

(Draft 28.01.16)

APPENDIX 2

BYE-LAW TO ARTICLE 57 OF THE STATUTES – FISA CODE OF ETHICS

1. Preamble

FISA is responsible for safeguarding the integrity of the sport of rowing worldwide. FISA strives to protect the sport of rowing from illegal, immoral or unethical methods and practices that may harm it and bring it into disrepute. This Code defines the most important standards of behaviour and conduct within FISA as well as with external parties.

The conduct of persons bound by this Code shall reflect the fact that they support the principles and objectives of FISA in every way and refrain from anything that could be harmful to these principles and objectives. They shall respect the significance of their commitment to FISA and its members, and represent them and behave towards them honestly, fairly, ~~respectably~~-respectfully and with integrity.

2. Parties Covered

This Code covers any party that deals with FISA, is a member of FISA or shares in its activities, including a party which:

- Participates in an event under the authority of FISA
- Acts as an official (trainer, coach, team manager, delegate, representative, etc.) of a team, a club, a national rowing federation, or a recognised confederation
- Officiates as an international umpire or in a similar role
- Organises or participates in a competition which is placed under FISA's authority, according to the Statutes and Rules of Racing
- Assumes any role within FISA, within its Council, its Executive Committee, one of its Commissions or Committees or Working Groups or Management -Boards or staff
- Otherwise deals with FISA and/or ~~is otherwise involved in FISA's activities~~shares in its activities in relation to that dealing with FISA or involvement in its activities.

§3. Relevant Conduct

§3.1. Parties covered by this Code are obliged to respect all applicable laws and regulations as well as FISA's Statutes, Rules, Bye-Laws and Event Regulations.

§3.2. Parties covered by this Code shall act in an ethical and dignified manner, and with complete integrity and credibility.

53.3. Parties covered by this Code may not abuse their position in any way to take advantage of their position for private, personal, commercial or other advantage or gain.

53.4. In all their dealings with FISA or their involvement in FISA's activities, parties covered by this Code shall remain neutral and act in a manner compatible with their function and integrity.

53.5. Information of a confidential nature in the knowledge of ~~known to the~~ parties covered by this Code is to be treated as confidential. The obligation to respect confidentiality survives the termination of any relationship which makes a party covered by this Code.

53.6. Parties covered by this Code must not offer, promise, give or accept any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside FISA. Such acts are prohibited, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties. In particular, parties covered by this Code must not offer, promise, give or accept any undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and/or any duties falling within the realm of their responsibility, ~~contrary to their duties or falling within their discretion.~~

53.7. Parties covered by this Code are prohibited from misappropriating or misusing FISA assets, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties.

53.8. Parties covered by this Code are prohibited from accepting commission or promises of such commission for themselves or intermediaries and related parties for negotiating deals of any kind while performing their duties.

64. Duty of Disclosure

64.1. Parties covered by this Code shall immediately report any potential breach of this Code to the FISA Executive Committee.

64.2. Parties covered by this Code are obliged to contribute to clarifying the facts of a case, or clarifying possible breaches and to provide evidence requested by the Ethics Panel.

75. Conflict of Interests

75.1. Parties covered by this Code or parties standing for election to FISA or other relevant body shall disclose to FISA or that body any personal interests that could be linked with their activities or prospective activities.

75.2. Conflicts of interest arise if parties covered by this Code have, or appear to have private or personal interests that detract or may detract from their ability to perform their duties with integrity in an independent, fair and correct manner. Private or personal interests include gaining any possible advantage for the parties covered by this Code themselves, their family, relatives, friends, and acquaintances. In cases requiring interpretation, reference shall be made to the section entitled "Rules concerning conflicts of interest affecting the behaviour of Olympic parties" in the IOC Code of Ethics.

68. Gifts and other Benefits

96.1. Parties covered by this Code may only offer or accept gifts or other benefits in relation to their dealings with FISA or in conjunction with their involvement in FISA activities which

i. _____ have symbolic or trivial value ~~and do not exclude any influence for the execution or omission of an act that is related to their official activities or falls within their discretion are not contrary to their duties~~realm of responsibility

ii. _____ do not create any undue pecuniary or other advantage and

iii. _____ do not create a conflict of interest.

Any gifts or other benefits not meeting all of these criteria are prohibited.

96.2. If in doubt, gifts shall not be offered or accepted.

96.3. Parties covered by this Code shall not offer to or accept from anyone within FISA cash in any amount or form or any reimbursement for expenses which are not official activities.

96.4. Parties covered by this Code may not be reimbursed by FISA for the costs associated with family members or associates accompanying them to official events, unless expressly permitted to do so by the FISA Executive Committee. Any such permission will be documented.

97. Non-Discrimination and Harassment

97.1. Parties covered by this Code may not offend the dignity or integrity of a country, private person or group of people through contemptuous, or discriminatory words or actions on account of race, skill, colour, ethnicity, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.

97.2. Harassment is forbidden. Harassment is defined as systematic, hostile and repeated acts for a considerable duration, intended to isolate or ostracise a person or group and affect the dignity of a person or group.

97.3. Sexual Harassment is forbidden. Sexual harassment is defined as unwelcome sexual advances that are not solicited or invited. The assessment is based on whether a reasonable person would regard the conduct as undesirable or offensive. Threats, the promise of advantages and coercions are particularly **absolutely** prohibited.

8. FISA Resources and Finances

8.1. FISA resources may be used only for FISA purposes.

8.2. FISA resources distributed to parties covered by this Code shall be recorded in their accounts, which must be maintained in accordance with generally accepted accounting principles. FISA may require an independent auditor to audit these accounts as a condition of such funding or distribution.

8.3 In cases where FISA gives financial support to parties covered by the Code the use of these FISA resources must be clearly demonstrated in the accounts.

8.4. The parties covered by the Code recognise the significant contribution that broadcasters, sponsors, partners and other supporters of rowing make to the development and prestige of the sport of rowing throughout the world. However, such support must be in a form consistent with the rules of sport and the principles defined in the FISA Statutes and this Code. They must not interfere in the running of rowing institutions. The organisation and staging of rowing competitions are the exclusive responsibility of FISA, the National Federations or other independent organisations recognised by FISA.

39. Application of the Code

39.1. This code shall apply to any conduct referred to in paragraphs 3 to 8 hereof which occurs after adoption of this Bye-Law. The FISA Executive Committee of FISA will appoint an Ethics Panel (see paragraph 9.4 below) responsible to decide whether any conduct referred to it falls within paragraphs 3 to 8 of this Bye-Law composed of three people; two external to FISA and one member of the FISA Executive Committee. The names of the people on the Ethics Panel will be published annually.

39.2. Complaint

Anyone, including the Executive Committee, may make a complaint in writing in accordance with the Code to the FISA President. In accordance with Article 59, any complaint involving a member of the Executive Committee shall be submitted to the IOC Ethics Commission. The FISA Ethics Panel will hear complaints received in relation to this Code, either generally or in relation to any specific matter.

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39.3. Decision to refer the complaint

The FISA Executive Committee or the IOC Ethics Commission President will decide if there is, prima facie, a possible Ethics violation and, if yes, they will refer the complaint to the relevant Ethics Panel. Anyone, including the Executive Committee of FISA, may make a complaint in writing under the Code to the President of FISA, who will refer it to the Ethics Panel with any comments he chooses to make.

39.4. FISA Ethics Panel

At FISA, alleged Ethics violations (excluding those involving a FISA Executive Committee member) will be assessed and decided upon by a FISA Ethics Panel comprised of three persons: an Executive Committee member and two members selected from the FISA Ethics Group. The Panel shall designate a President of the panel. In reaching a decision on complaints that go before it, the Ethics Panel will apply the principles set out in Article 62 of the Statutes.

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39.5. FISA Ethics Group

The FISA Ethics Group will be comprised of known individuals, independent of FISA, recognised for their involvement in the world of sport, their experience and their integrity. These individuals will be appointed by the Executive Committee for a four year term and may be reappointed. The list of members of the Ethics Group will be published. This Code shall apply to any conduct referred to in paragraphs 5 to 10 hereof which occurs after adoption of this Bye-Law. It will be the responsibility of the Ethics Panel to decide whether any conduct referred to it falls within Articles 5 to 10 of this Bye-Law.

39.6. Constitution of a FISA Ethics Panel

When a complaint has to be referred to a FISA Ethics Panel, such a panel will be constituted and convened. The Executive Committee will appoint its representative and select one of the members of the Ethics Group; the person accused of unethical behaviour will select the third member from the list of Ethics Group members.

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Any appeal against a decision of the Ethics Panel under this Code may be made only to the Court of Arbitration for Sport under Articles 64 or 65 of the FISA Statutes.

410. Assessment and Sanctions

10.1 In reaching a decision on complaints that go before it, the Ethics Panel will apply the principles set out in Article 62 of the Statutes.

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10.2 The Ethics Panel will determine the procedure to be followed in order to ensure a fair assessment of the complaint.

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410.34. After having assessed all elements of the complaint, the Ethics Panel will render a decision. In the case of any decision that there has been an infringement of this Code, the Ethics Panel may impose the penalties set out in Article 63 of the Statutes, including deciding the scope and duration of the penalty, and the geographical area-reach of the penalty. The penalty may be imposed by taking into account all relevant factors in the case, including the offender's assistance and cooperation, the motive, the circumstances and the degree of the offender's guilt, as well as whether the breach has been repeated or more than one breach has been committed. The sanction will be final within FISA.

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410.42. The Ethics Panel may apply the other provisions of Article 63 of the Statutes, regarding suspension of a penalty or ordering payment of a fine.

410.53. The Ethics Panel may choose to notify the appropriate law enforcement authorities in a relevant case.

10.6. Any appeal against a decision of the Ethics Panel under this Code or of the IOC Ethics Commission regarding a member of the FISA Executive Committee may be made only to the Court of Arbitration for Sport under Articles 64 or 65 of the FISA Statutes.

5. Relevant Conduct

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