

IPF 2018/2019 Legal Procedure and Governance Reform

Code of Conduct.

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IPF Code of Conduct – Part 1: **LEGAL CODE** (replacing Disciplinary Code)

This IPF Legal Code is established as part 1 of the Code of Conduct according to Article 3.8 of the Constitution.

1 Court of Justice (amended in the text replacing „Disciplinary Committee“)

1.1 The IPF will set up a **Court of Justice** to deal with disciplinary cases within the sport of Powerlifting.

1.2 The proceedings of the **Court of Justice** will be conducted according to the **Legal Code** as will be its composition and duties.

1.3 The Court of Justice will also serve as first instance internal legal body of IPF for all matters under IPF authority other than Doping cases or matters of Ethics **or matters which are the final decision-making authority of the General Assembly.**

2 Scope of jurisdiction of the **Court of Justice**

2.1 General provision

The Court of Justice shall investigate the case of any IPF region, affiliated federation, lifter, official, athlete support personnel or any other person or organisation acting in the sport of Powerlifting under IPF's **jurisdiction accused of any of the following:**

- I) Bringing the IPF or the sport of powerlifting into disrepute.
- II) Acting in a manner that is contrary to the best interests of the IPF.
- III) Contravening any of the provisions of the Constitution or By-Laws.
- IV) Contravening any of the rules or regulations governing the accepted behaviour of the IPF regions, the IPF member federations and individual persons under the jurisdiction of the IPF.
- V) Breaching of any part, principles or values of the IPF Code of **Conduct Ethics** (Code).

2.2 Following such investigation it may impose an appropriate penalty **e.g. but not limited to** fine, suspension and ban from participation in IPF events or ban from staging IPF events.

3 Disciplinary Hearings and representation

3.1 The Court of Justice may conduct documentary and in-person Hearings. The following provisions shall apply to disciplinary hearings.

3.2 Representation

3.2.1 The concerned party, IPF region, the concerned national member federation or the concerned lifter or official has the opportunity to let himself be represented at the Court of Justice by an authorised person, e.g. lawyer. As such in all kind of Hearings the parties may be represented or assisted by attorneys, persons of their choice or chose to represent themselves.

3.2.2 The costs for the representative have to be paid by the concerned party, IPF region, the concerned member federation or the concerned lifter or the official himself, regardless of the outcome of the hearing. The IPF accepts no liability for the cost of legal or any other representation for any parties.

3.2.3 The names, addresses, electronic mail addresses, telephone numbers of the persons representing the parties shall be communicated to the Chairman of the Court of Justice.

3.2.4 Where an attorney is representing the athlete or official and wishes to be directly copied on correspondence, the attorney shall file a signed Power of Attorney with the Chairman of the Court of Justice.

3.2.5 For the avoidance doubt all statements (witnesses, claimants, respondents etc.) shall be signed under oath (affidavits), subject to penalty or perjury.

3.3 Hearing Procedure

Introduction

3.3.1 This procedure details the processes to be followed for reviewing and ruling on non-doping related cases referred to the Court of Justice as per Articles 1.1 and 1.3.

3.3.2 If the complainant requests a hearing in-person, as per paragraph 3.1 this may be granted at the discretion of the Court of Justice Chairman.

3.3.3 All cases lodged must be in accordance with the IPF Constitution and submitted via the IPF Secretary General.

3.3.4 No case can be accepted directly by the Court of Justice from any other source.

3.3.5 A fee of Euro 500 must be paid for each complaint to be filed or case brought up to the Court. The fee shall be refunded if the complaint is upheld or the case decided in favour of the party bringing the case to the Court. Nothing will be done with the complaint or no case be accepted until the IPF Treasurer confirms receipt of payment in full.

3.3.6 If the complainant owns monies for any outstanding debts to either the IPF or CAS, the case will automatically be rejected until such time as debts are paid in full to the IPF Treasurer or to the CAS. The same principle applies to all other cases being brought forward to the Court at the discretion of the Chairman of the Court of Justice.

3.3.7 Complaints must detail the applicable paragraph of the IPF Constitution and/or By-Laws that has been violated.

3.3.8 All complaints submitted must include independently substantiatable evidence that a violation has occurred or they will be rejected.

3.3.9 Any sanctions imposed shall be in accordance with the IPF Constitution.

3.3.10 The burden of proof shall be on a balance of probabilities.

3.3.11 The accused party shall be presumed innocent until proven guilty on a balance of probabilities.

3.3.12 The principles of natural justice shall apply.

4 Independence and Impartiality of the Court of Justice

4.1 Every member of the IPF Court of Justice and any Hearing Panel shall be and remain impartial and independent of the parties in any hearing. Note that this may be the entire Court of Justice or a sub-set, dependent on the circumstances of the case and availability of members. The minimum number of the Hearing Panel shall be three.

4.2 Once nominated to a specific case by the Chairman, each Court of Justice member shall sign a declaration that they are free from conflicts of interest and/or shall immediately disclose any circumstances which may affect their independence or impartiality with respect to any of the parties.

5 Format of Proceedings

5.1 Cases brought before the Court of Justice shall be conducted primarily by way of documentary hearings unless a hearing in person has been granted as per Article 3.3.2.

5.2 In case of a disagreement by the parties on the format of the proceedings the Court of Justice Chairman shall make a final determination taking into account the urgency, the potential costs to the parties and the particulars of the dispute with regards to the production of evidence.

6 Timeframe

6.1 The Court of Justice Chairman shall within 14 days, forward the allegations to the accused party, who shall have 21 days to provide their defence.

6.2 The Court of Justice shall consider the submissions and request any clarifications they deem necessary from either party within 14 days.

6.3 The parties shall reply to any question from the Court of Justice within 14 days.

6.4 The Court of Justice shall send their judgement, copy to the IPF Secretary General, within 21 days.

7 Procedure for IPF Court of Justice Documentary Hearings

7.1 The proceedings before the Court of Justice comprise written submissions and a documentary hearing.

7.2 Upon receipt of the file and if necessary, the Court of Justice Chairman shall issue directions in connection with the written submissions.

7.3 As a general rule, there shall be submissions filed by the persons against whom charges have been brought. Ideally these will be in the form of a formal brief with exhibits. However, any email correspondence exchanged and all statements and/or documents filed shall be accepted as part of the case file.

7.4 Should the claimant elect to file additional materials, the persons accused shall also receive an electronic copy of said submissions.

7.5 Any witness or expert statements filed as exhibits by any of the parties involved should at minimum be signed and dated, and ideally be filed as a sworn affidavits.

7.6 After the exchange of the written submissions, the parties shall not be authorized to produce further written evidence, unless the Court of Justice so permits on the basis of exceptional circumstances.

7.7 The written submissions shall be compiled, organized and summarised as needed by the **Court of Justice** Chairman **or his designated representative as case reporter** and submitted to the **Court of Justice** Hearing Panel for its deliberations.

7.8 In the course of its deliberations, should the **Court of Justice** determine that it requires additional information or clarifications from either the parties concerned, other persons or IPF on the submissions received, it shall be allowed to seek this out at any time prior to or in the course of the hearing via the Chairman of the Court of Justice.

7.9 Once having decided on the matter by majority vote, the **Court of Justice** will then issue a written and reasoned decision that will be communicated to all parties no later than 21 days after the hearing.

7.10 The **Court of Justice** judgement can be appealed in accordance with the **IPF Legal Code** regulations and Constitution, as stated in the Court of Justice judgement.

8 Composition and Duties of the **Court of Justice**

8.1 The **Court of Justice** shall be composed of nine (9) members; the Chairman elected by the General Assembly and six (6) members from the IPF Regions (one member from each Region) appointed by the General Assembly and two (2) other members appointed by the Executive Committee, for a renewable term of four years.

8.2 Each and every one of the six IPF Regional Federations shall elect one person from the Region concerned, who is known for the independency of spirit and competency, as a nominee who will be appointed to the **Court of Justice** by the electoral General Assembly.

8.3 No current member of the Region's or IPF's Executive shall be a member of the **Court of Justice**.

8.4 No member of the **Court of Justice** may belong to any other IPF body.

8.5 The Chairman of the **Court of Justice** shall appoint a Deputy Chairman from amongst the six members appointed by the General Assembly.

8.6 If the Chairman of the **Court of Justice** is prevented from acting in any matter, the Deputy Chairman shall replace him. If both the Chairman and the Deputy Chairman are prevented to acting in any matter, the remaining members of the **Court** shall choose an acting Chairman **for the individual**.

9 Other breaches of the Code of Conduct brought before the **Court of Justice**

9.1 An investigatory panel of at least 3 members of the **Court of Justice** appointed by the Chairman shall investigate alleged violations of the Code. **The Chairman shall appoint one case reporter to prepare the case file for the respective case.**

9.2 A confidential investigation shall be undertaken by the panel of the **Court of Justice**. The right to due process of the person concerned shall be respected.

9.3 The investigation outcomes shall be written down in a report that shall be presented to the Members of the **Court**. The **Court** shall adjudicate whether the violation of the Code has been committed.

9.4 The sanction decision, where appropriate, shall be made by the **Court of Justice**.

9.5 After examining all facts and documents the **Court** makes its decision and sends this to the IPF Secretary General who sends it to the IPF Executive Committee and any relevant party.

9.. Decisions taken by the **Court of Justice** on the cases arising from violations of the Code are subject to appeal to the Appeal Committee as second instance of IPF before the matter can be taken to the Court of Arbitration for Sport (CAS).

9.7 The **Court of Justice** shall conduct investigations and make decisions also **on all other disciplinary cases or matters** referred to it arising within the IPF and its **Regional Federations**, except on doping related cases and ethics matters **or matters with decision making authority for the General Assembly**. **Duties of the IPF Disciplinary Committee as apply to the Result Management Procedure on doping related cases are as defined in article 7 of the IPF Anti-Doping Rules.**

9.8 The Secretary General mandated by the Executive Committee shall refer the disciplinary cases (other than the disciplinary cases arising from the Code and on ethics matters or matters within decision making authority of the General Assembly) to the **Court of Justice**. Disciplinary cases referred to in this item can also be sent, via the IPF Secretary General, to the **Court of Justice** by the national member federations.

9.9 The panel of the **Court of Justice** shall further collect all relevant information and evidence needed to deal with the cases as mandated in the various parts of the Constitution and By-Laws and the Code. All sensitive information shall be treated confidentially within the parties involved.

9.10 The sanction decisions of the **Court of Justice** shall be made public on the IPF Website.

9.11 The **Court of Justice** may provide advisory opinions on any potential issue related to the Code.

9.12 The **Court of Justice** shall have the power to make proposals to the IPF General Assembly for updating the **legal** principles, including in particular the IPF **Code of Conduct**, and shall oversee the implementation of the Code.

10 Appeals, **Court of Appeal**

10.1 The Court of Appeal will serve as second instance internal legal body of IPF for all matters under IPF authority other than Doping cases or matters of Ethics or matters with final decision making authority of the General Assembly. The final decision of the Court of Appeal concludes the internal IPF legal procedures.

10.2 Unless specified otherwise in this Constitution, decisions made by the IPF **Court of Justice** on disciplinary cases **and other cases arising from the IPF Code of Conduct or any other case** are subject to appeal to the IPF **Court of Appeal**.

10.3 Appeal hearings

10.3.1 The IPF **Court of Appeal** shall receive all documents relating to any appeal for which it has jurisdiction under this Constitution. Without limitation, decisions made under the IPF Anti-Doping Rules may be appealed exclusively to the Court of Arbitration for Sport (CAS) in accordance with the provisions applicable before such court (re the IPF Anti-Doping Rules, article 13).

10.3.2 Appeals other than appeals to the CAS must be lodged with the **Court of Appeal** Chairman within one month of the written notification of the decision on which the appeal is based. A copy of the appeal must be sent to the IPF Secretary General.

10.3.3 The Court of Appeal shall, within one month of receiving all documentation and submissions relating to the appeal or, if a hearing is to be held, within one month of such hearing, examine and investigate the matter and make a decision on it.

10.3.4 Appeals lodged with the **Court of Appeal** and appeals to the General Assembly must each be accompanied by payment according to By-Laws 103.2.10 for appeals. If the appeal is successful no financial

claim or other petition for damages may be made against the IPF. Following successful appeals, the fee paid for the appeal will be refunded.

10.3.5 The **Court of Appeal** may, in its absolute discretion, waive or vary the time limits contained **Court of Appeal** herein. Decisions made by the IPF may be appealed to CAS in accordance with the CAS rules.

11 Composition, Duties and procedures of the Court of Appeal

11.1 The **Court of Appeal** consists of the Chairman elected by General Assembly and 6 members. No current member of the IPF's Executive or any IPF Region's Executive shall be a member of the **Court of Appeal**. Any member of the **Court of Appeal** shall not be simultaneously a member of the **Court of Justice**.

11.2 Duties are described in the IPF Constitution 11.4.1 „Appeal Hearings“.

11.3 The procedures of the Court of Appeal run in analogy to the respective rules for the Court of Justice if not amended explicitly under Article 11.

12 Appeals filed with CAS

12.1 No appeal shall be filed with the Court of Arbitration for Sports (CAS) before the Appellant has exhausted the legal remedies available to him prior to appeal, in accordance with the relevant rules of this Constitution and any other IPF rules and regulations including, without limitation the IPF Anti-Doping Rules. An appeal against a decision on a particular case may be filed with CAS only after the decision of:

- i) The General Assembly (GA); decisions for cases where an appeal may be referred to the GA, as defined in the relevant rules of this Constitution.
- ii) The IPF **Court of Appeal (CA)**; decisions on cases where an appeal against a decision of the IPF **Court of Justice** is referred to the CA, as defined in the relevant rules of this Constitution.
- iii) The IPF Doping Hearing Panel (DHP); as defined in the IPF Anti-Doping Rules and the WADA *Code*.
- iv) The IPF **Ethics Committee (EtC)**; decisions on cases arisen from the IPF Code of Ethics, as defined in the relevant rules of this Constitution and the relevant clauses of the IPF Code of Ethics.
- v) The TUE Panel of the IPF Medical Committee; decisions on TUE applications, as defined in the relevant rules of the IPF Anti-Doping Rules and the WADA *Code*.

12.2 Any decision made by the CAS shall be final and binding on the parties concerned.

13 Changes to the Legal Code and date taking effect

13.1 The IPF Executive Committee may modify the **Legal Code** from time to time to keep it updated.

13.2 The changes to the **Legal Code** will take effect three month after the approval of the changes by the Executive Committee. Retroactive changes are not permitted.

13.3 All changes must be approved by the General Assembly following the change of the Code.

14 Disciplinary actions and penalties - catalogue

14.1 Failure to apply for Competition Permit

National federations, which neglect to request the required IPF permit for an international competition and do not pay the required fee, shall be fined an additional EUR 200. The Treasurer shall send a warning letter to them. If the fee and fine are not paid within thirty (30) days of sending the warning, the national federation shall be suspended until such time as the total amount has been paid. Sanction fees for world championships must be paid at the time of application for the event.

14.2 Failure to Pay Annual Subscription Fee

A national federation, which has not paid its annual subscription by the 31st of January, despite having received a reminder letter, shall be suspended from membership of the IPF by the IPF General Assembly, however only after more than two years in arrears with their annual subscription as specified in item 103.9 of the By-Laws.

14.3 Defaulting on Agreements to Compete

If a national federation defaults on a competition engagement with another country or countries, the **Court of Justice** may, in the case of disagreement between them, make a decision or impose penalties if the IPF Constitution or rules have been ignored.

14.4 Reporting Infractions in International Competition

If a lifter or official commits any form of violation during an international contest in another country, the organising national federation must send a detailed report to the IPF Secretary General who in turn will inform the **Court of Justice** which shall examine the case and make its decision on it. The organising national federation cannot penalise lifters or officials from other countries.

14.5 Suspension of Federations for Violations of Constitution/By-Laws

Any IPF region or affiliated national federation, which violates the Constitution or rules of the IPF, shall be suspended by the recommendation of the **Court of Justice** for a period to be decided by the General Assembly. In serious cases the EC may provisionally suspend the region or affiliated national federation until the next General Assembly.

14.6 Hearing prior to Penalty

Any IPF region, any national member federation or lifter or official asserted to have committed a rule violation has the right to be heard in its or his/her case before the relevant IPF disciplinary or hearing body makes its decision on the case. This right may be satisfied by the opportunity to make written submissions.

14.7 Procedure for Filing Complaints against Individuals

Any lifter or official who considers that he has been wronged has the right to file a written complaint stating his reasons for complaining. This must be done through the intermediary of his national federation. If another person is implicated, the latter must be heard if at all possible. If the complaint is not made to the organizing national federation, it may be made to the Jury before the start of the competition. It must be examined immediately and if possible a decision taken.

A copy of the complaint and the decision of the Jury must be in writing and must be sent to the **Court of Justice**.

14.8 Participation of Foreign Lifters in National Competition

A lifter living in a foreign country may only participate in competitions organised in that country provided that he presents written evidence of permission of his national federation to take part in such competition. This is to be provided by the national federation of the lifter.

14.9 Participating in Non-IPF Competition

Any lifter, coach, referee or official who competes or participates in an international powerlifting or Bench Press competition not organised, sanctioned or approved by the IPF shall not be permitted to take part in any IPF international or regional competition for a period of 12 months from the date of that non-approved competition.

14.9.1 Notwithstanding article 14.9 the lifter, coach or official may participate in multi-sport international games, e.g. the Commonwealth Games, the University Games, or the Students' international or regional multisport games that is not sanctioned by the IPF, however provided that there is not any athlete or other person participating in such games in any capacity who is serving his/her Ineligibility period for a doping offence.

14.10 Other causes for Suspension/Expulsion: Dishonourable conduct, failure to attend, “throwing competitions”, competing against an Athlete who have been expelled or is under a period of Ineligibility

The following may be subject to suspension or expulsion:

14.10.1 Any lifter or referee properly entered for a competition that without acceptable reasons does not attend.

14.10.2 Any lifter who is deemed guilty of violating the rules or disobedience towards his national federation or any official in the execution of his duties.

14.10.3 Any lifter convicted of agreement to alter his best effort.

14.10.4 Any lifter, who by words or gestures threatens referees or any other officials in the execution of their duties.

14.10.5 Any lifter who participates in a contest with other countries without permission of his national federation.

Penalties

Up to a maximum of 6-month suspension for the first offence

Up to a maximum of 12-month suspension for the second offence and a maximum fine of EUR 250

14.10.6 An Athlete or official shall not participate in contests or competitions if there is any Athlete or official participating in any division, section or bodyweight class of that contest or competition who has been expelled or suspended from his or her international or national federation or who is serving the period of Ineligibility for a doping related offence.

Penalty for violation of this rule (14.10.6):

- Six (6) months' Ineligibility commencing from the date of violation.

The determination of the applicability or otherwise of penalty under this rule (14.10.6) shall be made by the IPF **Court of Justice**. Prior to such determination by the Court, the IPF Executive Committee may provisionally suspend the athlete, such suspension to commence from the date of the alleged violation.

14.11 Offences against person while at Championships, Jury Role

For offences such as false accusations of dishonour or dishonesty against a lifter or Official occurring at a championship, the Jury decides in these cases as soon as is possible (see Constitution 14.14)

Penalties

First minor offence: up to a maximum of 6-month suspension.

Second minor offence: up to a maximum of 12-month suspension and a maximum fine of EUR 250.

First serious offence: up to a maximum of 12-month suspension.

Second serious offence: up to a maximum of 24-month suspension and a maximum fine of EUR 500.

14.12 Penalty for “Bringing the Sport into Disrepute”

Any member of an affiliated national federation who is found to be guilty of bringing the sport into disrepute by means of his comments, published articles, TV or radio broadcasts etc. may be requested to appear before **Court of Justice**. Should the **Court** feel that a bona fide case of violation exists, they will then present the matter to the General Assembly with a recommendation for an appropriate penalty. In serious cases the EC may provisionally suspend the member. The case will then be immediately sent to the **Court of Justice** for decision.

14.13 Responsibility for Payment of Fines

The concerned member federations are responsible for the payment of all fines that the Court of Justice has imposed.

14.14 Limitations to Jury's Role in Discipline

The Jury has the right to act as Court of Justice, but only in cases which are connected to the championship and which need an immediate decision. The decision of the Jury is definite for this championship. The President of the Jury must send a copy of all decisions with all related documents to the **Court of Justice** who will then review the actions of the Jury.

14.15 Sanctions and Consequences for Anti-Doping Rule Violations

14.15.1 In case of a violation of the IPF Anti-Doping Rules, the lifter or other person involved shall be imposed in an appropriate period of Ineligibility as defined under Article 10 of the IPF Anti-Doping Rules and shall be subject to other consequences as defined under Articles 9 and 10 of the IPF Anti-Doping Rules. 14.15.2

Consequences to Teams shall be as defined under Article 11 of the IPF Anti-Doping Rules.

14.15.3 Sanctions and costs assessed against National Federations shall be as defined under Article 12 of the IPF Anti-Doping Rules.

14.16 Staying in the Venue until the end of Medal Ceremony

14.16.1 All athletes taking part in competition in World Championships must stay in the venue after the weighing for that particular lifting session until the end of the medal ceremony for the weight category in which the athlete competed in that World Championship.

14.16.2 An athlete who wants to leave the venue before the end of the medal ceremony for his/her weight category must ask and obtain a written permission from the Jury before leaving the venue.

14.16.3 If the athlete leaves the venue before the end of the medal ceremony without permission from the Jury, it may be considered as an asserted violation of article 2.3 of the IPF Anti-Doping Rules (Evading, Refusing or Failing to Submit to Sample Collection). If the athlete is found to have committed an abovementioned antidoping rule violation the consequence for that violation is as defined in article 10.3.1 of the IPF Anti-Doping Rules.

14.17 Enforcing of Penalties

Any sanction imposed on a competitor or other person by the relevant body of the IPF or by an IPF recognised body shall be recognised and enforced by all members and regions of the IPF.

14.18 Official Defined

The term "official" wherever it may appear in this Article, shall be deemed to include all persons described as such in the IPF Technical Rules or appointed by the organising committee of a championship, to act in any official capacity during the whole or any part of that championship.

14.19 Offences against IPF Protocol at events and ceremonies

14.9.1 The Court of Justice is entitled to take final decisions on breaches of protocol at any IPF events and ceremonies.

14.9.2 The protocol is defined in the respective IPF rules and event briefings.

14.9.3 The Jury is entitled to take preliminary decisions during IPF events to be reviewed by the Court of Justice.

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approved by the IPF Executive Committee in August 2018