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**INTERNATIONAL OLYMPIC COMMITTEE
ETHICS COMMISSION**

**Decision with recommendations
No. 1 - 2013**

CASE No. 1/2012

Mr Pál Schmitt
IOC Member
c/o Hungarian Olympic Committee
Istvanmezei ut 1-3
1146 Budapest - Hungary

FACTS and PROCEDURE:

1. - On 29 March 2012, the Senate of Semmelweis University in Budapest (Hungary) decided to strip Mr Pál Schmitt of his university doctorate obtained in 1992 on the basis of a dissertation entitled "Analysis of the programme of the modern Olympic Games" on the grounds that, since the "doctoral dissertation was based on lengthy literal translations, it does not meet the scientific and ethical criteria required for obtaining a university doctorate".

2. - In a letter dated 4 April 2012, the IOC President referred to the Ethics Commission the situation of Mr Pál Schmitt, an IOC member since 1983.

3 - On 18 April 2012, Mr Pál Schmitt sent the Commission his first written observations, arguing among other things that, in his dissertation, he had updated the work of authors whom he had cited in his list of sources; that at no point during the procedure before the Senate had he had the possibility to give his explanations regarding the issue of plagiarism; and that the Senate was not competent to revoke a doctorate. He added that this attack on his doctorate was entirely political, and was in no way connected with his IOC membership or loyalty to the Olympic Movement.

4 – Acting as rapporteur for the Ethics Commission, the Chairman heard Mr Pál Schmitt's oral observations on 7 May 2012. In these, he said that, on 2 May 2012, he had filed an administrative law appeal against the University Senate before the competent court in Budapest, explaining that his appeal was based in particular on the failure to respect his right to due process.

5. – In a decision dated 10 May 2012, the Ethics Commission recommended that the Executive Board impose a provisional suspension of all of Mr Pál Schmitt's rights, noting that it could not decide on the case until a final decision had been taken on Mr Pál Schmitt's appeal and that, as a result, the investigation must therefore continue. Nonetheless, the gravity of the acts of which the IOC member was accused, directly linked to the Olympic Movement, and the need to protect the IOC from any risk of harming its reputation, justified a provisional measure.

6. – On 29 May 2012, Mr Pál Schmitt announced his personal decision not to exercise the rights, prerogatives and functions deriving from his IOC membership for the following six months; and the Executive Board accepted this decision on 30 May 2012.

7. – In a letter dated 23 November 2012, Mr Pál Schmitt informed the Ethics Commission that the Budapest Metropolitan Court, which had heard his appeal, considered that the decision of 29 March 2012 by the Senate of Semmelweis University to revoke Mr Pál Schmitt’s doctorate obtained in 1992 did not constitute a final decision, only a first instance decision. He added that, as a result, the University had created an appeals committee to take a decision on the 29 March 2012 decision.

8. – In a letter to the Ethics Commission dated 4 December 2012, Mr Pál Schmitt announced that he was maintaining his personal suspension decision until a final decision was taken.

9. – On 15 May 2013, Mr Pál Schmitt forwarded to the Ethics Commission a letter from the Hungarian Minister responsible for universities, together with the minutes of the meeting on 3 May 2013 of the Appeals Committee and his own statement of 3 May 2013 renouncing the use of his doctoral title, even though he considered that he had prepared and submitted his dissertation in good faith. On the same day, Mr Pál Schmitt sent the Ethics Commission his final observations, in which he claimed that he had acted in good faith when preparing and submitting his dissertation, and that it was for this reason that he was renouncing his doctorate, knowing that it did not fulfil the necessary conditions. He confirmed this statement in a message dated 22 May 2013.

ANALYSIS

10. – The plagiarism of several authors was identified by two University bodies at the time of the decision being challenged: by the fact-finding committee in its decision of 27 March 2012, then by the University Senate in its decision of 29 March 2012. This decision was the subject of the appeal before the University Appeals Committee.

11. - The University document dated 3 May 2013 is the record of an agreement between the University and Mr Pál Schmitt concluded the same day.

This agreement does not state that there was no plagiarism, nor that the University had made a mistake in its consideration of the dissertation, given that “the doctoral dissertation is based on lengthy literal translations, [and so] it does not meet the scientific and ethical criteria required for obtaining a university doctorate”.

The agreement does state that: “the dissertation [...] did not meet the criteria regarding form and content as prescribed by Section 111, Paragraph 1 of Act I of 1985 on Higher Education”.

Moreover, this agreement follows the argument already used by the fact-finding committee on 27 March 2012, namely that, at the time the doctorate was awarded, the University had “followed irregular procedures” and that, “ethically, the University’s formal evaluation process of the dissertation was objectionable”.

OPINION

12 – The Ethics Commission has to take a decision based on the ethical principles set forth in the Olympic Charter and the IOC Code of Ethics on the established facts, after taking note of the various elements in the file.

13. - The Ethics Commission observes that the facts are directly linked to the Olympic Movement, as the subject of the dissertation relates to the programme of the modern Olympic Games. It notes that, at the time of the acts, Mr Pál Schmitt had been an IOC member for nine years, was an Executive Board member and was President of the Hungarian NOC; and that, as a result of his various functions and responsibilities, he was particularly aware of the Fundamental Principles of the Olympic Charter, which at the time stated that: “Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for fundamental ethical principles”.

14. – The Ethics Commission notes that the University Appeals Committee did not dispute the existence of the facts, but found rather that: “the dissertation [...] did not meet the criteria regarding form and content as prescribed by Section 111, Paragraph 1 of Act I of 1985 on Higher Education”.

15. – The Ethics Commission notes that Mr Pál Schmitt’s decision to renounce his doctorate was based on the finding of professional fault by the University, which should not have awarded him the doctorate at the time.

16. – The Ethics Commission points out that the acts of which Mr Pál Schmitt is accused, namely plagiarism in order to obtain a prestigious qualification, are serious, particularly on the part of a well-informed person, but that these acts took place more than 20 years ago and were facilitated by the conduct of the University itself.

17. – Taking into consideration the nature and seriousness of the facts, the Ethics Commission believes that Mr Pál Schmitt’s conduct tarnished the reputation of the Olympic Movement in the meaning of part B.5 of the IOC Code of Ethics.

18. – Taking due account of the principle of proportionality, it recommends, in the case of Mr Pál Schmitt, a combination of the sanctions provided under Rule 59.1.1 of the Olympic Charter, namely a warning and a suspension of the right to be a part of any IOC commission for five years.

DECISION:

The Ethics Commission, after deliberating in accordance with its Statutes, decides to recommend that the Executive Board impose the following combination of sanctions on Mr Pál Schmitt, pursuant to Rule 59.1.1 of the Olympic Charter:

1. a warning and
2. a suspension of the right to be a part of any IOC commission for five years.

Done in Lausanne, 23 May 2013

For the Chairman,
Pâquerette Girard Zappelli
Secretary to the Ethics Commission