



INTERNATIONAL
BIATHLON
UNION

07

INTERNATIONAL **BIATHLON** UNION
VETTING RULES

Effective 19 October 2019

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1. INTRODUCTION

1.1 Article 28 of the Constitution provides that a Vetting Panel will be responsible for determining whether a person is Eligible to become or to remain an IBU Official.

1.2 These Vetting Rules have been adopted at the Extraordinary Congress meeting in October 2019. They set out how the Vetting Panel will be constituted and will conduct its activities. They will come into effect on 19 October 2019 (with actions taken pursuant to Rule 2.2 below being given retroactive effect as of that date). They will be maintained and may be amended from time to time by the Executive Board on the recommendation of the BIU Board, subject to the ultimate authority of Congress. In the event of any inconsistency between these Vetting Rules and the Constitution, the Constitution will prevail.

1.3 Unless stated otherwise, the definitions and rules of interpretation set out in Appendix 1 to the Constitution will also apply to these Vetting Rules. Defined terms are in italics.

2. COMPOSITION OF THE VETTING PANEL

2.1 The Vetting Panel will consist of the three independent members of the BIU Board referenced at Article 30.3.1 of the Constitution, one of whom will be designated as chairperson of the Vetting Panel.

2.2 In accordance with Article 28.1 of the Constitution, an ad hoc screening panel made up of independent persons appointed by the Executive Board will determine the independence and Eligibility of candidates for appointment as one of the three independent members of the inaugural BIU Board. For such purposes, the ad hoc screening panel will have all of the powers of the Vetting Panel under the Constitution and these Vetting Rules. References below to the Vetting Panel shall be deemed to include such ad hoc screening panel for these purposes.

3. CONSENT TO VETTING

3.1 Subject only to Rule 2.2, it is the responsibility of the Vetting Panel to determine whether a person is Eligible to become or to remain an IBU Official. In addition, in accordance with Article 28.2 of the Constitution, the Technical Committee may ask the Vetting Panel to confirm the Eligibility of persons who apply for appointment as International Referees (an NF Applicable Person).

3.2 Each IBU Official, each candidate seeking to become an IBU Official (whether by election or by appointment or otherwise) and each NF Applicable Person (an Applicable Person), by undertaking the activity that qualifies them as such, thereby agrees:

3.2.1 to be bound by the Constitution and the Rules, including these Vetting Rules and the IBU Integrity Code;

3.2.2 to be subject to vetting by the Vetting Panel to determine their Eligibility (a) as a condition precedent to their election/appointment; and (b) if elected/appointed, on an ongoing basis throughout their term as an IBU Official or NF Applicable Person, whenever determined to be necessary by the Vetting Panel;

3.2.3 to the use of their personal data and waiver of their privacy rights (in accordance with applicable data protection and privacy laws and regulations) as required for purposes of carrying out the vetting;

3.2.4 to provide any information that may impact upon their Eligibility (Relevant Information) promptly, accurately and completely to the Vetting Panel in accordance with Rule 4.4, and otherwise as requested by the Vetting Panel in order to carry out such vetting; and

3.2.5 that any third party may provide such information as the Vetting Panel may require in order to carry out such vetting.

3.3 Upon request by or on behalf of the Vetting Panel, an Applicable Person will provide:

3.3.1 written confirmation of their agreement as set out in Rule 3.2, in the form required by the Vetting Panel;

3.3.2 their written consent to the provision of Relevant Information to the Vetting Panel by other parties, and cooperate in the obtaining of such information from any source.

3.4 An Applicable Person will not interfere with or seek to block or to limit the provision to the Vetting Panel of Relevant Information by any party.

3.5 Any violation of these Vetting Rules by an Applicable Person will constitute a violation of the IBU Integrity Code and shall be referred to the Biathlon Integrity Unit for investigation and possible enforcement action.

4. VETTING PROCESS

4.1 Any person responsible for managing the process of election or appointment of a candidate as an IBU Official will refer all such candidates to the Vetting Panel for determination of their Eligibility as a pre-condition to acceptance of their candidacy. Such referral should be made in due time for completion of the vetting process in accordance with the applicable deadlines for the appointment or nomination for election. A candidate may withdraw their candidacy for appointment or election as an IBU Official at any time prior to a final decision by the Vetting Panel on their Eligibility.

4.2 The Vetting Panel will determine the Eligibility of an IBU Official or NF Applicable Person to remain in post at any time where information comes to its attention (whether due to its own activities or from any other source) that it reasonably considers may impact upon the Eligibility of that IBU Official or NF Applicable Person.

4.3 The Vetting Panel will carry out vetting to determine Eligibility to become or remain an IBU Official or NF Applicable Person in a reasonable and proportionate manner, based on the level of authority and influence exercised or to be exercised by the person in question. Any issues of fact will be determined on the balance of probabilities.

4.4 An Applicable Person must disclose any Relevant Information to the Vetting Panel promptly, accurately and completely:

4.4.1 at the time they decide to become a candidate for appointment or election as an IBU Official; and

4.4.2 upon request by or on behalf of the Vetting Panel;

4.4.3 thereafter whenever it comes to their attention (i.e., before or after their election or appointment as an Applicable Person), whether or not requested by the Vetting Panel; and

4.4.4 as necessary to ensure that any previous disclosure to the Vetting Panel remains accurate and complete.

4.5 Every IBU Official must inform the Vetting Panel of any Relevant Information that comes to their attention about any Applicable Person. In addition, the Vetting Panel may receive and/or request Relevant Information from any other party, and/or make such other further enquiries as it sees fit.

4.6 The Secretary General will provide the Vetting Panel with all documents and information held by the IBU that are relevant to the Vetting Panel's work, including any Relevant Information in respect of any Applicable Person.

4.7 The Vetting Panel may engage external advisors and/or experts or external business intelligence agencies to assist it in determining the Eligibility of an Applicable Person, including by searching for Relevant Information about that person.

4.8 Liaison with the Biathlon Integrity Unit:

4.8.1 The Vetting Panel will refer any potential breach of the Constitution or the Rules that is identified during the vetting process to the Biathlon Integrity Unit for investigation and possible enforcement action, pending which the vetting process may be suspended.

4.8.2 The Vetting Panel may consult confidentially with the Head of the BIU about any ongoing or closed investigations and/or enforcement action by the BIU in respect of the person being vetted. The Vetting Panel and the BIU will not disclose this communication to the person being vetted unless the information provided is then relied upon by the Vetting Panel to determine that the person is not Eligible.

4.8.3 The BIU may request information from the Vetting Panel about any person the Vetting Panel has vetted or is in the process of vetting, where relevant to the functions and responsibilities of the BIU.

4.9 Based on an assessment of all Relevant Information gathered, the Vetting Panel will determine either (a) that the Applicable Person under consideration is Eligible; or (b) that the Applicable Person may not be Eligible. In the latter case, the Vetting Panel will notify the Applicable Person of its preliminary assessment and the reasons for it (which will be confidential), and give them at least five working days to make any submissions on such preliminary assessment and provide any evidence in support of those submissions to the Vetting Panel. The Vetting Panel will then take such further submissions and evidence into account in making a final decision as to the Eligibility of the Applicable Person.

4.10 Integrity Checks:

4.10.1 In assessing whether or not an Applicable Person passes the test set out at Article 27.2.11 of the Constitution (the Integrity Check), the Vetting Panel will take into account at least whether the person:

4.10.1.1 is, or has been, the subject of an investigation or disciplinary action, whether or not in any sporting context (within Biathlon or other sports), resulting in adverse findings being made about the person's credibility, integrity, honesty or reputation; or

4.10.1.2 has at any time failed to comply with the law; or

4.10.1.3 is or has been the subject of any public controversy that has so undermined that person's credibility, integrity, honesty or reputation, or has otherwise brought the person into such disrepute, that their association or continued association with the IBU has or is likely to adversely affect the reputation or interests of IBU and/or the sport of Biathlon.

4.10.2 The Vetting Panel may determine that an Applicable Person passes the Integrity Check even though one or more of the circumstances specified in Rule 4.10.1 exists, taking into account the process by which such circumstances occurred, including whether the process involved a fair hearing before an impartial body or followed the applicable rules or law, and/or whether an appeal is pending.

4.10.3 The Vetting Panel may issue guidance from time to time elaborating on the matters that it may take into account in determining whether a person passes an Integrity Check.

4.11 The Applicable Person under consideration will be advised of the Vetting Panel's final decision. If the Vetting Panel decides the person is not Eligible, it will explain the reasons for that decision.

4.12 The Vetting Panel will come to a final decision as soon as is reasonably practicable. In the ordinary course, it will seek to communicate the decision to the Applicable Person within three months of referral of the matter to it.

4.13 A decision by the Vetting Panel (or by the ad hoc screening panel in accordance with Rule 2.2) that an Applicable Person is not Eligible may be appealed to the CAS in accordance with Article 32.2 of the Constitution.

4.14 Where an Applicable Person who is found not to be Eligible is an office-holder or member of staff of an NF Member, if the decision is not appealed or survives appeal, the NF Member will be notified of and required to implement the decision.

5. CONDUCT OF BUSINESS

5.1 The Vetting Panel will meet on an ad hoc basis as necessary to discharge its responsibilities. The chairperson of the Vetting Panel will chair all meetings, which may be held in person or by telephone or videoconference or other suitable means, and will give as much notice as possible (usually at least one month) to the Vetting Panel members of the date, time and venue of the meeting, as well as distributing an agenda and any relevant papers. In between meetings, business may be conducted by the members of the Vetting Panel by telephone or email or other convenient means.

5.2 Other persons may be invited by the chairperson in order to attend meetings to provide information or advice on a specific item of business at a meeting.

5.3 Decisions of the Vetting Panel will generally be made by consensus. If a consensus cannot be reached and a vote is required, each Vetting Panel member will have one vote, and at least two votes in favour are required for a decision to be made. In the event of a deadlock (e.g., due to an absence or an abstention), the chairperson will have a deciding vote.

5.4 Notwithstanding Rule 5.3, a Vetting Panel member may not vote or participate in deliberations in relation to any person whose Eligibility is under consideration by the Vetting Panel if that Vetting Panel member has or has had a personal connection or direct interest in any dealings with or matters involving that Applicable Person, unless that connection or interest is disclosed to the other members of the Vetting Panel and they agree that recusal is not necessary.

5.5 In addition to motions made during meetings of the Vetting Panel, a motion in writing that is signed or consented to by all Vetting Panel members by email, facsimile or other form of visible or other electronic communication will be valid as if it had been passed at a meeting of the Vetting Panel. Any such motion may consist of several documents in the same form, each signed by one or more of the Vetting Panel members.

5.6 Minutes of each meeting of the Vetting Panel will be taken. The minutes will be finalised by the chairperson and sent to Vetting Panel members within a month of the meeting. Any amendments to the minutes will be agreed at the next meeting of the Vetting Panel and noted accordingly.

5.7 All meetings and the work of the Vetting Panel are confidential. All documents, information, discussion and determinations made at a Vetting Panel meeting or otherwise exchanged or agreed in connection with the work of the Vetting Panel will be held in accordance with applicable data protection and privacy requirements and will be kept confidential and not disclosed to any other person unless: (a) the chairperson authorises such disclosure; (b) the Vetting Panel agrees that such disclosure is necessary or desirable to advance its work; (c) the matter is in the public domain; or (d) such disclosure is required under the Constitution or the Rules, or by law or any relevant authority (such as the CAS).

5.8 The Secretary General will organise travel, accommodation and insurance as necessary to cover the work of the Vetting Panel. The IBU will provide the financial resources and any administrative resources required by the Vetting Panel to carry out its work, and will reimburse expenses, and provide any other

allowances or service fees, for each member of the Vetting Panel in accordance with policies fixed by the Executive Board. However, the Vetting Panel will operate at all times entirely independently of the IBU.

6. INDEMNITY

6.1 The Vetting Panel members and the members of the ad hoc screening panel will be indemnified by the IBU in accordance with Article 41.1 of the Constitution.

7. REPORTING

7.1 Where requested by the President, the chairperson of the Vetting Panel will attend Executive Board meetings to report on the activities of the Vetting Panel.

7.2 The chairperson of the Vetting Panel will report to Congress on its activities in accordance with Article 13.2.10 of the Constitution.