



*INTERNATIONAL*  
**BIATHLON**  
*UNION*

**06**

*VERSION 2024*

# **IBU BIATHLON INTEGRITY UNIT RULES**

Effective 29 September 2024



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## PART I INTRODUCTION

### 1. Introduction

**1.1** Article 29 of the IBU Constitution requires the IBU to establish and maintain a comprehensive IBU Integrity Code, and to set up a Biathlon Integrity Unit (BIU) with the following mandate:

**1.1.1** to maintain public confidence in the integrity of the sport of Biathlon, and in the commitment of the IBU to take all steps necessary to protect that integrity, through the effective policing and enforcement of the IBU Integrity Code; and

**1.1.2** as part of that effort, to ensure the IBU is in full compliance at all times with its obligations as a signatory to the World Anti-Doping Code, and with its other governance and ethical compliance obligations set out in the Constitution and the Rules.

**1.2** These BIU Rules were adopted at the Extraordinary Congress meeting that took place in October 2019. They supplement Part VIII of the Constitution - which sets out the mandate and powers of the BIU and its operational independence (Articles 29 and 30) - by setting out and defining the structure and operations of the BIU, including the respective powers, roles, responsibilities and authority of the BIU Board and the Head of the BIU, and its finances.

**1.3** These BIU Rules come into effect as from 19 October 2019. From that date, they supersede any previous IBU rules covering the same subject-matter. The Executive Board may amend and/or supplement them from time to time at the request of the BIU Board, subject to the ultimate authority of Congress. In case of any conflict between these BIU Rules and the Constitution, the Constitution will prevail.

**1.4** These BIU Rules are governed by and will be interpreted in accordance with the laws of Austria and the rules of interpretation set out in Appendix 1 of the Constitution.

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

### 2. Responsibilities

**2.1** As per Article 29.3 of the Constitution, the main responsibilities of the BIU will include:

**2.1.1** to educate all IBU Officials (including IBU Staff), NF Members, NF Member office-holders and staff, Athletes, Athlete Support Personnel, and others who are bound by the IBU Integrity Code about their obligations thereunder, and to monitor their compliance with those obligations;

**2.1.2** to monitor compliance by the IBU with its obligations as a signatory to the World Anti-Doping Code and with its other governance and ethical compliance obligations set out in the Constitution and the Rules;

**2.1.3** in the name of the IBU, to investigate potential violations of the IBU Integrity Code;

**2.1.4** in the name of the IBU, to prosecute alleged violations of the IBU Integrity Code before the Disciplinary Tribunal;

**2.1.5** in the name of the IBU, to pursue/defend appeals to the CAS from decisions of the Disciplinary Tribunal; and

**2.1.6** to obtain relevant intelligence and information from and to share relevant intelligence and information with other relevant authorities;

**2.1.7** to support the BIU Board in the accomplishment of its duties and responsibilities.

### 3. Location

**3.1** The BIU will have its headquarters at one or more locations, as decided by the Executive Board on the recommendation of the BIU Board.



**3.2** The BIU will be located in premises that are wholly separated from the headquarters and any other offices of the IBU. They may be in the same building as IBU offices, provided that they are capable of being secured so that no one may access them without the knowledge and agreement of the BIU Staff.

#### **4. Operating Structure**

**4.1** The operating structure of the BIU, including any departments or divisions, and staffing structures, will be approved by the BIU Board on the recommendation of the Head of the BIU.

**4.2** If agreed by the Secretary General, the BIU may use functions and services provided by IBU Staff on agreed terms, provided that at all times the independence of the BIU is not compromised and the confidentiality of the BIU's work is maintained.

**4.3** The Head of the BIU and the Secretary General will agree on written protocols and policies to the extent necessary to manage any day-to-day matters relevant to both the BIU and the IBU generally. This may include matters such as external communications on integrity-related matters, disclosure of information received by the IBU that relates to the work of the BIU, and staff policies and procedures. These protocols and policies must, to the extent practicable, preserve the independence of the BIU and the confidentiality of its work.

#### **5. Staff**

**5.1** All BIU Staff will be employed or engaged by the IBU, but will report to the Head of the BIU or his/her designee.

**5.2** All permanent positions for BIU Staff will be publicly advertised on the official BIU website and the official IBU website.

**5.3** No person may be employed or engaged as BIU Staff if they are IBU Staff or otherwise an IBU Official.

#### **6. Systems and security**

**6.1** The Head of the BIU will put sufficient systems and procedures in place to ensure the security of all information held by the BIU and that such information is kept confidential (including from IBU Officials and IBU Staff) in all material respects. Such systems and procedures should meet current best practice business accreditation standards and must be strictly compliant with applicable data protection and privacy laws. The Head of the BIU will ensure such systems and procedures are documented.

#### **7. Website and branding**

**7.1** The BIU will establish and maintain its own official BIU website, in the name of the Biathlon Integrity Unit.

**7.2** 7.2 The BIU will have its own branding, which reflects both its connection to and its independence from the IBU. All branding of the BIU must be designed in consultation with the President.

**7.3** All intellectual property of the BIU, including its branding, will be owned by the IBU.

**7.4** The BIU Board will establish policies and procedures for the use of the branding, in consultation with the President.



## PART II THE BIU BOARD

### 8. Composition

**8.1** In accordance with Article 29.3 of the Constitution, the BIU Board will be composed of three independent members, a member of the Executive Board, and the Head of the BIU.

**8.2** Each member of the BIU Board is an IBU Official. Therefore, in order to be appointed to the BIU Board, a person must be Eligible in accordance with Article 27 of the Constitution.

**8.3** The independent members of the BIU Board referenced at Article 29.3.1 of the IBU Constitution will identify and determine the independence and Eligibility of candidates to fill any vacancies that arise among the independent members of the BIU Board, and to address any issue that arises about their independence and/or Eligibility subsequent to such appointment. If after their appointment an independent member of the BIU Board is determined by the other independent members of the BIU Board not to be Eligible, the position of that member on the BIU Board will be automatically vacated.

### 9. Appointment

**9.1** In accordance with Article 13.2.8 of the Constitution, the members of the BIU Board will be appointed by Congress at Election Congress meetings. The appointment process will take place as follows:

**9.1.1** In accordance with Article 27.3 of the Constitution, the BIU Board will identify and recommend persons to Congress for appointment as independent members of the BIU Board, after the advertising of these positions publicly on the official BIU and IBU website and based on such assessments, interviews and enquiries of applicants as the BIU Board sees fit to conduct.

**9.1.2** Congress will appoint the three independent members of the BIU Board in accordance with Article 13.2.8 of the Constitution, including appointing one of them as chairperson of the BIU Board.

**9.1.3** The Executive Board will elect an Executive Board member to be a non-voting member of the BIU Board no later than the first Executive Board meeting held after the Congress meeting.

**9.1.4** The Head of the BIU will also be a non-voting member of the BIU Board. If at any point the position of Head of the BIU is vacant, his or her position on the BIU Board will also be vacant.

**9.2** Subject to Rule 9.4, the term of office for the members of the inaugural BIU Board will end at the close of the first Election Congress meeting held after the Extraordinary Congress meeting in October 2019, and the term of office for the members of subsequent BIU Boards will be approximately four years, commencing at the close of the Election Congress meeting at which they are appointed, and expiring at the close of the next Election Congress meeting at which they are replaced. This will not apply to the Head of the BIU, however, who will remain a member of the BIU Board throughout.

**9.3** A member may be re-appointed to the BIU Board at the end of their term, save that no member may serve more than three full terms, consecutively or otherwise.

**9.4** If at any time the position of a member of the BIU Board is vacated by the person appointed or elected to it prior to the expiry of their term of office for any reason (including (i) resignation; (ii) death; (iii) a decision that the person is no longer Eligible; (iv) their removal or retirement in accordance with the Constitution; or (v) their removal for serious breach or repeated or persistent breach of duties):

**9.4.1** If it is the position of an independent member that becomes vacant, it will be filled until the next Congress meeting by a person appointed by the Executive Board on the recommendation of the BIU Board, with such appointment to be put to Congress for ratification at its next meeting..

**9.4.2** If it is the position of the Executive Board member that becomes vacant (whether because they cease to be an Executive Board member or for any other reason), they will be replaced on the BIU Board by another Executive Board member chosen by the other Executive Board members.



**9.4.3** If the Head of the BIU leaves the employ of the IBU, he or she will be replaced on the BIU Board by his or her successor as Head of the BIU.

## **10. Powers**

**10.1** The BIU Board will be responsible for governing the BIU and ensuring it carries out its role and responsibilities in accordance with the Constitution and these BIU Rules.

**10.2** The BIU Board will have the power to:

**10.2.1** approve and review a strategic plan for the BIU (which shall include provision for external audit of the BIU's operations by an independent external agency) and regularly monitor progress against that strategic plan;

**10.2.2** approve and review an annual plan, budget and three-year forecast of funding requirements for the BIU, and regularly monitor progress against the annual plan and budget;

**10.2.3** approve and review the anti-doping and integrity programmes for the BIU, on the recommendation of the Head of the BIU;

**10.2.4** appoint (including all terms and conditions of such appointment) and monitor the performance of the Head of the BIU and, if necessary, terminate such appointment;

**10.2.5** identify and manage the risks arising in relation to the BIU and the IBU Integrity Code;

**10.2.6** consider and recommend to the Executive Board any amendments to the Constitution and the Rules (including these BIU Rules and the IBU Integrity Code) that are relevant to the mandate of the BIU;

**10.2.7** approve and amend policies and procedures for the operation of the BIU, in particular to ensure that it operates independently from the IBU (provided that such policies and procedures are not inconsistent with the Constitution);

**10.2.8** establish committees of the BIU Board and other groups, taskforces or persons to carry out particular aspects of the work of the BIU Board under its delegated authority;

**10.2.9** approve decisions of the Head of the BIU as to:

**10.2.9.1** whether the BIU (in the name of the IBU) should bring proceedings for violation of the IBU Integrity Code;

**10.2.9.2** whether the BIU (in the name of the IBU) should agree the outcome of any proceedings with the subject(s) of the proceedings without reference to the Disciplinary Tribunal;

**10.2.9.3** whether the BIU (in the name of the IBU) should appeal decisions of Disciplinary Tribunals in cases arising under the IBU Integrity Code to CAS; and/or

**10.2.9.4** whether the BIU (in the name of the IBU) should participate in any appeal or other proceeding before CAS or any other forum to which the IBU is not a party;

**10.2.10** approve and amend policies and procedures for the making of other decisions permitted or required of the Head of the BIU under the IBU Integrity Code and/or these BIU Rules;

**10.2.11** if requested by the Head of the BIU, make decisions permitted or required of the Head of the BIU as set out in the IBU Integrity Code or in these BIU Rules;

**10.2.12** make recommendations to the Executive Board or Congress on any proposal by the Executive Board or Congress to suspend or sanction NF Members;

**10.2.13** supervise the control of expenditure and prudently use the funding allocated to the BIU;

**10.2.14** recommend to the Executive Board the opening in the name of the 'IBU – Biathlon Integrity Unit' of such bank accounts as the BIU Board considers necessary or helpful to carry out the BIU's mandate;



**10.2.15** engage, contract or otherwise agree to obtain the assistance or advice of any person or organization to assist in carrying out the BIU's mandate;

**10.2.16** establish policies and procedures containing delegations of authority and limits of authority for the Head of the BIU and other BIU Staff to ensure the necessary control of funds and expenditure of the BIU;

**10.2.17** approve major transactions relating to the BIU in accordance with the limitations and procedures agreed with the Executive Board;

**10.2.18** report to Congress and the Executive Board in accordance with the Constitution and these BIU Rules; and

**10.2.19** subject to the Constitution, do all other things necessary or desirable to fulfil the mandate of the BIU set out in Article 29 of the Constitution.

## 11. Vetting

**11.1** Article 27.3 of the Constitution provides the BIU Board will be responsible for determining whether a person is Eligible to become or to remain an IBU Official (Vetting).

**11.2** The three independent members of the BIU Board referenced at Article 29.3.1 of the Constitution will take part in the decision-making process related to Vetting.

**11.3** 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:

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

**11.3.2** to be subject to Vetting by the BIU Board 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 BIU Board;

**11.3.3** 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;

**11.3.4** to provide any information that may impact upon their Eligibility (Relevant Information) promptly, accurately and completely to the BIU Board in accordance with Rule 4.4, and otherwise as requested by the BIU Board in order to carry out such vet-ting; and

**11.3.5** that any third party may provide such information as the BIU Board may require in order to carry out such vetting.

**11.4** Upon request by or on behalf of the BIU Board, an Applicable Person will provide:

**11.4.1** written confirmation of their agreement as set out in Article 11.3, in the form required by the BIU Board;

**11.4.2** their written consent to the provision of Relevant Information to the BIU Board by other parties, and cooperate in the obtaining of such information from any source.

**11.5** An Applicable Person will not interfere with or seek to block or to limit the provision to the BIU Board of Relevant Information by any party.

**11.6** Any violation of this Article 11 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.

**11.7** 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 BIU Board for de-termination 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 BIU Board on their Eligibility.

**11.7.1** The BIU Board 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.

**11.7.2** The BIU Board 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.

**11.7.3** An Applicable Person must disclose any Relevant Information to the BIU Board promptly, accurately and completely:

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

**11.7.3.2** upon request by or on behalf of the BIU Board;

**11.7.3.3** 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 BIU Board; and

**11.7.3.4** as necessary to ensure that any previous disclosure to the BIU Board remains accurate and complete.

**11.7.4** In the case of an Applicable Person who is a candidate for election on the Executive Board or the Technical Committee, the BIU may interview such Applicable Person in order to gather Relevant Information.

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

**11.7.6** The BIU will provide the BIU Board with all documents and information held by the IBU that are relevant to the BIU Board's work, including any Relevant Information in respect of any Applicable Person.

**11.7.7** The BIU Board 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.

**11.7.8** In the fulfilment of its Vetting responsibilities, the BIU Board:

**11.7.8.1** 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;

**11.7.8.2** 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 BIU Board and the BIU will not disclose this communication to the person being vetted unless the information provided is then relied upon by the BIU Board to determine that the person is not Eligible.

**11.7.8.3** may request information from the BIU Board about any person the BIU Board has vetted or is in the process of Vetting, where relevant to the functions and responsibilities of the BIU.

**11.7.9** In assessing whether or not an Applicable Person has criteria for being Eligible set out at Article 27.2.12 of the Constitution, the BIU Board will take into account, at least, whether the person has relevant practical experience and credible references.





**11.7.10** Based on an assessment of all Relevant Information gathered, the BIU Board 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 BIU Board 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 sub-missions to the BIU Board. The BIU Board will then take such further submissions and evidence into account in making a final decision as to the Eligibility of the Applicable Person.

**11.7.11** The BIU Board will assess whether or not an Applicable Person passes the test set out at Article 27.2.11 of the Constitution (the Integrity Check).

**11.7.11.1** In assessing whether or not an Applicable Person passes the Integrity Check, the BIU Board will take into account at least whether the person:

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

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

**11.7.11.1.3** 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 sports of Biathlon and Para Biathlon.

**11.7.11.2** The BIU Board 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.

**11.7.11.3** The BIU Board 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.

**11.7.12** The Applicable Person under consideration will be advised of the BIU Board's final decision. If the BIU Board decides the person is not Eligible, it will explain the reasons for that decision.

**11.7.13** The BIU Board 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.

**11.7.14** A decision by the BIU Board (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.

**11.7.15** 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.

## **12. Duties**

**12.1** All members of the BIU Board are required at all times to:

**12.1.1** act at all times in good faith and in the best interests of the BIU;

**12.1.2** exercise the powers of the BIU Board for proper purposes;

**12.1.3** act, and ensure the BIU Board acts, in accordance with the Constitution and the Rules, including the IBU Integrity Code and these BIU Rules;

**12.1.4** maintain a reputation for high standards of business conduct;



**12.1.5** comply with and do not publicly disagree with BIU Board decisions, even if privately they do not agree with them;

**12.1.6** act independently from the organs of the IBU, including the President, Vice-President, Secretary General, Executive Board, and Committees, save to the extent specified in these BIU Rules;

**12.1.7** not agree to, nor cause or allow, the activities of the BIU to be carried on in a manner likely to create a substantial risk of serious loss to the IBU's creditors;

**12.1.8** not agree to the BIU incurring any obligations unless they reasonably believe at that time that the BIU will be able to perform the obligations when it is required to do so;

**12.1.9** except for the chairperson, not speak or make statements publicly on behalf of the BIU Board unless authorised to do so by the chairperson, or in accordance with delegated authority in writing from the BIU Board;

**12.1.10** exercise the care, diligence and skill that any reasonable BIU Board member would exercise in the same circumstances;

**12.1.11** disclose to the BIU Board the nature and extent of any interest that they have in a transaction or proposed transaction of the BIU as soon as they become aware of such interest or such transaction;

**12.1.12** not disclose to any Person information that they would not have had access to other than in their capacity as an BIU Board member, or make use of or act on that information except:

**12.1.12.1** for the purposes of the BIU, as agreed by the BIU Board; or

**12.1.12.2** as required by law;

**12.1.13** make reasonable efforts to attend and actively participate in all BIU Board meetings; and

**12.1.14** participate in an annual review of the BIU Board's performance in the manner decided by the BIU Board.

**12.2** In addition to their general duties as a member of the BIU Board, the chairperson of the BIU Board has the following responsibilities:

**12.2.1** to be the lead ambassador and spokesperson for the BIU, together with the Head of the BIU, in accordance with policies decided by the BIU Board;

**12.2.2** to promote the BIU and liaise and co-operate with other sports organisations, public and private organisations and authorities (including WADA) and other stakeholders, including the media;

**12.2.3** to chair meetings of the BIU Board and lead the work of the BIU Board, including ensuring it implements good governance practices, functions effectively, acts within its powers, and meets its obligations and responsibilities;

**11.2.4** to support, monitor and liaise with and to form a strong collaborative working relationship with the Head of the BIU; and

**12.2.5** to authorise transactions and sign documentation binding the IBU only (a) together with at least one other member of the BIU Board; and (b) in accordance with decisions, policies and procedures decided by the BIU Board, or as otherwise specified in these BIU Rules.

**12.3** In addition, as per Article 27.3 of the Constitution, the responsibilities of the three independent members of the BIU Board include sitting together as the authority responsible for determining whether a person is Eligible to become or to remain an IBU Official and will do so in accordance with the BIU Rules.



### 13. Meetings, voting and motions

**13.1** Meetings of the BIU Board will occur at such regular intervals as the BIU Board may decide, and may also be called at any time by the chairperson or any two members of the BIU Board. Except to the extent set out in the Constitution or in these BIU Rules, the BIU Board will regulate its own procedure. The BIU Board will meet on an ad hoc basis to discharge its responsibilities under Article 11.

**13.2** BIU Board members may participate in any meeting of the BIU Board without being physically present. Such meetings may occur by telephone, through video conference facilities or by other means of verbal communication provided that prior notice of the meeting is given to all BIU Board members, and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by any BIU Board member in this manner at a meeting will constitute the presence of that BIU Board member at that meeting.

**13.3** The quorum for a BIU Board meeting will be three BIU Board members, of which at least two must be independent members of the BIU Board.

**12.4** 13.4 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.

**13.5** Each independent member of the BIU Board present at the meeting will be entitled to one vote on each motion, and at least two votes in favour are required for a motion to pass, including for matters falling under Article 11. Voting by proxy or by letter is not permitted. The two non-voting members of the BIU Board may express their views on a motion, but such views will not be counted for voting purposes. Unless expressly specified otherwise in these BIU Rules, all motions will be carried by the votes of at least two of the independent members of the BIU Board. In the event of a deadlock (e.g., due to an absence or an abstention), the chairperson will have a deciding vote. Except for motions passed outside of a BIU Board meeting under Article 13.6, voting at BIU Board meetings will be by voice, or (upon request of any independent member of the BIU Board) by show of hands or by secret ballot.

**13.6** A motion in writing signed or consented to by email, facsimile or other forms of electronic communication by all the independent members of the BIU Board will be valid as if it had been passed at a meeting of the BIU Board. Any such motions may consist of several documents in the same form, each signed or consented to by one or more independent members of the BIU Board.

**13.7** Notwithstanding Article 11, a BIU Board member may not vote or participate in deliberations in relation to any person whose Eligibility is under consideration by the BIU Board if that BIU Board 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 BIU Board and they agree that recusal is not necessary.

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

**13.9** All meetings and the work of the BIU Board are confidential. All documents, information, discussion and determinations made at a BIU Board meeting or otherwise exchanged or agreed in connection with the work of the BIU Board 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 BIU Board 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).



## 14. Reporting

**14.1** The BIU Board will:

**14.1.1** prepare and a written annual report, for circulation to NF Members by the Secretary General (in the year of an Ordinary Congress meeting, it will be circulated as part of the handbook distributed to NF Members for that meeting); and

**14.1.2** prepare and present a report to each Ordinary Congress meeting, in accordance with Article 30.7 of the Constitution. The presentation at Congress will be made in person by the chairperson or (if the chairperson is unavailable) by one of the other independent members of the BIU Board.

**14.2** The BIU reports will also be published on the official BIU website and the official IBU website after circulation to NF Members in accordance with Rule 13.1.1 or after presentation at the Congress meeting in accordance with Rule 13.1.2.

**14.3** The BIU Board will provide the following information to the Executive Board between Congress meetings:

**14.3.1** information as to the BIU's financial position, on a quarterly basis, at the first Executive Board meeting in the following quarter, in a form agreed between the BIU Board and the Executive Board, taking into account the independence of the BIU and the requirement for confidentiality of its work;

**14.3.2** financial and non-financial information necessary for the IBU to compile the IBU annual report and to complete any reporting to any Austrian authority (such as VAT reporting) or as otherwise required by law; and

**14.3.3** information (only to the extent appropriate and necessary) about any significant cases or controversy about or involving the BIU that is in the public domain.

**14.4** Where requested by the President, the chairperson of the BIU Board will attend Executive Board meetings to report on the activities of the BIU Board.

**14.5** The chairperson of the BIU Board will report to Congress on its activities in accordance with Article 13.2.10 of the Constitution.

## 15. Indemnity, remuneration, and expenses

**15.1** The IBU will indemnify all members of the BIU Board, including the Head of the BIU, in accordance with Article 40 of the Constitution.

**15.2** Each member of the BIU Board will be remunerated for their services to the BIU Board and will have reasonable expenses incurred by them in carrying out their roles either paid or reimbursed, in accordance with the policy adopted by the Executive Board. The remuneration paid to BIU Board members (including the Head of the BIU) will be disclosed in each BIU annual report. However, the BIU Board will operate at all times entirely independently of the IBU.



## PART III THE HEAD OF THE BIU

### 16. Appointment

**16.1** The terms and conditions of employment for the Head of the BIU (including any termination of such employment) will be decided by the BIU Board. Except for clearance from the BIU under the Article 11 of the BIU Rules, no approval is required from any other person or body within the IBU to employ or engage the Head of the BIU or to terminate the employment or engagement of the Head of the BIU.

**16.2** The Head of the BIU is appointed by, and accountable to, the BIU Board alone. They receive direction from and are responsible to the BIU Board and, on its behalf, the chairperson of the BIU Board. If there is any inconsistency between the directions of the chairperson and the directions of the BIU Board, the matter will be referred to the BIU Board.

### 17. Responsibility

**17.1** The Head of the BIU will be responsible for the day-to-day management of the BIU, including its offices and the BIU staff, in accordance with the directions of the BIU Board, the Constitution, these BIU Rules, and the policies and procedures of the BIU, and within such limitations and delegated authority as may be established by the BIU Board.

**17.2** The Head of the BIU is authorised to employ or engage (and terminate such employment or engagement of) all BIU Staff and contractors and advisors, unless the BIU Board specifies otherwise. No approval is required from any other person or body within the IBU to employ or engage BIU Staff, contractors, or advisors.

**17.3** The Head of the BIU is also responsible for:

**17.3.1** developing each of the BIU strategic plan, the annual plan, budget and three year forecast for funding of the BIU, and the annual BIU anti-doping programme and integrity programme, in each case for approval by the BIU Board;

**17.3.2** regularly reporting to the BIU Board on progress against such plans, budgets, forecasts and programmes;

**17.3.3** defining and monitoring delegations of the authority of the Head of the BIU to BIU Staff;

**17.3.4** controlling expenditure and allocating funding prudently in accordance with the approved budget;

**17.3.5** subject to the prior approval of the BIU Board in accordance with Rule 10.2.9, making decisions as to:

**17.3.5.1** whether proceedings should be brought for violation of the IBU Integrity Code;

**17.3.5.2** whether the BIU should agree the outcome of any proceedings with the subject(s) of the proceedings without reference to the Disciplinary Tribunal;

**17.3.5.3** whether the BIU (in the name of the IBU) should appeal decisions of Disciplinary Tribunals in cases arising under the IBU Integrity Code to CAS; and/or

**17.3.5.4** whether the BIU (in the name of the IBU) should participate in any appeal or other proceeding before CAS or any other forum to which the IBU is not a party;

**17.3.6** subject to any policies and procedures that may be adopted by the BIU Board from time to time, making other decisions permitted or required of the Head of the BIU as set out in these BIU Rules or in the IBU Integrity Code, including whether:

**17.3.6.1** to conduct investigations in accordance with the IBU Integrity Code;

**17.3.6.2** to impose a provisional suspension pending determination of the charge(s);



- 17.3.6.3** to issue demands in accordance with Article 3.6 of Chapter E of the IBU Integrity Code; and/or
  - 17.3.6.4** to suspend periods of ineligibility where substantial assistance has been provided in accordance with the IBU Integrity Code;
  - 17.3.7** report to the BIU Board on all decisions made by the Head of the BIU in accordance with Rule 16.3.6, in such manner as the BIU Board may require, and by no later than the time of its next meeting;
  - 17.3.8** request the BIU Board to make any of the decisions permitted or required of the Head of the Integrity under Rule 16.3.6, whenever the Head of the BIU considers it necessary or appropriate for the BIU Board to do so;
  - 17.3.9** to the extent permitted by these BIU Rules or the IBU Integrity Code, act as the IBU Anti-Doping Administrator for the purpose of any doping cases arising under the IBU Anti-Doping Rules applicable prior to the issue of the IBU Integrity Code;
  - 17.3.10** with the approval of the BIU Board, engage, contract or otherwise agree to obtain the assistance or advice of any Person or organisation to assist the BIU in its work;
  - 17.3.11** support the chairperson of the BIU Board in engaging with external stakeholders of the BIU;
  - 17.3.12** develop systems, policies and procedures for the effective functioning of the BIU;
  - 17.3.13** develop, review and assess new projects and innovations for the improvement of the BIU's performance, for approval by the BIU Board;
  - 17.3.14** supervise and approve all reporting to external bodies as necessary;
  - 17.3.15** ensure compliance by the BIU with all applicable laws, the Constitution and the Rules, and the World Anti-Doping Code;
  - 17.3.16** prepare the BIU reports referenced in Rule 13.1 for the approval of the BIU Board;
  - 17.3.17** prepare the minutes of BIU Board meetings; and
  - 17.3.18** support the conduct of external audits of the BIU.
- 17.4** The Head of the BIU may attend all Congress meetings but will have no voting rights.
- 17.5** The Head of the BIU may be required to attend Executive Board meetings to report on the matters specified in Rule 13.3.



## PART IV FINANCES

### 18. Funding

**18.1** In accordance with Article 30 of the Constitution:

**18.1.1** At each Ordinary Congress meeting, the Executive Board will put a motion to Congress to approve sufficient funding for the BIU to undertake its functions and fulfil its responsibilities in the period to the next Ordinary Congress meeting, based on a written request submitted by the BIU Board, detailing the amount of funding required for this purpose.

**18.1.2** The Executive Board will allocate any funding that is required for the BIU to undertake its functions and fulfil its responsibilities:

**18.1.2.1** in the period between the initial establishment of the BIU and the next Ordinary Congress meeting; and

**18.1.2.2** in any subsequent period, to the extent that the BIU incurs costs or expenses that were not anticipated in the request for funding for that period made by the BIU Board to Congress in accordance with Article 30.5 of the Constitution.

**18.2** The BIU Board will provide such support for all funding requests as Congress or the Executive Board may reasonably request, subject at all times to the requirement of confidentiality attaching to the investigations and other activities of the BIU. Funding requests to the Executive Board will be presented at an Executive Board meeting by the chairperson of the BIU Board and/or by the Head of the BIU.

**18.3** Funding allocated to the BIU will only be used to fulfil the mandate of the BIU, and for no other purposes.

**18.4** In the event there is unexpended funding at the end of the period for which it was allocated, the amount of the unexpended funding will be disclosed to the Executive Board together with the reason for such underspend. Such unexpended funding may only be carried over into subsequent periods for use by the BIU with the prior approval of the Executive Board.

### 19. Accounts

**19.1** The BIU will have the same financial year as the IBU, i.e., from 1 May to 30 April.

**19.2** The BIU will use financial recording systems that are the same as those used by the IBU.

**19.3** The BIU Board will prepare and approve annual financial statements for the BIU in the same form as is used for the IBU annual financial statements.

**19.4** The annual financial statements of the BIU will be consolidated into and form part of the IBU annual financial statements, and therefore will be reviewed by the Auditors in accordance with Article 42 of the Constitution.