

# Independent Ethics Board Biannual Report

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# 1. Background

In November 2021, the Foundation Board approved the WADA Code of Ethics<sup>1</sup> (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 Executive Committee and the Foundation Board.

The last report was provided to the WADA President and shared with the Executive Committee and the Foundation Board in June 2024<sup>2</sup>. This second biannual report of the year will be presented by the Chair of the Ethics Board at the Foundation Board meeting on 5 December 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 current 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
JOHNSON, Emma*	Independent member	Australia	May 2027
PREZELJ, Rožle	Independent member	Slovenia	May 2027
THEISEN, Marc	Member nominated by the Olympic Movement	Luxembourg	May 2025
TUIKETEI, Ana	Independent member	Fiji	May 2026

*\*Ms Emma Johnson was appointed to the Ethics Board in May 2024 to replace an outgoing member.*

Five members have terms ending in May 2025. The Chair and the Public Authority Member are not seeking reappointment, while the three other members are willing to continue (Vice-Chair Mary Ang'awa, Independent Member Pascal Borry and Sports Movement Member Marc Theisen). A decision on their potential reappointment for a further term of three years (to take effect in May 2025) is tabled for the Foundation Board's meeting on 5 December 2024. As for the two upcoming vacancies, a replacement process will be activated in December, with the support of the Nominations Committee.

<sup>1</sup> The Code of Ethics was amended by the Foundation Board in November 2023.

<sup>2</sup> Written report dated April 2024.

## 2.2 Meetings

The Ethics Board has held four meetings since its last report to the President in April 2024:

- Meeting #22 – 29 May 2024 – 1.5 hours (virtual)
- Meeting #23 – 10 July 2024 – 2.25 hours (virtual)
- Meeting #24 – 21 August 2024 – 2 hours (virtual)
- Meeting #25 – 2, 4 and 8 October 2024 – 9 hours in total (virtual)

### In-person meetings

While recognizing the need to minimize travels and expenses, the Ethics Board believes in-person meetings are important to allow for direct discussions and productive exchanges, especially given that there are some aspects of its operations still in development.

The Chair considered the work the Ethics Board wished to achieve for the rest of the year and wrote to the WADA President and Director General to seek consideration of and support for a second in-person meeting in 2024. This request was unfortunately not fulfillable this year due to budgetary allocations, and where virtual meetings were being favoured by the Agency in 2024. The Ethics Board therefore met over three days in a virtual setting in early October and discussed complex deliverables in a short period of time. However, the Ethics Board continues to believe that it is important to meet in person in the future to foster constructive discussions that may be difficult to achieve during virtual meetings, given international time zones of the Ethics Board members.

Consideration will be given to when an in-person meeting should be held in 2025 and a request will be submitted to WADA in due course, taking into account that new members will be joining the Ethics Board as of May 2025 (refer to the replacement process mentioned above under section 2.1).

## 2.3 Activities

Since the last biannual report, the Ethics Board looked at the following matters:

- The first Ethics Board Panel was constituted in November 2023 to adjudicate a case reported by the Ethics Officer. The five-member Panel progressed the matter in accordance with the Code of Ethics, including by holding a hearing in April 2024 and by submitting a provisional decision report to the Executive Committee in August 2024. It is expected that the Panel will render its final decision in November 2024.
- The Ethics Board nominated Ms Emma Johnson OLY as Election Scrutineer for the WADA Athlete Council election that was launched in September 2024. The election will conclude in mid-December 2024, with the Election Scrutineer's confirmation of the eight athletes who will form the Athlete Council Group 2 as of 1 January 2025 for the next three years.
- The Ethics Board developed a process mapping to outline the responsibilities of the Ethics Officer and the Ethics Board, as well as the workflow for the complaints management process. It served as a basis to develop comprehensive procedural guidelines to support the adjudicatory work of the Ethics Board, given certain technical matters were not addressed in the Code of Ethics. These two documents (i.e. process mapping and procedural guidelines) were completed during the October 2024 virtual working sessions, taking stock of the experience and issues that emerged during the first Panel's work.

As reported previously, three subcommittees have been established within the Ethics Board to conduct technical and operational work in smaller settings: 1. Legal / Interpretation of the Code of Ethics; 2. Communications & Education; and 3. Stakeholder Relations. These bodies have provided input to the internal and external set up of the Ethics Board over the past year, and continued to be engaged to various degrees to progress their works during the Ethics Board's in-person meetings but also outside of meetings.

### 3. Code of Ethics Complaints Update

The Ethics Officer, Mr Gautier Aubert, provides a regular high-level report on their activities to the Ethics Board. According to these reports, the Ethics Officer received five complaints during the current reporting period (i.e. May 2024 to October 2024), of which one was considered spam, one is currently under analysis by Mr Aubert and three were referred to the Ethics Board. One of these three cases is still pending before the Ethics Board, while the other two were closed as the Ethics Board determined that it did not have jurisdiction (*ratione personae*) given the complaints concerned WADA Staff members (who are covered by the internal WADA Policy to Prevent Harassment, Promote Civility and an Ethical Work Environment).

The Ethics Officer continuously monitors the [WADA Ethics Reporting Platform](#) which is managed independently from the Ethics Board. Anyone who has witnessed, knows of or has reasonable grounds for suspecting ethical misconduct by a WADA Official can 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](mailto:Ethics.Officer@wada-ama.org).

### 4. 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). The Ethics Board Chair presented a first set of proposed amendments to the Foundation Board on 17 November 2023, to improve and clarify certain aspects of the inaugural Code of Ethics. The revised Code of Ethics was approved by the Foundation Board at that time and immediately came into effect.

As reported in April/May 2024, the Ethics Board was planning on gathering additional comments to the Code of Ethics, in particular, after it had been put into practice through any Panel adjudication processes. Discrepancies and procedural issues have been identified in the past year by the Ethics Board. The Chair of the Ethics Board will present suggestions for amendments to WADA Management and its legal counsel this month, so that a new set of amendments can be presented to the Foundation Board for consideration at its meeting in December 2024. These amendments are particularly important given the Ethics Board's experience in adjudicating its first case.

### 5. Education and Communications Update

The Ethics Board believes that fostering a culture of ethics throughout the organization requires ongoing education and prominent visibility of the Code of Ethics. As previously reported, the Ethics Board had discussed the possibility of developing a learning course on ADEL, WADA's e-learning platform, which would be a short interactive module that WADA Officials would be invited to complete. Such e-learning course would present the Code of Ethics in an accessible and engaging manner. During the in-person

meeting in Leuven in April 2024, the Ethics Board discussed the development process of such course with a member of the WADA Education Department and agreed on a timeline where the objective would be to publish such course by the end of this year.

The IEB subcommittee on Communications & Education has since been supporting this work, and a draft e-learning module is currently under review by the subcommittee and by WADA's relevant internal teams. It is hoped that the Chair of the Ethics Board will have the opportunity to present a preview of this new module during the annual report to the Foundation Board on 5 December 2024, and it is expected that WADA Officials will be asked and encouraged to complete this course in early 2025, as part of the annual Information Package.

In addition, the Ethics Board is looking to hold in-person and/or virtual training sessions with members of the Executive Committee and Foundation Board before the end of 2024 or early in 2025. A further session or sessions will also be offered to the chairs of all WADA Permanent Special Committees, Standing Committees, Expert Advisory Groups and Working Groups in early 2025, availing them the opportunity to discuss the application of the Code of Ethics in their Committee/Group setting.