

# Conflict of Interest Policy

## Adoption of the Policy

1. In order both to ensure transparency and to avoid all appearance of impropriety, the World Anti-Doping Agency's (WADA) Foundation Board has adopted this Conflict of Interest Policy (the "**Policy**").
2. This Policy is intended to supplement, but not replace, any applicable laws governing conflicts of interest, and WADA Officials shall comply with the requirements of each such applicable law in addition to the requirements of this Policy.

## Application

3. The Policy applies to all members of the Foundation Board, Executive Committee and other WADA bodies, including any deputy, as well as all officers, employees (whether full-time, part-time, permanently, for a fixed-term or temporarily) and other persons who may be engaged by WADA from time to time, for example as agents, consultants, contractors or experts, and any person otherwise functioning as a member of WADA staff, including the Director General and WADA Management (the "**Officials**").
4. Additional provisions of the Policy that apply exclusively to WADA Health, Medical and Research Committee (the "**HMR Committee**") members and WADA Education Committee members, as well as other independent experts who participate in the recommendation and selection process of WADA-funded research projects are set out in Schedule 1.
5. All Officials presently covered by the Policy shall be informed of the Policy and any amendments thereof upon their adoption. Officials who are engaged by WADA or otherwise become subject to the Policy after its adoption (for example, by virtue of becoming a member of the Foundation Board, Executive Committee or other WADA bodies) shall be provided with a copy of the Policy at that time. All Officials covered by this Policy, either now or in the future, are deemed to have agreed to be bound by and are required to comply with the terms of this Policy as at the date of their engagement, appointment or election and throughout their term as an Official. They shall be required to comply with this Policy (a) not only whenever they are acting in their WADA capacity, but (b) also whenever they are acting in another capacity at any other time where their conduct at such time could create a conflict of interest and/or could otherwise undermine the interests of WADA.

## No Conflict of Interest

6. Officials owe a duty of care and loyalty to WADA. Accordingly, they must make decisions (including as to how to vote on a specific resolution) based solely on what is in the best interests of WADA and the collective fight against doping. They must avoid any factors which may give rise to a conflict between their own interest or the interest of any other relative, friend or acquaintance (whether arising directly or through a related third party) and that of WADA. Officials must avoid any situation that could lead to any actual or potential conflict of interest.
7. Conflicts of interest arise whenever the financial or personal or other interests of an Official are, or appear to be, inconsistent or at odds with the interests of WADA. An appearance of a conflict of interest exists when it is reasonably likely that an informed observer may perceive a conflict of interest. A conflict of interest already exists when a person could reasonably anticipate that, in the future, there could be a

conflict between competing obligations or interests; the person involved does not have to be placed in a situation where there is an actual conflict for a conflict to be present according to this Policy (a “**Conflict of Interest**”).

8. By way of example only, and without limitation, a Conflict of Interest exists when an Official has an existing or potential interest in any entity, transaction or arrangement in which WADA also has an existing or potential interest, or when an Official will derive a financial or other benefit directly or indirectly from WADA<sup>1</sup>.
9. It is acknowledged that Officials may also owe duties to third parties. For example, an Official nominated by the Public Authorities or the Olympic Movement may also owe duties to his/her Public Authority or Olympic Movement entity. However, in such circumstances, the Official owes the same fiduciary duties to WADA as any other Official. In particular: (a) those duties are owed to WADA as a whole (and not to any individual stakeholder or stakeholder group); and (b) the Official may only take into account the interests of the stakeholder group that nominated him/her, where these do not conflict with those of WADA as a whole.
10. Where an Official has a Conflict of Interest, such Official shall refrain from participating in the deliberations of WADA’s body to which he/she belongs with respect to the relevant topic and abstain from taking any part in the decision-making process on such issue.

## Disclosure

11. At any time where facts or circumstances arise which create or could reasonably create such a Conflict of Interest, the Official shall disclose such facts or circumstances forthwith to the Director General or if not possible to the chair of the relevant Committee (with a copy to the Director General) in order that appropriate preventive measures may be taken immediately to prevent the Conflict of Interest from occurring.
12. All members of the Foundation Board, Executive Committee and other WADA bodies, as well as the Director General and Directors (the “**Key Individuals**”) shall annually complete and sign a Statement of absence of Conflict of Interest which shall be in the form of Annex A (the “**Statement**”), in which the Key Individual shall disclose in writing any facts or circumstances (if any) which could reasonably cause a situation of Conflict of Interest. Such Statement shall be sent to the Director General who will keep a register of all these Statements. Such Statement shall be updated if and as necessary during the year. These registers will be made available to the chairs of each of the Committees to ensure that, if a Conflict of Interest arises, the chair can take the appropriate steps to exclude the Key Individual from the discussions and/or the decision making process. Such Statement is also required for WADA agents, consultants, contractors and experts, if requested by the Director General.
13. All disclosures made under this Policy shall be treated in conformity with WADA’s privacy policy in force at the time of the disclosure.

## Communication and Prevention

14. The President with the Director General or, if the President is not available, the Vice-President with the Director General, and any other person that the President may from time to time designate for this

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<sup>1</sup> For avoidance of doubt, this situation would not result in a Conflict of Interest for Officials who are otherwise missioned by WADA and receive compensation for their services (e.g., lawyers).

purpose, shall take all appropriate measures to ensure proper dissemination of this Policy and to develop appropriate preventive measures.

15. Notwithstanding any other requirement set out in this Policy or Schedule, it shall be a standing agenda item at all meetings of the Executive Committee, Foundation Board and all other WADA bodies for the Chairperson of such meetings to call for disclosure of any Conflicts of Interest either arising in the papers for the meeting or not previously disclosed in accordance with this Policy.

## WADA Code of Ethics

16. Any provision contained in this Policy is without prejudice to the WADA Code of Ethics.
17. Any fact or conduct that might constitute a breach of this Policy shall immediately be reported to the WADA Ethics Officer, and the provisions of the WADA Code of Ethics will apply.

## Publicity

18. This Policy shall be made publicly available through WADA's website.

# Conflict of Interest Policy

## SCHEDULE 1

### HEALTH, MEDICAL AND RESEARCH COMMITTEE and EDUCATION COMMITTEE

#### Application

1. The provisions of this Schedule 1 apply to WADA Health, Medical and Research Committee (“HMR Committee”) members and WADA Education Committee members (collectively “Committees”), as well as any additional experts who participate on Project Review Panels who make recommendations to the Committees regarding selection of WADA-funded research projects.
2. It is recognized that the Committees are composed of international experts. Such persons or their professional or scientific colleagues may on occasion submit grant applications for WADA-funded research projects for consideration by the Committees. Such submissions could be seen as potential sources of conflicts of interest for the Committee members in question and others who participate in the grant selection process. In addition to participating in a particular selection process, Committee members have access generally to confidential and other information and discussions within the Committees and between Committee members and WADA management which may relate to WADA’s interests and positions on relevant issues. This, in turn, could in certain circumstances create a reasonable apprehension that Committee members or their colleagues are favorably positioned in respect of grant applications.
3. Because the international scientific competence in anti-doping is limited, WADA considers that it is acceptable for Committee members, as well as members of other WADA bodies, or their scientific colleagues to apply for research grants or other funding from WADA. However, it is felt that specific safeguards are required to ensure transparency and avoid all appearance of impropriety in relation with the application and selection process. Those safeguards are set out in this Schedule 1.

#### Curriculum Vitae

4. Upon being appointed to the HMR Committee or Education Committee, and annually thereafter, a Committee member shall complete and sign an up-to-date *curriculum vitae*, which shall accurately describe:
  - all current employment and engagements;
  - all employment and engagements during the previous 5 years;
  - all current memberships and associations;

- all memberships and associations during the previous 5 years.
5. The terms “employment and engagements” and “memberships and associations” include all such activities or relationships whether of a professional, scientific, medical, technical, commercial or other nature.
  6. Submission of the CV upon appointment and annually thereafter shall be a condition of the person’s membership of the Committee. Such CV will be kept by the Director General in a register.

## Continuing Duty

7. In addition to any other duty or obligation set out in the Policy, including this Schedule 1, a Committee member shall immediately disclose in writing to the Director General and to the HMR Committee or Education Committee chair as the case may be, any facts or circumstances that could reasonably constitute a Conflict of Interest which may arise from time to time while he or she is a Committee member.
8. Without limiting the generality of the foregoing, and solely by way of example, facts and circumstances that could reasonably constitute a Conflict of Interest include the following:
  - generally, any direct or indirect (such as through family members) financial or other interest in or connection to any entity (institutional, professional or other) directly or indirectly related to a funding application;
  - where a Committee member submits an application for WADA funding or is a member of an applicant research team;
  - family relationship or close friendship or other relationship (as distinct from mere acquaintance) between a Committee member and a funding applicant or a member of an applicant research team;
  - a Committee member’s formal association or connection with, including employment within, the same laboratory, institute or research or other organization as the applicant research team or any of its members;
  - a Committee member’s administrative or executive position or other significant involvement in the same Anti-Doping Organization (as defined in the World Anti-Doping Code) as the applicant or a member of the applicant research team;
  - where a Committee member has been, is or intends to be involved in a research project with a similar subject matter, research theme or objective as an applicant project.

## Statement of Absence of Conflict of Interest

9. Upon being appointed to the HMR Committee or Education Committee, the Committee member shall complete and sign a Statement of absence of Conflict of Interest which shall be in the form of Annex A (“**Statement**”), in which the member shall disclose in writing any facts or circumstances which could reasonably constitute a Conflict of Interest. For the avoidance of doubt, submission of the Statement shall be a condition of the person’s membership of the Committee.
10. The Statement shall be submitted to the Director General who shall maintain a register of Statements (the “**Register**”). The Register will also contain minutes of Committee meetings at which a determination is made whether or not to exclude a Committee member from participation in a selection process in

accordance with the terms of this Schedule 1. The Director General shall make the Register available to the chair of the Committee.

11. Committee members shall update their Statement not later than one month prior to the annual deliberations of the HMR Committee or Education Committee at which research grants are selected for funding from among the applications received, failing which the member shall not participate in the selection process of the Committee in question.

## Exclusion from Committee Deliberations

12. A Committee member shall not participate in the consideration, assessment, evaluation or selection of an application that he or she has submitted or regarding which he or she is a member of the applicant research team.
13. A Committee member shall not participate in the consideration, assessment, evaluation or selection of projects in his or her respective area of expertise if he or she has submitted funding application to WADA in the past three years or intends to do so in the following three years.
14. In all other cases, including where a Committee member has submitted a Statement that may concern or relate to a particular project, the Committee in question shall determine whether exclusion of the Committee member from participation in the consideration, assessment, evaluation or selection of that project is appropriate to ensure the integrity of the selection process and the respect of the Policy and this Schedule 1.
15. In determining whether to exclude a Committee member from participation in the selection process in accordance with the previous paragraph, the Committee shall be advised and assisted by a person who is not a member of the HMR Committee or Education Committee and who shall be designated by the Director General for this purpose. The person so designated shall be present during all deliberations by a Committee concerning such a determination.

## External Experts

16. All research grant applications submitted within the regular Research Grant Program shall be reviewed by an independent external expert or panel of experts in the relevant field. The report of such expert or panel shall be submitted to and reviewed by the HMR Committee or the Education Committee prior to the project being considered for selection.
17. All other grant applications, including those submitted outside of the regular annual Research Grant Program, for example applications submitted under the Targeted Research or Reactive Research Programs, shall be submitted for such expert review where the Director General considers it appropriate to do so in order to ensure the integrity of the selection process for WADA-funded research projects. The approval of such applications may also be made subject to a public call for research proposals addressing the relevant research topics.

## Experts Subject to Policy

18. All external experts retained from time to time by the HMR Committee or Education Committee for the purpose of reviewing, evaluating, advising or making recommendations to the Committee in question on funding applications, shall be subject to the WADA Conflict of Interest Policy including this Schedule 1 as if he or she were a member of the Committee for the duration of his or her engagement.

19. Without limiting the generality of the foregoing, such an expert shall, in particular, as a condition of his or her potential engagement, submit a Statement and CV to the Director General prior to being engaged.

## Enforcement

20. WADA President and Director General, or if the President is not available, the Vice-President and Director General, and/or any other person that the President may from time to time so designate, shall take all appropriate measures to ensure the integrity of the application and selection process for WADA-funded research projects. If a breach of this Schedule 1 is determined by a Panel of the WADA Independent Ethics Board, potential sanctions for such a breach may include, among other measures set forth in the WADA Code of Ethics:
- temporary or permanent prohibition on a person's participation in the selection process for certain research projects;
  - withdrawal of a person's Committee membership;
  - temporary or permanent prohibition on a Committee member's involvement with WADA-funded scientific research projects;
  - withdrawal or request for reimbursement of funding.

The WADA President and the Director General, or if the President is not available, the Vice-President and the Director General, and/or any other person that the President may from time to time so designate, may review any determination made by the HMR Committee, or Education Committee under paragraph 15 of this Schedule 1. They may in their reasonable discretion issue a new determination which replaces the Committee's determination or annul the Committee's determination and refer the matter back to the Committee for further consideration and determination.

## ANNEX A: STATEMENT OF ABSENCE OF CONFLICT OF INTEREST

To: **WADA Director General**

- I have read and understand the Conflict of Interest Policy (the “**Policy**”). I understand that as \_\_\_\_\_ [member of the Executive Committee and/or Foundation Board of / member of or a person engaged by the following WADA body of / person engaged by / deputy to a WADA Executive Committee and/or Foundation Board Member of], (**please insert full name of the relevant WADA body, if applicable: \_\_\_\_\_**) the World Anti-Doping Agency (“WADA”), I am subject to the Policy.
- I understand that, in the exercise of my functions on behalf of WADA and/or its bodies, I must avoid any factors which may give rise to a conflict between my own interest or the interest of any other relative, friend or acquaintance (whether arising directly or through a related third party) and that of WADA and that I must avoid any situation that could lead to any actual or potential conflict of interest.
- I further understand that I am under a continuing duty to disclose forthwith all facts or circumstances that exist or arise and which create or could create such a Conflict of Interest as defined in the Policy, in order that appropriate preventive measures may be taken.
- I HEREBY DECLARE (**please read, select and complete as necessary one of the following statements**):

I am free of any factors which may give rise to a conflict between my own interest or the interest of any other relative, friend or acquaintance (whether arising directly or through a related third party). To the best of my knowledge, there exist no facts or circumstances, past or present, which create or could create such a Conflict of Interest as defined in the Policy;

- OR -

I am free of any other factors which may give rise to a conflict between my own interest or the interest of any relative, friend or acquaintance (whether arising directly or through a related third party), except as may relate to the following specific facts or circumstances which create or could create such a Conflict of Interest (**use separate sheet if necessary**):

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_