



Chapter 2.4.7: Legal and Ethics Committee bylaws



These bylaws for the Legal and Ethics Committee (and any amendments thereto) will be submitted for approval to the IPC Governing Board.

1 Authority

1.1 The Legal and Ethics Committee is appointed by and is accountable to the IPC Governing Board. The IPC Governing Board has the sole power to grant authority to the Legal and Ethics Committee, and the Legal and Ethics Committee has no authority that does not come from the IPC Governing Board. The Legal and Ethics Committee may, however, carry out such tasks as delegated to it by the IPC Governing Board.

2 Role

2.1 The Legal and Ethics Committee will provide the IPC Governing Board with advice on policy and any other relevant matters within its specific area of responsibility, and will in particular have the following roles:

- (a) Carry out such tasks as identified in the IPC rules and regulations, including the IPC Code of Ethics and IPC regulations governing the procedures for dealing with complaints regarding alleged breaches of the IPC Code of Ethics.
- (b) Consider all motions submitted to the IPC General Assembly and provide where relevant legal observations and/or recommendations to the IPC Governing Board.
- (c) Verify whether nominations for election to the IPC Governing Board are in compliance with the conditions for nominations and seek clarification from the nominating member where needed.
- (d) Monitor the election procedures followed at IPC General Assemblies to ensure compliance with the nomination and election procedures adopted by the General Assembly.

3 Membership

- 3.1 The Legal and Ethics Committee will ordinarily consist of up to six members, including the chairperson.
- 3.2 At least one member of the Legal and Ethics Committee must be an athlete who has competed in the Paralympic Games in the eight years preceding his/her appointment.



- 3.3 The IPC Governing Board will appoint the chairperson of the Legal and Ethics Committee and the members of the Legal and Ethics Committee, in accordance with the following process:
- (a) The IPC will invite the IPC membership to suggest candidates for membership of the Legal and Ethics Committee for consideration by the incoming IPC Governing Board.
 - (b) In addition, the IPC may initiate an active search for suitable candidates to ensure that the Legal and Ethics Committee includes the best-qualified individuals.
 - (c) As soon as reasonably practicable after its election, the IPC Governing Board will first appoint the chairperson of the Legal and Ethics Committee. The chairperson will then make recommendations as to the membership of the Legal and Ethics Committee, for consideration by the IPC Governing Board. The IPC Governing Board will then appoint the members of the Legal and Ethics Committee.
 - (d) Any vacancies on the Legal and Ethics Committee (occurring through resignation, death or any other reason) will be filled by appointment by the IPC Governing Board, in consultation with the chairperson of the Legal and Ethics Committee.
- 3.4 No substitutes are allowed for members of the Legal and Ethics Committee.

4 Term of office

- 4.1 Membership of the Legal and Ethics Committee will begin on the date of appointment and will continue until terminated by the IPC Governing Board. Members will ordinarily serve for a term of four years (corresponding broadly to the term of office of the members of the IPC Governing Board), and will ordinarily remain in office until the incoming IPC Governing Board has appointed the Legal and Ethics Committee.
- 4.2 Individuals may be re-appointed to serve consecutive terms on the Legal and Ethics Committee, and there is no limit on the number of terms that an individual may serve on the Legal and Ethics Committee.
- 4.3 The membership of an individual on the Legal and Ethics Committee may be terminated by the IPC Governing Board at any time, at the absolute discretion of the IPC Governing Board.



5 Organisation

- 5.1 The Legal and Ethics Committee will be assigned a member of the IPC management team to assist in the work of the committee.
- 5.2 Members of the Legal and Ethics Committee will not participate in any decision or matter where there is a conflict of interest.
- 5.3 Ordinarily, the Legal and Ethics Committee will meet at least once per year. Any additional meetings must be approved by the IPC Governing Board, which will ordinarily delegate that authority to the IPC CEO.
- 5.4 Telephone, teleconference and similar facilities may be used for a meeting.
- 5.5 The IPC President, IPC CEO and responsible member of the management team are ex-officio members at meetings of the Legal and Ethics Committee, with speaking rights only.
- 5.6 While the procedure is intended to be flexible, meetings of the Legal and Ethics Committee may, where appropriate, be conducted based on the standing order for the conduct of IPC committee meetings.
- 5.7 Minutes of Legal and Ethics Committee meetings will be produced and submitted to the IPC for appropriate distribution and archiving.
- 5.8 The chairperson of the Legal and Ethics Committee (or his/her designee) may be invited to attend meetings of the IPC Governing Board and/or may be invited to provide a verbal report at a meeting of the IPC Governing Board on a specific topic.
- 5.9 The Legal and Ethics Committee has the right to submit motions to the IPC General Assembly, through the IPC Governing Board, and subject to compliance with the relevant IPC standing order. The IPC Governing Board will make recommendations to the IPC General Assembly on all motions submitted by the Legal and Ethics Committee.

6 Finances

- 6.1 The IPC will produce a budget for the Legal and Ethics Committee. The Legal and Ethics Committee budget will be included in the overall IPC budget and submitted for approval to the IPC Governing Board in accordance with IPC financial policies.
- 6.2 Any financial regulation for the Legal and Ethics Committee will be in compliance with the financial policies issued by the IPC from time to time.



7 Evaluation process

- 7.1 During the last year of the four-year term of office, the chairperson of the Legal and Ethics Committee will ordinarily submit to the IPC Governing Board a summary report on the work conducted by the committee during the four year period, along with any recommendations for the next term of office.
- 7.2 At the end of the IPC Governing Board's term of office, the outgoing IPC Governing Board may (during an in-camera meeting) evaluate the overall work of the Legal and Ethics Committee and may make recommendations to the incoming IPC Governing Board, including on the mandate, structure and/or membership of the Legal and Ethics Committee.

8 The electoral commission

- 8.1 The IPC Governing Board has resolved to create an electoral commission in accordance with the following provisions, in order to assist and enable the Legal and Ethics Committee to carry out certain of its functions with regard to the control of IPC elections.
- 8.2 Authority of the electoral commission
 - 8.2.1 An electoral commission is an ad-hoc commission exclusively established to monitor a specific election campaign for the elections of the IPC Governing Board or for the elections to the IPC Athletes' Council, at the completion of which it automatically ceases to exist. It will be for the chairperson of the electoral commission or the Legal and Ethics Committee (a resolution of the Legal and Ethics Committee taking precedence in the event of a conflict) to determine when the authority of the electoral commission will terminate in respect of any election for which it has been formed.
 - 8.2.2 An electoral commission is appointed by the Legal and Ethics Committee in accordance with the procedures set out below, and its members will exclusively act within the framework of the IPC rules and regulations as approved by the IPC Governing Board and will be subject to the general direction and control of the Legal and Ethics Committee.
- 8.3 Composition and appointments to the electoral commission
 - 8.3.1 The Legal and Ethics Committee will appoint the electoral commission as soon as possible following the closing of the nomination process, and prior to the public announcement by the IPC of all candidates for election.



- 8.3.2 The Legal and Ethics Committee will appoint the chairperson of the electoral commission.
- 8.3.3 The electoral commission will be composed of a maximum of three members of the Legal and Ethics Committee, with the possibility to co-opt other persons as deemed needed.
- 8.3.4 The names of the electoral commission chairperson and members will be made public. This will normally be announced together with the names of the candidates to election, which also constitutes the start of the election campaign.
- 8.3.5 No member of the electoral commission will either be a candidate to election or have an official position in the board of the nominating body of any of the candidates.
- 8.3.6 Members of the electoral commission will withdraw from the discussions on a specific case under consideration should any other association with the candidate arise.

8.4 The electoral commission has the mandate to:

- 8.4.1 Advise and respond to questions raised by the candidates and/or nominating body in relation to their rights and obligations.
- 8.4.2 Receive and review complaints made by any properly interested party as to any alleged breach of the Code of Conduct for Candidates to Elections, or the Code of Ethics with respect to conduct linked to the election under the jurisdiction of the election commission.
- 8.4.3 Consider and discuss with the respective candidate and/or the nominating body possible breaches of the Code of Conduct for Candidates to Election reported to the electoral commission and decide on possible further implications.
- 8.4.4 Verify that campaign rules are followed by the candidates, decide whether an infringement of the rules has occurred, and subsequently impose appropriate sanctions.
- 8.4.5 To approve any election publication, or issue guidance of a general nature regarding permitted promotional material to be issued by candidates (if any) in addition to anything permitted under the Code of Conduct for Candidates to Elections.

8.5 Sanctions



8.5.1 The electoral commission has the authority to decide on any one or more of the following sanctions in case of infringements of the rules or of the Code of Conduct for Candidates to Elections:

- withdrawal of promotional material that constitutes an infringement to the rules
- reprimand
- public notification of the reprimand to the IPC membership
- reporting of the breach of the rules at the IPC General Assembly, prior to the elections
- in the most serious cases, withdrawal of a candidate from election

8.5.2 Without limiting the ability to impose sanctions, the electoral commission may recommend to the candidate and/or to the respective nominating body withdrawal or nullification of the nomination.

8.6 Advisory process

8.6.1 Any question raised by the candidate or by his/her nominating body will be submitted in writing to the attention of the chairperson of the electoral commission. All communication must be submitted officially to the IPC headquarters for proper registration.

8.6.2 A confirmation of receipt will be sent immediately with notification of when the answer may be expected.

8.6.3 A member or members of the electoral commission will consider the question, deliberate and provide an answer in writing within the shortest timeframe possible.

8.6.4 For formality purposes, a copy of the answer may also be provided to the IPC CEO.

8.7 Process for considering alleged breaches of the Code of Conduct for Candidates to Elections

8.7.1 Any complaint on alleged breaches of the Code of Conduct for Candidates to Elections will be formally submitted in writing to the IPC to the attention of the chairperson of the electoral commission.

8.7.2 Members of the electoral commission, having the responsibility to monitor compliance with the Code of Conduct for Candidates to Elections, may equally observe and report such alleged breaches of the Code.



- 8.7.3 A confirmation of receipt will be sent to the complainant and a notification of the complaint will be sent to the candidate who allegedly breached the rules, providing him/her with the opportunity to respond to the accusation and defend his/her case. The respective nominating body will also be informed of the complaint and of any further process or implications.
- 8.7.4 Subsequent investigations and hearings conducted by the electoral commission will follow the same standards as outlined in the 'IPC regulations governing the procedures for dealing with complaints regarding alleged breaches of the IPC Code of Ethics', and may adopt the same procedures. In any event no reliance will be placed on those regulations if to do so would create a conflict with any provision laid down in this bylaw.
- 8.7.5 Prior to imposing the sanction of withdrawal the candidate will have the right to a hearing.
- 8.7.6 The electoral commission will reach its conclusions with simple majority, except for the sanction of withdrawal of the candidature, for which the decision will be taken with unanimity.
- 8.7.7 The electoral commission will communicate its decision to the relevant parties within the shortest timeframe possible.
- 8.7.8 For formality purposes, a copy of the decision may also be provided to the IPC CEO.
- 8.7.9 There is no appeal possible in respect of any of the sanctions that fall within the determination authority of the electoral commission.

8.8 Monitoring at time of election

- 8.8.1 Members of the electoral commission will attend the IPC General Assembly or the Paralympic Games during which the elections take place to monitor the last days of the campaign and to monitor the election process.
- 8.8.2 Should any question or complaint arise at, or close to the time of election, either during the IPC General Assembly and IPC conference days for IPC Governing Board elections, or during the Paralympic Games for IPC Athletes' Council elections, the requirement for written notice may be replaced by the requirement for an official witness in case of verbal communication. Where such immediate action is required, written confirmation will be submitted to relevant parties as soon as possible thereafter.

