

WADA Independent Ethics Board Panel Decision regarding Non-Compliance with the WADA Code of Ethics (Case Ref. 2023-C02)

Summary of the Case

WADA's independent [Ethics Officer](#) received a complaint regarding a potential violation of the [WADA Code of Ethics](#) in June 2023. The complaint concerned a situation where a member on one of WADA's governance bodies did not, when requested, provide evidence of the degrees listed on their CV during and following the appointment process. The Ethics Officer undertook various procedural steps to clarify the facts and determine whether the alleged facts could constitute violations of the WADA Code of Ethics. During the investigation, the person concerned was on several occasions asked to provide evidence of their educational qualifications, and did not do so.

The Ethics Officer submitted his investigation report to WADA's Independent Ethics Board in November 2023, within which he concluded that there was a violation of Article 3.1 (General duties) of the WADA Code of Ethics according to which *"Each Official must comply with all applicable laws and regulations, as well as respect the WADA ethical principles. Each Official must conduct himself/herself honestly, fairly, and impartially, and must act in accordance with the principles of integrity and transparency"*. The Ethics Officer also found a violation of Article 3.2 (Due care and diligence), Article 3.4 (Integrity) and Article 3.9 (Duty to cooperate).

After having received the investigation report, WADA's [Independent Ethics Board](#) assessed that there was a likelihood of a breach of the WADA Code of Ethics and decided, pursuant to Article 5.1.1 of Annex A to the WADA Code of Ethics, to refer the case to a Panel. Following a hearing, the Panel produced a Deliberations Report, and as prescribed by Article 5.1.4 of Annex A to the WADA Code of Ethics, the Report and the provisional decision was passed on to WADA's Executive Committee in August 2024 for comments. As the Executive Committee did not have any comments, the Panel reached its final decision in December 2024.

Decision of the Panel

The Panel found that the lack of evidence for the degrees, and the lack of cooperation by the person concerned during the investigation and clarification of the facts of the case, amounted to a violation of Articles 3.1, 3.2, 3.4 and 3.9 of the WADA Code of Ethics (see excerpts below). The sanction was decided to be a suspension of all rights, prerogatives and functions until the end of the person concerned's mandate on the relevant WADA body. The person concerned did not appeal the decision to the Court of Arbitration for Sport per Article 5.1.8 of Annex A to the Code of Ethics.

WADA Code of Ethics Excerpts

"3.1 General duties

Each Official must comply with all applicable laws and regulations, as well as respect the WADA ethical principles. Each Official must conduct himself/herself honestly, fairly, and impartially, and must act in accordance with the principles of integrity and transparency; when taking decisions, each

Official must act in particular with impartiality, objectivity, and independence. Each Official must, in particular:

- Demonstrate the highest standards of integrity and act in good faith, with intellectual honesty and fairness;*
- Act with impartiality;*
- Avoid bias, prejudice, conflict of interest or undue influence in performance of their duties;*
- Respect human dignity;*
- Reject and refrain from unjustified discrimination or favoritism of any kind;*
- Reject and refrain from all forms of harassment, bullying and abuse, be it verbal, physical, professional, or sexual, and any physical or mental injuries;*
- If involved in any aspect of doping control, refrain from any direct or intentional misconduct as a Person (as defined in the [World Anti-Doping Code](#));*
- Refrain from any behavior which would bring, or risk bringing WADA into disrepute;*
- Comply with the specific requirements of the WADA Code of Ethics;*
- Refrain from retaliation against anyone for pursuing their legitimate rights, including making any report authorized under the WADA Code of Ethics.”*

“3.2 Due care and diligence

The Officials must use due care and diligence in fulfilling their mission and activities. They must avoid any conduct or action that is inconsistent with the WADA Code of Ethics.”

“3.4 Integrity

The Officials must act with the highest degree of integrity, impartiality, independence, and professionalism.

They must refrain from any fraudulent activities or corruption.

In particular, the Officials must not offer, or accept, any bribe, payment, commission, gift or other inducement or undue incentive (whether monetary or otherwise) in order to unduly influence any action, conduct, omission, or decision in connection with any matter relating to, or involving, WADA.

Only tokens of consideration or friendship of nominal value, in accordance with prevailing local customs, may be given or accepted by the Officials (in addition to their normal compensation). Such tokens may not lead to the impartiality and integrity of the Officials and WADA being called into question.”

“3.9 Duty to cooperate

Each Official undertakes to cooperate fully, trustingly and in good faith with all investigations carried out by the Ethics Officer and the Independent Ethics Board in connection with a possible breach (by such Official or others) of the WADA Code of Ethics. The duty to cooperate includes the provision of information and documentation (whether physical or electronic), the provision of any WADA mobile device (including laptops and mobile phones) subject to the limitations imposed by applicable data privacy laws, the response by the Official to questions asked by the Ethics Officer and the consent of the Official to third parties providing information if requested by the Ethics Officer.

Each Official shall refrain from any act or omission that could have the effect of obstructing, preventing, delaying, or interfering with or frustrating the investigation, including interfering with potential witnesses.”