

IPACS Benchmark Guidelines

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IPACS Benchmark E1 – The organisation has established an ethics committee with independent representation

Definitions

- Ethics committee – a committee of individuals with relevant expertise who have responsibility for some or all of the functions relating to the organisation's Code of Ethics or equivalent rules, including on conflicts of interest (whether they are called the ethics committee or have another name); their functions will generally consist of some or all of the following:
 - Drafting and updating the Code of Ethics ("overview function") with final approval by the governing body or general assembly
 - Providing guidance and/or education on ethical matters ("advisory function"), such as answering questions from members on the application of conflicts of interest rules
 - Investigating alleged breaches of the Code of Ethics and recommending sanctions ("investigation/recommendation function")
 - Passing judgement on alleged breaches of the Code of Ethics after due process and determining disciplinary sanctions ("disciplinary function")
 - In smaller organisations the role of ethics committee may be delegated to an external independent body
- Independent (person) – an individual who is free of any connection to the sports organisation (at national and/or international level)

Introduction to this benchmark and its significance

- An ethics committee is established to assist the organisation in addressing ethical issues that arise in relation to a Code of Ethics; it is important for the organisation's credibility not only that a Code of Ethics is in place setting expectations for behaviour but also that it is seen to be implemented, with consequences for breaches
- Having an ethics committee composed of individuals with relevant expertise and independence may have a positive impact on public trust in the organisation
- An ethics committee with independent representation may be more effective at implementing the organisation's ethics and anti-corruption policies; it also ensures separation of powers between those who make the rules and those who enforce them (with the possible exception of the Code of Ethics)
- The rules on conflicts of interest and other ethical rules apply to all members of the ethics committee
- Everyone is entitled to a fair trial in proceedings. Appeal processes shall be provided.

Commentary on the action to be taken

- The organisation should have provision for an ethics committee in its Statutes which has some or all of these roles:
 - Overview function
 - Advisory function
 - Investigation/recommendation function
 - Disciplinary function
- In some organisations, particularly those that are small, the ethics committee may fulfil all of these functions; if it does not, there should be appropriate alternative structures and responsibilities, such as a disciplinary process managed by an independent judicial function; there may be benefits to separating the investigation and disciplinary functions
- Regardless of the powers delegated to the ethics committee, the governing body should remain primarily responsible for ensuring the effective design, implementation and monitoring of the organisation's ethics and anti-corruption policies
- The ethics committee should be in place including independent individuals. Independence has increased importance if the ethics committee has investigation/recommendation and/or disciplinary

functions. The function of the ethics committee can also be delegated to a committee which is operationally independent or external to the organisation

- The ethics committee members (typically three to five) should be balanced in terms of expertise relevant to the organisation (e.g. from different regions, knowledge of different aspects of the sport, including athlete representation, and experience in the fields of ethics and anti-corruption) with gender equity; the skills and experience required may vary depending on the committee's functions
- Ethics committee members should not carry out an investigation/recommendation or disciplinary function in any situation in which they have an actual, potential or perceived conflict of interest
- If the ethics committee has an investigation/recommendation function, it should have procedural rules covering the conduct of investigations and its powers
- The organisation should publish details of sanctions arising from breaches of the Code of Ethics, whether determined by the ethics committee or a separate judicial function decisions or recommendations, with redactions if necessary
- The ethics committee could be supported by a staff member or volunteer (in non-voting capacity) with relevant expertise who provides the link between the committee and senior management and potentially co-ordinates the advisory function; where the support is provided by a staff member, there must be strict rules about confidentiality and they should report to the ethics committee chair on committee matters
- See also Recommendations B1 (Code of Ethics), B5 (integrity investigations), B6 (publication of sanctions), B9 (zero tolerance), B10 (anti-corruption code), C6 (term limits) and E7 (right of appeal)

Investment requirement – there are limited costs for developing relevant rules and for establishing a committee; more resources may be required for investigations and ongoing monitoring, including potentially fees or indemnities for ethics committee members

Guidance according to stage of organisation

Early stage

- The organisation has a designated committee or body separate from the governing body including independent members to assist the organisation in addressing ethical issues that arise in relation to a breach of its Code of Ethics or equivalent
- The ethics committee has some or all of the following functions (with others covered appropriately in other ways):
 - Overview function
 - Advisory function
 - Investigation/recommendation function
 - Disciplinary function
- If the ethics committee fulfils investigation/recommendation and/or disciplinary functions, it has a majority of independent members
- The organisation has conflicts of interest rules and mechanisms for the implementation of the rules, which must be respected at all times by all of the members, including the independent members
- The organisation publishes details of sanctions following concluded cases, in an appropriate manner, according to relevant regulations
- The organisation has an agreed process for recruitment and any remuneration of ethics committee members
- The organisation provides regular education programmes for its members and staff

Developing

- The ethics committee has a majority of independent members, which includes athlete representation, whose composition is approved by the general assembly.
- The ethics committee has rules of procedure, with clear powers relating to its functions, plus robust integrity safeguards (for instance, mechanisms for preventing conflicts of interest)
- The ethics committee has appropriate resources to fulfil its duties, which may include fees or indemnities for committee members

- The regular general assembly agenda includes a report from the ethics committee on its activity
- The ethics committee keeps the governing body informed of its activity, when appropriate
- The organisation dedicates proportionate resources and means for detecting possible breaches of the Code of Ethics and investigating them

Advanced

- The ethics committee actively fulfils all of its four functions, or the investigation and disciplinary functions may be managed by one or more independent bodies
- In an international sports body, the members of the ethics committee come from different regions of the world
- The ethics committee report is published annually
- The ethics committee has an independent secretariat
- Ethics committee members could be selected through open recruitment

Good practice examples

International Sports Organisations (from 2020)

- FIH: The [Integrity Unit](#) investigates complaints about alleged breaches of the FIH Integrity Code. [Terms of Reference](#) are published
- ISSF: The Ethics Committee is established as and when cases arise. See Section 6 (Procedures) of the Code of Ethics – in particular 6.1 and 6.2:
<https://www.issfsports.org/getfile.aspx?mod=docf&pane=1&inst=465&file=ISSF%20Code%20of%20Ethics.pdf>
 - See section 4 on disciplinary measures – the Committee can propose sanctions and start investigations.
 - An Ethics Committee case has been published:
<https://www.issf-sports.org/news.ashx?newsid=3051>
- IBU: [Biathlon Integrity Unit](#) is operationally independent
- World Athletics: [Disciplinary Tribunal](#) with independent members and independent secretariat. The operationally independent Athletics Integrity Unit has education and investigation functions
- International Climbing and Mountaineering Federation: UIAA Court oversees ethical issues as per [Code of Ethics](#) / [Articles of Association](#). It is independent and can propose sanctions.

Overall standard among International Federations:

- 22 out of 31 members of ASOIF published had an ethics committee in place with a majority of independent members that could propose sanctions
- This topic was one of 20 covered in the 2018-19 GAISF assessment for non-Olympic sports (compared to 50 topics for Olympic sports) as it was judged to be important and feasible for small organisations to achieve

National Federation

- German Rowing Association (DRV) – [independent governance adviser](#)
- French Tennis Federation – [Ethics Committee](#)

Selected references

- [ASOIF GTF Questionnaire 2019-20](#), Indicator 6.1
- [SIGGS Principle 1 \(Integrity\). Roadmap](#)
- European Commission Expert Group on Good Governance, “[Principles of Good Governance in Sport](#)”:
 - Principle 7.a: Need for an appropriate judicial/disciplinary framework.
 - Principle 7.c: Impartiality of adjudicators
 - Principle 7.d: Skills and expertise of adjudicators
 - Principle 7.e: Fair Trial
- Parliamentary Assembly of the Council of Europe, [Addendum to the report](#) “Working towards a framework for modern sports governance”:
 - Criterion 3.2: Ethical and disciplinary control – Ethics and Disciplinary Committees
- [IOC Code of Ethics](#) – Statutes of the Ethics Commission
- IOC’s “[Consolidated Minimum requirements for Implementation of the Basic Principles of Good Governance for NOCs](#)”:
 - Theme 3.6: Code of Ethics and ethical issues, Principle 3: Monitor the implementation of ethical principles and rules.
 - “The NOC may decide to set up an ethics commission (or similar entity) with the support of a qualified and independent person to monitor in particular the compliance of the organisation, its members, its office bearers and its staff with the rules of the Code or the ethical rules in place.
 - The ethics commission (or similar entity) should be composed of independent people (including external people) elected/ratified by the GA for a specific term of office (e.g. four years).”

- WADA Code of Ethics – [Annex A: Regulations of the WADA Independent Ethics Board and Rules of Procedure](#)
- WADA Governance Regulations, [Section IV: By-Laws of the Foundation Board on Independence](#)
- Geeraert, A. (2018). [Sports Governance Observer 2018](#). An assessment of good governance in five international sports federations. Aarhus: Play the Game / Danish Institute for Sports Studies, p.11-15:
 - Principle 39: The organisation takes steps to ensure that applicable rules of conduct are adequately checked and that transgressors face consequences.

ASOIF indicator 6.1 – scoring definitions used in the 2019-20 assessment

- 0 – No
- 1 - Some monitoring of ethical behaviour
- 2 - Ethics committee with independent representation in place to monitor application of ethics rules
- 3 - Ethics committee with majority independent representation in place, rules of procedure and can propose sanctions
- 4 - State of the art ethics committee, independent majority, rules of procedure adhering to the IOC Code of Ethics, proposes sanctions