

INTERNATIONAL WEIGHTLIFTING FEDERATION

INDEPENDENT MEMBER FEDERATION SANCTIONING PANEL "IMFSP"

Terms of Reference

1. PURPOSE

The International Weightlifting Federation (IWF) considers the fight against doping and the protection of the athletes' health and right to fair competition a top priority. Anti-doping programmes and policies seek to preserve what is intrinsically valuable about sport. This intrinsic value is the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person's natural talents.

The IWF strives to ensure that all competition results in weightlifting are true and reflect pure athletic achievements on a level playing field, unclouded by the suspicion that some of those results may have been achieved as the result of doping.

In an effort to increase the effectiveness and independence in the fight against doping, the IWF has delegated the implementation and management of its anti-doping programme to the International Testing Agency (ITA), in accordance with the World Anti-Doping Code (Code).

The ITA is an international organization constituted as a not-for-profit Swiss foundation. Its mission is to offer comprehensive anti-doping services, independent from sporting or political powers to International Federations (IFs), Major Event Organizers (MEOs), and all other anti-doping organizations requesting support.

The IWF Anti-Doping Programme is managed independently by the ITA.

In accordance with the IWF Anti-Doping Rules¹, the IWF Executive Board has established the Independent Member Federations Sanctioning Panel (IMFSP) as a sanctioning body having jurisdiction over any potential violation of the IWF Anti-Doping Rules committed by Member Federations, in accordance with the provisions of the IWF Anti-Doping Rules. The IWF IMFSP shall operate in compliance with the:

- the IWF Anti-Doping Rules
- the Code

2. MISSION

2.1 The IMFSP shall have jurisdiction on all matters arising out of alleged violations by IWF's Member Federations of the IWF Anti-Doping Rules (particularly, without limitation, of Article 12 thereto), save those expressly reserved to other bodies.

2.2 The IMFSP shall be the first-instance authority to conduct proceedings and issue decisions when an alleged violation of the IWF Anti-Doping Rules by an IWF's Member Federation has occurred and for the imposition of any sanctions resulting from a finding that a violation has been committed.

3. SCOPE OF DUTIES AND RESPONSIBILITIES

¹ The "IWF Anti-Doping Policy" will change its designation to "IWF Anti-Doping Rules" in 2021. For the sake of convenience, the new name was used throughout this document. However, until 2021 the reference should be adapted to the current designation.

- 3.1 Upon instigation by the IWF of a case against one of its Member Federations, the IMFSP shall adjudicate the case and render a decision pursuant to the IWF Anti-Doping Rules.
- 3.2 The IMFSP shall operate at all times in compliance with the IWF Anti-Doping Rules.

4. COMPOSITION AND APPOINTMENT PROCESS

- 4.1 The IMFSP shall have five (5) Members who shall be appointed by the IWF Executive Board, upon proposal of the ITA. The Executive Board appoints the Chairman of the Commission from the members.
- 4.2 The Chairman has the responsibility of appointing two (2) other members for the adjudication of each case and the Chairman shall act as Chair of the Panel.
- 4.3 Should the Chairman be unavailable to adjudicate a case of the Panel, the Chairman shall appoint three (3) members and also a Chair among the three members allocated to the case.
- 4.4 The IMFSP Members are appointed for a three-year term, with the possibility of renewal of the mandate twice.
- 4.5 The Executive Board may revoke the appointment of any Member at any point in time in the event that the Member breaches the terms and conditions contained in these Terms of Reference (including the Confidentiality and Conflict of Interest Agreement and the IWF Anti-Doping Rules).

5. PROCEDURAL RULES APPLICABLE TO THE PROCEEDINGS

- 5.1 The IMFSP shall be free to devise, in consultation with the IWF and ITA, and pursuant to the IWF Anti-Doping Rules, a set of procedural rules governing the proceedings before the IMFSP.

6. RECORDS

- 6.1 A designated Member of the IMFSP shall keep minutes or notes of the proceedings and decisions, where applicable. If deemed necessary, a third independent party may be appointed as the IMFSP's secretary or clerk. No compensation shall be due for any such secretary or clerk.

7. COMPENSATION AND EXPENSES

- 7.1 IMFSP Members shall be entitled to receive an indemnity for the work carried out in the exercise of their function. Details of such indemnity are provided to the Members on appointment.
- 7.2 In addition, each IMFSP Member shall be entitled to the reimbursement of any travel and accommodation expenses and related out-of-pocket expenditures related to the IMFSP activities, provided that the Member shall submit to the IWF receipts or other evidence of actual payment of such expenses.
- 7.3 Each IMFSP Member shall submit an invoice to the IWF upon issuing of the final decision in each case.

- 7.4 The IWF Secretariat shall be in charge of the administration and processing of payments to the IMFSP Members.

8. CONFIDENTIALITY AND CONFLICT OF INTEREST

- 8.1 Each Member of the IMFSP will be required to sign a confidentiality agreement upon appointment.
- 8.2 The activities of the IMFSP, including without limitation any information, data, notes, analyses, compilations, interpretations, discussions, and element or material related to its functions, as well any derived outcome or document, are to be considered strictly confidential and cannot be disclosed to any third party (including, without limitation, journalists or media).
- 8.3 The obligations under Article 8.2 shall not apply in instances where it can be demonstrated by clear and convincing evidence, that the relevant information is generally known to the public at the time of disclosure without any breach of Article 8.2; or upon approval of the IWF Executive Board; or when required by the law.
- 8.4 In the exercise of their functions, the IMFSP Members shall be free of any undue influence or other factors which may give rise to a conflict between their own interest or the interest of any other person or organisation and that of the IWF.
- 8.5 The Members of the IMFSP are appointed to the latter in their personal capacity and not by way of representation of any organisations. The Members shall serve independently from their own organisations and shall neither seek nor accept instructions from third parties.
- 8.6 Upon appointment by the Chairman to hear and adjudicate a case, all appointed Members including the Chair shall sign a conflict of interest form confirming the absence of any potential or concrete conflict of interest in relation to that specific case.
- 8.7 Any potential or concrete conflict of interests in relation to the involvement of any IMFSP Member in the activity of the IMFSP, including any fact or circumstances that might be of such nature as to compromise the independence of one Member in the eyes of any parties, shall be immediately raised by the relevant Member in writing to the Chair and the other Members of the IMFSP. In such cases, the relevant Member shall refrain from participating in the decision-making and discussion processes and instead the Chairman shall immediately appoint another Member as a substitute.
- 8.8 Members of the same nationality of the Member Federation against which a violation has been asserted shall not be appointed to adjudicate any such case.

9. ACCEPTANCE OF THESE TERMS

- 9.1 Upon acceptance of their appointment, each IMFSP Member shall sign a form whereby he/she confirms having read, understood and accepted these Terms of References.