

October
2023

Independent Ethics Board Biannual Report

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1. Background

In November 2021, the Foundation Board approved the WADA Code of Ethics (Code of Ethics). In May 2022, it appointed the inaugural members of the Independent Ethics Board (Ethics Board), the body in charge of implementing the Code of Ethics.

Pursuant to Article 2.6 of the Regulations of the Ethics Board (Annex A to the Code of Ethics), the Ethics Board will report periodically on its activities to the President of WADA, who will share the reports with the Executive Committee and Foundation Board. The Chair provides the following written report to the WADA President, which will be made available to the Foundation Board and the Executive Committee.

On 9 May 2023¹, the Chair of the Ethics Board, Prof. Mette Hartlev, presented virtually their first biannual report of the year to the Executive Committee. Prof. Hartlev will present this second biannual report² in-person at the Foundation Board meeting on 17 November 2023. The next report will be provided to the WADA President and shared with the Executive Committee and the Foundation Board during the first semester of 2024.

2. Composition and Activities

2.1 Composition of the Independent Ethics Board

The members of the inaugural Ethics Board were approved by the WADA Foundation Board in May 2022, following the recommendation of the WADA Nominations Committee. The composition is as follows:

Name	Position	Country	Term End
HARTLEV, Mette	Chair, Independent member	Denmark	May 2025
ANG'AWA, Mary	Vice-Chair, Independent member	Kenya	May 2025
BORRY, Pascal	Independent member	Belgium	May 2025
HUTCHINSON, Phil	Independent member	UK	May 2026
LABELLE, Regina	Member nominated by the Public Authorities	USA	May 2025
PERNA, Sal	Independent member	Australia	May 2024
PREZELJ, Rožle	Independent member	Slovenia	May 2024
THEISEN, Marc	Member nominated by the Olympic Movement	Luxembourg	May 2025
TUIKETEI, Ana	Independent member	Fiji	May 2026

Two members have terms ending in May 2024. A decision on their potential reappointment for a further term of three years (to take effect in May 2024) is tabled for the Foundation Board's meeting on 17 November 2023.

¹ Written report dated April 2023.

² Written report dated October 2023.

2.2 Meetings

The Ethics Board has held six meetings since its last report to the President in April 2023:

- Meeting #11 – 4 May 2023 – 1.5 hours (virtual)
- Meeting #12 – 8 June 2023 – 1 hour (virtual)
- Meeting #13 – 11 July 2023 – 1.5 hours (virtual)
- Meeting #14 – 10 August 2023 – 1.5 hours (virtual)
- Meeting #15 – 19 September 2023 – 1 hour (virtual)
- Meeting #16 – 12 October 2023 – 1.5 hours (virtual)

In addition, the following two discussions were held between the Ethics Board members and:

- WADA's external legal counsel, Mr. François Kaiser – 24 April 2023 – 1 hour (virtual)
- WADA Speak Up! Team – 31 May 2023 – 45 minutes (virtual, with the participation of the Ethics Officer)

In-person meetings

While recognizing the need to minimize travels and expenses, the Ethics Board notes the importance of in-person meetings to allow for direct discussions and productive exchanges. The Ethics Board will have a second in-person meeting in 2023 to be held over two days on 15 and 16 November in Montreal, Canada. The Ethics Board will then attend and observe the Foundation Board meeting on 17 November 2023 in person. At this occasion, the Chair of the Ethics Board will provide a verbal update to the Foundation Board members.

An annual in-person meeting in 2024 is yet to be determined.

2.3 Activities

Since the last Ethics Board report, members continued to focus on two priorities:

- The establishment of a well-functioning collaboration with the inaugural Ethics Officer, whose main task is to analyze and receive all complaints, denunciations, allegations, or suspicions of breach of the Code of Ethics or its implementing provisions referred to them. Please refer to Section 3 below for more information on the Ethics Officer.
- The internal and external set up of the Ethics Board, including establishment of a dedicated website and a reporting platform (which was launched in August 2023), development of an education plan and global review of the Code of Ethics. Please refer to Sections 3 to 6 below for more details on these matters.

As reported previously, three subcommittees were established within the Ethics Board to conduct technical and operational work in smaller settings: 1. Communications & Education; 2. Stakeholder Relations; and 3. Legal / Interpretation of the Code of Ethics. These bodies have provided significant input to the internal and external set up of the Ethics Board referred to above and continued to be engaged to various degrees to progress their works.

3. Ethics Officer and Reporting Platform

As reported in April/May 2023, Mr. Gautier Aubert was announced as the inaugural Ethics Officer on [30 March 2023](#). A Swiss lawyer and sports law expert, Mr. Aubert is working independently of WADA; and is responsible for implementing the Code of Ethics alongside the Ethics Board. Following the appointment of the Ethics Officer, the Ethics Board and Mr. Aubert agreed on the inaugural reporting system for complaints lodged under the Code of Ethics. This system is provided by EQS Integrity Line, which is the service provider of WADA's [Speak Up](#) platform. The Ethics Officer has worked closely with WADA's Information Technology Department to set-up this new independent, secure, and confidential reporting platform, which is directly and solely managed by the Ethics Officer. The Ethics Board was invited to provide its feedback on the reporting platform and the information provided therein.

On [24 August 2023](#), the launch of the [WADA Ethics Reporting Platform](#) was announced, which allows for the collection of allegations from anyone who observes suspected ethical misconduct by WADA Officials. It includes:

- a form to submit a report directly to the Ethics Officer, with the option, if necessary, of staying anonymous;
- detailed answers to frequently asked questions, including which matters can be reported and which individuals are considered 'WADA Officials'; and
- information about the Ethics Officer as well as a safe and secure manner to communicate with him after submitting a report.

Anyone who has witnessed, knows of or has reasonable grounds for suspecting ethical misconduct by a WADA Official is encouraged to submit a report [here](#) on the WADA Ethics Reporting Platform. One can also submit a report by email or ask questions to the Ethics Officer at Ethics.Officer@wada-ama.org. The Ethics Officer provides a regular high-level report on their activities to the Ethics Board. According to these reports, a few submissions have been received by the Ethics Officer and two matters are under investigation at the time of the writing of the present report.

4. Independent Ethics Board Website

With the collaboration of WADA's Communications Department, the Ethics Board has established its own dedicated 'microsite', which is hosted and managed by WADA but is separated from WADA's main website. On this [website](#), users can find detailed information on the Ethics Board, the Ethics Officer and the Code of Ethics, and from there, they can access the WADA Ethics Reporting Platform. The website was finalized in June 2023, with comprehensive and detailed information both in English and French. The Ethics Officer was invited to provide feedback on the website content. The Ethics Board will continuously monitor and update the website as need be, including by publishing its decisions.

In parallel to this website, the Ethics Board [webpage](#) on WADA's website remains in effect and includes a link to the dedicated website and the WADA Ethics Reporting Platform.

5. Education Plan Update

Apart from the launch of the Ethics Board website, which was identified as a key tool to raise awareness on the Code of Ethics, a training session for WADA Staff and Management (in the form of a one-hour virtual Brunch & Learn session) was organized on 21 June 2023 and was presented by the Ethics Board Chair and WADA's Governance Manager. This training session was attended by WADA Staff and was recorded for those who could not attend the presentation in real time. The session covered the following topics:

- To whom does the Code of Ethics apply?
- Why do we have a Code of Ethics?
- What does the Code of Ethics entail?
- Fundamental principles
- Implementation mechanism
- What are the rights and obligations of WADA Officials?

The Ethics Board is also looking into the development of a resource document for members serving on WADA bodies, which would be included in the annual information package as of 2024, as well as ethics training modules that could be hosted on ADEL, WADA's e-learning platform. A discussion with WADA's Education and Communications teams is planned in Montreal during the Ethics Board's in-person meeting, to discuss strategies around the promotion of the Code of Ethics. The Chair of the Ethics Board may provide some insights to these discussions as part of her verbal report to the Foundation Board on 17 November 2023.

6. WADA Code of Ethics Review

The Code of Ethics provides that the Ethics Board shall annually review it and can propose amendments to the Foundation Board for consideration (see Article 7 of the Code of Ethics). As reported in April/May 2023, the Ethics Board had identified possible improvements to the [Code of Ethics](#) in addition to changes required as a consequence of the 2022 governance reforms, in particular the necessary updates to the independence criteria and the Executive Committee's required majority to decide on reconsideration measures. The Ethics Officer also had an opportunity to provide comments and suggestions to the Ethics Board after his appointment.

The Ethics Board has brought forward the proposed amendments to WADA Management and to WADA's external legal counsel in the past months. After its own internal review, WADA Management has also proposed some amendments that clarify certain aspects of the inaugural Code of Ethics, which the Ethics Board reviewed and agreed with.

The Ethics Board has finalized its review and has asked WADA Management to submit a proposed revised version of the Code of Ethics to the Foundation Board for approval at its meeting on 17 November 2023.