



IOF Ethics Panel Rules of Procedure

December 2023

Introduction

1. The Ethics Panel has the discretion to regulate its own procedure, provided that the procedure is consistent with Article 8 of the International Orienteering Federation's (IOF) Code of Ethics, and bearing in mind the principles of fairness, impartiality and independence. If a procedural issue arises that is not provided for in these Rules or the Code of Ethics, the Chair of the Ethics Panel or the Chair of the Hearing Panel (should the matter arise during a hearing) may decide the issue taking into account Article 8 of the Code of Ethics and the principles of fairness, impartiality and independence.
2. The Ethics Panel is authorised to receive reports of a Code of Ethics violation from an IOF member federation, the IOF Council, or an individual with an interest in the dealings of the IOF.
3. The Ethics Panel is empowered to deal only with issues that fall within one or more of the four Ethical Principles outlined in the Code of Ethics: Equality, Fair Play, Respect, and Integrity.
4. The Ethics Panel will divide its membership into those charged with the investigation of a report and those charged with the adjudication of a report. Members will act discretely in only one of these functions.
5. A member of the Ethics Panel fulfils their obligations under the following conditions:
 - a) They are independent of the IOF and may not belong to any other IOF constituent body or committee.
 - b) They must not act in relation to any matter where a conflict of interest exists or is perceived to exist. Where a conflict, or potential for the perception of a conflict of interest, arises, the Ethics Panel member must immediately disclose the conflict and decline to act. If there is doubt regarding a member's participation, the Chair of the Ethics Panel will make the final decision on the member's participation.
 - c) They must sign an official declaration at the start of each term undertaking to exercise their function independently and impartially.
 - d) They are bound by the IOF Statutes, the Code of Ethics, rules, regulations and the law.

Investigation

6. Any report of a Code of Ethics violation must be in English and set out the following:
 - a) The name and contact information (e.g. email address, postal address) of the individual or entity making the report;
 - b) The name and contact information (e.g. email address, postal address) of the individual and/or entity *against* whom the report is made;
 - c) A description of the facts that form the basis of the report; and
 - d) Any evidence in support of the report.
7. Following an initial appraisal of the information provided under Rule 6, should the Chair of the Ethics Panel consider that an investigation is required, the Chair will appoint a member to investigate the report ("the Ethics Panel Investigator"). The Ethics Panel Investigator is authorised to investigate the report in accordance with these rules, and to prosecute an alleged violation in any subsequent hearing. Where appropriate, the Ethics Panel Investigator will inform the affected/named parties of the report and the process to be undertaken.
8. The investigation will be conducted by written correspondence, unless questioning and/or a meeting is required. A meeting may be conducted in person, by teleconference or videoconference, and where possible, may be recorded. The consent of both parties to the recording is required. Other investigative means may also be employed e.g. a professional report or legal advice (including translation) may be obtained, documents requested etc. If the Ethics Panel Investigator is likely to incur costs, they will consult the IOF Chief Executive Officer and obtain their agreement to payment for these costs, such agreement not to be unreasonably withheld.
9. At the conclusion of the investigation, the Ethics Panel Investigator will decide to:
 - a) Reject the alleged violation of the Code of Ethics because of a lack of evidence or a lack of competence for the Ethics Panel to determine the complaint;
 - b) Resolve the alleged violation informally by way of advice or information because it does not warrant a full hearing;
 - c) Refer the alleged violation for adjudication by a Hearing Panel.

10. If the report is rejected due to a lack of evidence, the investigation may be re-opened within 12 months of the rejection, if new evidence or facts emerge that suggest a breach of the Code of Ethics has occurred.
11. The Ethics Panel Investigator must report their decision to the Ethics Panel Chair within 28 days of appointment, unless the Chair has granted the Ethics Panel Investigator an extension of time up to a maximum of an additional 56 days. The Chair of the Panel will inform the affected individual and/or entity of the Ethics Panel Investigator's decision.
12. A failure to cooperate with an investigation is a breach of these Rules and an offence and will result in proceedings before the Ethics Panel.
13. The Ethics Panel Investigator's decision is final and not appealable.
14. The Chair of the Ethics Panel is entitled to suspend an individual or entity from any or all activities connected to orienteering where they consider it necessary to ensure the proper administration of justice, to avoid irreparable harm, or for reasons of safety and security. Any decision to suspend may be taken without hearing from the Ethics Panel Investigator or the parties. The suspension may apply for up to 90 days and should the matter proceed to a full hearing, may be considered as part of any final measure implemented by a Hearing Panel.

Hearing

15. Where a formal hearing is required, the Chair of the Ethics Panel will select three or more members to convene a Hearing Panel, and will appoint a Chair of the Hearing Panel. The Chair of the Ethics Panel may appoint themselves to a Hearing Panel. The Ethics Panel Investigator will prosecute the case and be a party to the proceedings before the Hearing Panel.
16. Any objection to the Hearing Panel composition must be notified to the Chair of the Ethics Panel within 7 days of the Chair of the Ethics Panel informing the parties of the Hearing Panel's composition. The Chair of the Ethics Panel will decide all objections to the Hearing Panel's composition, unless the objection is against the Chair of the Ethics Panel themselves, in which case another member of the Ethics Panel who is not appointed to the Hearing Panel, will decide the objection. If the objection is upheld, a new member of the Hearing Panel will be appointed.
17. The Hearing Panel has the full power to conduct the hearing and make all necessary procedural decisions in a fair, independent and impartial manner.

18. Prior to the hearing, the parties will be given the opportunity to make written submissions, adduce additional documents/exhibits or provide written witness testimony. The Hearing Panel or the Chair of the Hearing Panel will set directions to prepare the case for the hearing in a timely manner.
19. The hearing may be conducted on the papers, in writing, in person, by videoconference, by telephone conference, or in a hybrid format, provided that all affected parties are granted the opportunity to respond to the allegation.
20. The hearing shall be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at their own cost. Any party who wishes (or whose witness wishes) to give oral evidence in another language must bring an independent interpreter to translate that evidence into English, at their own cost, unless the Hearing Panel orders otherwise.
21. The procedure to be followed at the hearing will be at the discretion of the Hearing Panel, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present their case and evidence, including the right to call and to question witnesses or experts. The Hearing Panel will have the discretion to receive evidence from witnesses or experts in person, by telephone, by video conference, or in writing, and may question a witness or expert and control the questioning of a witness or expert by a party.
22. The Hearing Panel has the absolute discretion to receive such evidence as it considers relevant, including from anonymous witnesses, and to evaluate or attach such weight to that evidence as it sees fit. No formal rules of admissibility of evidence apply, and facts may be established by any reliable means.
23. A decision of the Ethics Panel will be taken by a majority of the panel. No member of the Hearing Panel may abstain.
24. Where the Hearing Panel decides that a violation of the Code of Ethics has occurred, it shall impose such consequences and sanctions as it considers appropriate in accordance with Article 9 of the Code of Ethics. A sanction may include:
 - a) An informal caution
 - b) A formal caution
 - c) Temporary suspension from competitions and/or IOF activities
 - d) Exclusion for life from competitions and/or IOF activities
 - e) An appropriate fine
 - f) Removal of any previously obtained honours
 - g) Any other sanction that the Hearing Panel considers appropriate in the circumstances.
25. The Hearing Panel will draft a decision with reasons and provide it to the parties within a reasonable time after the hearing. Ordinarily, the Hearing Panel will aim for

the decision to be distributed no later than 21 days after the hearing, although it may be longer depending on the complexity of the matter and other circumstances arising after the hearing. A copy of the decision will be passed to the IOF for formal implementation and action through the IOF Council. The IOF Council has no review powers to modify any findings or sanctions applied by the Ethics Panel.

26. Ethics Panel decisions are final and binding on all parties, and may not be challenged or appealed other than strictly set out in Rule 28.

Publication

27. An Ethics Panel decision will be published by the IOF. To protect confidential information or if the case involves a person under the age of 18, the IOF may decide at the request of a party or of its own volition to publish a redacted version or summary of the decision.

Appeal

28. A party may appeal the Ethics Panel's decision under Rule 25 to the Court of Arbitration for Sport within 21 days of the date of the decision. Further information about commencing an appeal may be found in the Code of sports related arbitration on the Court of Arbitration For Sport's website at <https://www.tas-cas.org/en/index.html>.

Review

29. A party may seek a review of the Ethics Panel's decision if a party discovers new information that, despite investigation, could not have been produced sooner and could result in a more favourable decision. A request for review shall be made to the Ethics Panel Chair by the party concerned within ten days of discovering the new information or it will not be admitted. A request for review does not suspend the time for an appeal under Rule 28. The limitation period for submitting a request for review is one year after the date of the Ethics Panel decision.
30. When a request for review is received, the Chair of the Ethics Panel will re-open the case and allocate it to an Ethics Panel Investigator for investigation.

Miscellaneous

31. These Ethics Panel Rules of Procedure come into effect on 1st January 2024 and apply to all reports of ethical violations received after that date.

Robert Dredge
For and on behalf of the IOF Ethics Panel
20 December 2023



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