of the panel

Ethics and safeguarding matters may not be decided by a Single judge. They shall always be handled and adjudicated exclusively by a Panel of at least three (3) members.

38. Decisions

All decisions related to ethics and safeguarding matters must be issued with grounds.

V. SPECIAL RULES APPLICABLE TO THE OLYMPIC AND PARALYMPIC GAMES

39. Composition of the panel

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 Tribunal, who are nominated by the Chair of the Tribunal and available for the duration of the Games. If any Panel member is subject to any conflict of interest in connection with the case, the other Panel member(s) will handle the case.

40. Notification of Decisions

40.1 The Panel shall issue a decision within twenty-four (24) hours of the opening of proceedings. In exceptional cases, this time limit may be extended by the Panel if circumstances so require.

40.2 The decision shall be issued with grounds and communicated to the parties immediately. The Panel may decide to communicate the operative part of the award first, and the grounds of the decisions in the following fifteen (15) days.

VI. PROVISIONAL MEASURES

41. Decision on provisional measures and appeal

41.1 The Chair of the Tribunal, the Chair of the Panel or the Single Judge is entitled to issue provisional measures, upon the request of any of the parties, or of the Tribunal's own motion, within fifteen (15) days, where these are deemed necessary to ensure the proper administration of justice, to maintain sporting discipline or to avoid irreparable harm, or for reasons of safety and security. He/she is not obliged to hear the parties.

41.2 Provisional measures shall remain in effect until a final decision on the matter is rendered.

41.3 If a provisional sanction is issued, the duration of any measure imposed may be deducted from the final sanction.

41.4 Provisional measures pronounced by the Chair of the Panel or the Single Judge, may be appealed against in accordance with the relevant provisions of these Procedural Rules.

VII. INVESTIGATIONS

42. Appointment of investigators

42.1 TRI may appoint at its own initiative or shall appoint on request of the Tribunal one or more independent individuals or entities with the necessary skills and experience to act as investigators and conduct investigations.

42.2 Investigators shall be appointed in accordance with TRI procurement rules.

42.3 Investigators are impartial. They shall not take any measure nor exercise any influence in relation to a matter where a conflict of interest exists, may exist or is perceived to exist.

42.4 They may:

- a) conduct investigations upon request of TRI or upon request of the Chair of the Tribunal; and/or
- b) request the opening of proceedings and propose sanctions to be imposed on parties that are under TRI's jurisdiction.

43. General Principles governing investigators

The general principles governing those appointed to conduct investigations are as follows:

a. Investigators may investigate possible offences falling within the scope of the TRI Rules.

b. In principle, when an investigation is initiated, the parties concerned are informed. This does not apply where such notification is not deemed appropriate. Such investigations are conducted by means of written inquiries and, where necessary, the questioning of individuals. Other investigative procedures may also be employed, including but not limited to on-site inspections, document requests and the procurement of expert opinions.

c. If the investigator(s) considers that one or more offences falling within the scope of the TRI Rules have been committed, his conclusions are submitted in the form of a report requesting the opening of proceedings.

- d. If a breach of the TRI Rules is suspected, persons bound by TRI's Rules must provide the investigator(s) with any information, documents, data recordings and storage devices (text, images, sound, etc.) in connection with the possible offence or misconduct.
- e. If a person is questioned, the interview is generally recorded either electronically or in the form of minutes, which are then read and signed by the person questioned.
- f. An investigation may be reopened if new evidence or facts emerge which imply that an offence falling within the scope of the TRI Rules may have been committed.

44. Evidence

Article 16 of these Procedural Rules is applicable to the investigations *mutatis mutandis*.

45. Confidentiality

As a rule, all documents generated during investigations must be kept confidential if not publicly available; however, the investigators may exceptionally share such documents with TRI, if need be, in a redacted form, for the purposes of facilitating the conduct of investigations and/or proceedings by a National Federation, especially in the event of a serious offence allegedly committed in its jurisdiction.

46. Failure to cooperate

Anyone under TRI's jurisdiction who fails to fully cooperate with the investigator(s) in respect of any enquiry or request made during investigations may be sanctioned by the Tribunal.

47. Investigative Report

47.1 If at the end of an investigation, the investigator(s) finds that a breach of TRI's Rules is suspected, in their request to open proceedings, the investigator(s) shall provide a final report.

47.2 The final report requesting the opening of proceedings shall contain, as a minimum, the following elements:

- a) Facts of the case;
- b) Statement of the parties, if applicable;
- c) Applicable law, including provisions breached;
- d) Evaluation of the investigator(s);
- e) Conclusions of the investigator(s); and
- f) Request.

48. Closing of an investigation

48.1 If at the end of the investigation the investigator(s) finds that there was no breach of TRI's Rules, the investigations is closed.

48.2 A notification of closure of the investigation shall be made to the Chair of the Tribunal or TRI (depending upon by whom the investigator(s) were appointed) and, if applicable, to the party concerned.

48.3 The investigator(s) will communicate to TRI or the Tribunal their decision not to request the opening of proceedings if there are no valid reasons to do so. The final decision to continue with the proceedings will remain with the Tribunal or in the case of safeguarding matters, the TRI Secretary General may still refer the matter to the Tribunal. Such lack of valid reasons occurs, for instance, where the issue at stake can be solved at national level or where the party filing a complaint lacks legal interest worthy of protection.

VIII. SANCTIONS

49. List of sanctions and determination

49.1 The Tribunal may impose the sanctions that are provided for in the relevant TRI Rules.

49.2 In addition to the provisions of the relevant TRI Rules, and subject to such provisions, the following sanctions, or any other sanction included in the Constitution, may be imposed on individuals or teams in case of any breach of TRI Rules:

- a) Warning;
- b) Fine(s);
- c) Roll down in race ranking;
- d) Overturning of a result;
- e) Returning of prize money;
- f) Revocation of a title;
- g) Revocation of a medal;
- h) Community service;
- i) Monetary penalties to a maximum of fifteen thousand USD (\$15,000);
- j) Provisional suspension, loss of accreditation, financing, license or eligibility status to continue their involvement in the sport or a given event
- k) Expulsion from participation in one or multiple national or international competitions;
- l) Suspension for a determinate or indeterminate period of time from competitions;
- m) Suspension for a determinate or indeterminate period of time from exercising any official functions on behalf of the TRI;
- n) ban on exercising any triathlon-related activity;
- m) counselling and/or requirement to complete a course of education;
- n) support, through active participation in education, prevention, training and capacity building programmes; organised by either the respective National Federation and/or TRI;
- o) contract terminated between the sport and the Participant (subject to the terms and conditions of any contract).

49.2. Individual sanctions may be combined.

49.3. The Tribunal determines the type and extent of the sanction to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating circumstances. The conduct of the accused party, including its reaction when confronted with the breach of the TRI Rules, as well as whether information provided by the accused party allowed to uncover or establish a breach of the TRI Rules may be taken into consideration as a mitigating circumstance.

49.4. Athletes against whom sanctions are imposed may be required to repay any monetary or in-kind benefits.

49.5. Recidivism counts as an aggravating circumstance. Recidivism occurs if another offence of a similar nature is committed within:

- a) two (2) years of the previous offence if that offence was punished;
- b) ten (10) years of the previous offence if that offence was punished and related to safeguarding, match-fixing, fraud, bribery, or corruption.

50. Breach of these Procedural Rules

50.1 In case of a breach of these Procedural Rules, notably when someone fails to comply with its duty of collaboration or the rules of conduct provided herein, the Tribunal may impose a sanction as provided for in article 49 of these Procedural Rules.

50.2 The behaviour of a party in the context of the proceedings may also be taken into consideration by the Tribunal when determining the sanction to be applied.

IX. COSTS

51. Awarding Costs

51.1 Costs may be awarded by the Panel or the Single Judge to one of the parties, considering the legitimacy of the arguments, as well as the conduct of the parties.

51.2 The Panel or the Single Judge decide at their own discretion how the costs of proceedings are to be (partially) allocated to the various parties or (partially) borne by TRI. Appeals against such decisions are not permitted. The appeal fee is either deducted from the costs of proceedings or reimbursed.

51.3 Costs caused abusively by a party are charged to the party responsible, irrespective of the outcome of the proceedings.

51.4 Each party bears its own costs, including the costs, of translations/interpretations, its own witnesses, representatives, legal advisers, and counsel.

X. APPEALS TO CAS

52. Jurisdiction

Any decision taken by the Tribunal may be appealed exclusively before the CAS in Lausanne, Switzerland, in its capacity as an appeals arbitration body, to the exclusion of any ordinary court or any other court of arbitration.

53. Admissibility of appeals

All decisions of the Tribunal may be appealed to the exclusion of a preliminary or procedural ruling by the Chair of the Panel or the Single Judge pursuant to article 22.5 which may not be appealed unless

- a) it is dispositive (i.e., it amounts to a final resolution of the matter); or
- b) it is subsequently incorporated into a final decision.

54. Right to appeal

Only parties directly affected by a decision may appeal to the CAS.

55. Time limit for appeal

55.1 The time limit for appeal to the CAS shall be twenty-one (21) days from the receipt of the reasoned decision in question.

55.2 In the case of an appeal against provisional measures, requests for arbitration must be submitted to CAS within no more than three (3) days of receipt of the contested decision.

56. Suspensory effect

An appeal shall not have any suspensory effect as a stay of execution of a decision, subject to the power of the CAS to order that any sanction imposed be stayed pending the outcome of the arbitration proceedings.

57. Scope of review

The CAS shall not take into account facts or evidence which the appellant could have submitted to the Tribunal by acting with the diligence required under the circumstances but failed or chose not to do so.

58. Applicable rules to the CAS proceedings

The CAS Code of Sports-related Arbitration will apply to the proceedings and the language of the proceedings shall be English, and unless the parties agree otherwise the CAS Panel will be a three-person panel.

59. Appeals during the Olympic and Paralympic Games

In appeals submitted to CAS during the Olympic and Paralympic Games the Arbitration Rules applicable to the CAS ad hoc division for the Olympic Games will apply.

60. Publication of CAS awards

TRI may publish CAS awards on TRI's website and/or otherwise as it sees fit, but otherwise the CAS proceedings shall be confidential and no CAS Panel member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings.

XI. FINAL PROVISIONS

61. Entry into force

61.1 These Procedural Rules come into force on the 19th of December 2023.

61.2 These Procedural Rules replace the ITU Disciplinary Rules (edition 2016) and the procedural sections of the following codes, rules, and regulations:

61.2.1. World Triathlon Safeguarding Policy against harassment and abuse in Triathlon (edition 2021);

61.2.2. World Triathlon Tribunal – Ethics Panel (edition 2021);

61.2.3. ITU Code of Ethics (edition 2016).

61.2.4 Any other TRI Rules dealing with TRI Tribunal Procedural Rules.

62. Transitional Provisions

62.1 As provided for in article 4 above, these Procedural Rules apply to any case referred to the Tribunal after the day of their entry into force.

62.2 Pending cases before the Tribunal on the day of entry into force of these Procedural Rules are governed by the predecessor of these Procedural Rules.