



**WORLD  
AQUATICS**

# **INTEGRITY CODE**

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## CHAPTER A – INTRODUCTION

### **DEFINITIONS**

**Adjudicatory Body:** The independent adjudicatory body of the AQIU, established in accordance with Article 24 of the World Aquatics Constitution.

**Aquatics:** all sport disciplines governed by World Aquatics, including Swimming, Open Water Swimming, Diving, High Diving, Water Polo, Artistic Swimming, Masters, and any other discipline that may be governed by World Aquatics from time to time.

**Aquatics Integrity Unit (or AQIU):** the independent World Aquatics Integrity Unit established under the World Aquatics Constitution and comprised of Supervisory Council, Chief Ethics and Compliance Officer, Adjudicatory Body, Investigatory Body and Anti-Doping Advisory Body.

**AQIU Members:** The members of the various AQIU Units.

**AQIU Units:** The Supervisory Council, the Adjudicatory Body, the Investigatory Body, the Anti-Doping Advisory Body, and the Chief Ethics and Compliance Officer.

**Athlete:** a person (i) who is taking part in aquatics competitions and events at national or international level, organised in accordance with the World Aquatics Constitution, World Aquatics Rules and/or regulations of World Aquatics Members or affiliated entities and/or (ii) who is registered by his/her respective national federation.

**Athlete Support Personnel:** Coaches, managers, Agents, team members, officials, medical and paramedical staff working with an Athlete or treating an Athlete participating in or preparing for an Aquatics competition or event.

**Benefit:** The direct or indirect receipt or provision of money or the equivalent for themselves or their immediate family (being a partner/spouse, parent, sibling, child or dependant) such as, but not limited to bribes, gains, Gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts.

**Betting:** Place, accept, lay or otherwise enter into any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence.

**Betting Organisation:** Any person or company or other undertaking (a) that promotes, brokers, arranges or conducts any form of Betting activity or that has interests in Betting in any form whatsoever; or (b) that can reasonably be perceived as being connected in any way with Betting of any kind.

**Bureau:** The World Aquatics Bureau, as defined in the World Aquatics Constitution.

**CAS:** The Court of Arbitration for Sport in Lausanne, Switzerland.

**Chief Ethics and Compliance Officer:** The Chief Ethics and Compliance Officer established in accordance with Article 24 of the World Aquatics Constitution.

**Constitution:** The World Aquatics Constitution.

**Continental Organisations:** organisations formed by World Aquatics Members of the same geographical continent, approved and recognized by World Aquatics.

**Covered Person:** Covered Persons are:

- a) persons who are, or are seeking to become (whether by election or appointment or otherwise) World Aquatics Officials or Other Officials;
- b) any Athlete;
- c) any Athlete Support Person;
- d) any team or other entity participating in any Event;
- e) World Aquatics Members;
- f) Members and clubs of World Aquatics Members; and
- g) Continental Organisations.

**Decision:** A decision rendered by the Adjudicatory Body.

**Demand:** A written demand to a Covered Person to provide any information, record, article or thing in their possession or control that the Chief Ethics and Compliance Officer reasonably believes may evidence or lead to the discovery of evidence of an Integrity Code Violation.

**Event:** Any competition, tournament, match or event organised in accordance with the rules of the World Aquatics or any of its affiliated Organisations including any of its Continental Organisations or World Aquatics Members or, in accordance with the rules of any other Sports Organisation.

**Gift:** An item for use or advantage by themselves or their immediate family (being a partner/spouse, parent, sibling, child or dependant).

**Hospitality:** Means providing or arranging for the provision of food and drink and/or attendance at events, shows, dinners, conferences or other events, including providing or arranging related accommodation and/or transportation for themselves or their immediate family (being a partner/spouse, parent, sibling, child or dependant), except when this is provided pursuant to a contractual obligation.

**Inside Information:** Information relating to any Event that a Covered Person possesses by virtue of their position in relation to Aquatics or any Event, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Event.

**Integrity Code Violation:** Where a Covered Person:

- Fails to comply with any of the requirements set out in this Integrity Code or;

- attempts or agrees with any other person to engage in conduct (whether by act or omission) that would culminate in a breach of any requirement of this Integrity Code (unless the Covered Person renounces their attempt or agreement prior to it being discovered by a third group not involved in the attempt or agreement);
- solicits, induces, instructs, persuades or encourages any person to engage in conduct (whether by act or omission) that would amount to a breach of any requirement of this Integrity Code if committed by the Covered Person themselves; and/or
- authorises, causes, or knowingly assists, encourages, aids and abets, covers up, or is otherwise complicit in, any act or omission by any person that would amount to a breach of any requirement of this Integrity Code if committed by the Covered Person themselves.

Note: For violations of Article 10, the president and secretary general (or its equivalent) of World Aquatics Members and Continental Organisations shall be rebuttably presumed to be complicit to any violation committed by their staff, consultants, agents and advisors. The burden shall be on them to rebut the presumption, by establishing, by a balance of probabilities, that they were not complicit in the violation.

**Investigatory Body:** The Investigatory Body established in accordance with Article 24 of the World Aquatics Constitution.

**Manipulation of Events:** An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of any Event in order to remove all or part of the unpredictable nature of such Event with a view to obtaining an undue Benefit for oneself or for others. This includes (without limitation) match-fixing and spot-fixing.

**Other Officials:** Other Officials are:

members of the Bureau and/or executive bodies, committees, units, panels and advisory boards of Continental Organisations/World Aquatics Members, Continental Organisation/World Aquatics Member team or delegation members (or other persons accredited to attend any Event on behalf of any Continental Organisation/World Aquatics Member);

- persons who act, or are entitled to act, for or on behalf of World Aquatics, Continental Organisations and/or World Aquatics Members, including (without limitation), staff, consultants, agents and advisors;
- Each person appointed/selected to work/volunteer at an Event and/or attending an Event on behalf of the World Aquatics, a Continental Organisation or a World Aquatics Member including (without limitation) any technical official, technical committee member, specialized committee members delegate, and any other person who receives accreditation to an Event as a representative of the World Aquatics, a Continental Organisation or a World Aquatics Member;
- persons or entities organising and/or promoting an Event, including any candidate/host city seeking to host or hosting an Event, local organising committee(s), and any of its officials, employees, volunteers and/or other persons entitled to act or attend an Event on its behalf; and

- any other persons who agree in writing to be bound by this Integrity Code.

**Panel:** One or three members appointed from among the members of the Adjudicatory Body to adjudicate an alleged Integrity Code Violation.

**Party(ies):** World Aquatics and the AQIU on one side and the Covered Person on the other side.

**Regulations:** Any codes, rules or regulations made by or on behalf of the World Aquatics in accordance with the World Aquatics Constitution, including all amendments thereto and re-enactments thereof.

**Reports:** All reports of potential Integrity Code Violation, including any approaches or requests to engage in conduct that may constitute an Integrity Code Violation.

**Respondent:** The Respondent shall be the Covered Person subject to the filing.

**Sports Organisation:** The International Olympic Committee, the International Paralympic Committee, the Commonwealth Games Federations, all international federations, national Olympic committees, and their respective members at the continental, regional and national level, as well as any other Organisations recognised by the International Olympic Committee.

**Staff Member:** Each person employed (whether full-time, part-time, permanently, for a fixed-term or temporarily) or engaged as an agent, consultant or contractor for, or otherwise functioning as a member of the staff of World Aquatics, a World Aquatics Member, or a Continental Organisation.

**Substantial Assistance:** means (a) the Covered Person's provision to the World Aquatics (or AQIU) of truthful, accurate and complete information about potential Integrity Code Violations and/or other similar laws or regulations of which the Covered Person has knowledge; and (b) full cooperation with the investigation and prosecution (whether by the AQIU/World Aquatics or by another body, including a criminal or regulatory body) of such violations, including (without limitation) by testifying at a hearing if required to do so.

**World Aquatics:** The sole and exclusive world governing body for all Aquatics, formerly known as the Fédération Internationale de Natation (FINA),

**World Aquatics Member:** A national body recognized by World Aquatics to be a member of World Aquatics.

**World Aquatics Officials:** Any person elected or appointed to any position within World Aquatics, a Continental Organisation or a World Aquatics Member, including but not limited to:

- The President, Vice-Presidents, Bureau members, Honorary Life Presidents, Immediate Past President, Treasurer, and any candidates for election to the Bureau; and

- Each person serving as a member of (or candidate for) a committee, working group, unit (including, without limitation, the AQIU), or advisory board of World Aquatics, and each person appointed to represent World Aquatics on any committee or working group or in any similar role.

## **1. PURPOSE AND SCOPE**

- 1.1 World Aquatics has adopted this Integrity Code to establish clear integrity standards for persons involved in the activities of World Aquatics, to protect the health, safety and well-being of Athletes, to prohibit conduct that might undermine public confidence in the integrity of Aquatics and/or in the uncertainty of outcome of Events, and to establish effective mechanisms for enforcement of this Integrity Code and sanctions for any violation.
- 1.2 World Aquatics is committed to uphold integrity in the governance and administration of Aquatics as a basic principle of good governance and as a fundamental precept of its autonomous role as the governing body of Aquatics worldwide, in the best interests of the sport and its stakeholders.
- 1.3 World Aquatics is also committed to uphold the integrity of Aquatics on the field of play. The essence of the Aquatics disciplines is the contest between competing athletes and teams as an honest test of skill and ability, the outcome of which is determined by (and only by) the contestants' relative sporting merits. Any manipulation of sports competitions or other conduct that might undermine public confidence in the integrity of the sporting contest and/or in the uncertainty of its outcome is fundamentally at odds with that essence of the Aquatics disciplines and must be eradicated at all costs.
- 1.4 Conduct prohibited under this Integrity Code may also amount to a criminal offence and/or a violation of other applicable laws or regulations, including employment laws, in national jurisdictions. This Integrity Code is not intended to replace such laws and regulations, but to supplement them with further rules of professional conduct for those involved in the governance and administration of Aquatics, and/or in the staging and conduct of Aquatics events. It operates without prejudice to such laws and regulations, and vice versa.
- 1.5 Conduct prohibited under this Integrity Code may also amount to violation of other World Aquatics rules. This Integrity Code is not intended to replace these regulations, but to supplement them with further rules of professional conduct. It operates without prejudice to these regulations, and vice versa. In particular, any rule of disciplinary nature applicable to a certain discipline and/or a certain event, like for instance disciplinary rules in Water Polo that apply to offensive and violent conducts during water polo matches, remain reserved and are not set aside by the present Integrity Code.

- 1.6 For the avoidance of doubt, this Integrity Code shall not replace or in any way affect or alter World Aquatics' ability to pursue appropriate disciplinary action against a Staff Member under the terms of any employment or consultancy contract with such Staff Member, including to any of World Aquatics' employment policies in force from time to time. Where conduct prohibited under this Integrity Code also amounts to a violation of the terms of a Staff Member's employment or consultancy arrangement with World Aquatics, World Aquatics shall be entitled, at its absolute discretion, to elect to pursue contract and/or disciplinary action against such Staff Member pursuant to the applicable employment or consultancy contract. There shall be no requirement on World Aquatics to have first instituted, or to subsequently institute, any action under this Integrity Code.
- 1.7 For the avoidance of doubt, the World Aquatics Rules on the Prevention from Harassment and Abuse and the World Aquatics Doping Control Rules are not part of this Integrity Code and shall be enforced by the AQIU in accordance with the provisions set out therein.
- 1.8 In the case of conflict between the provisions of the World Aquatics Rules on the Prevention from Harassment and Abuse or the World Aquatics Doping Control Rules on one side and the provisions of this Integrity Code on the other side, the provisions of the World Aquatics Rules on the Prevention from Harassment and Abuse and the World Aquatics Doping Control Rules shall prevail.
- 1.9 This Integrity Code will come into full force and effect on 1 January 2023 and will supersede the previous World Aquatics (FINA) Code of Ethics, World Aquatics (FINA) Code of Conduct, World Aquatics (FINA) Rules on the Prevention of the Manipulation of Competitions, and World Aquatics (FINA) Rules of Conduct Applicable to Bidders as from that date. Its procedural provisions will apply to matters where the violation is alleged to have occurred before 1 January 2023, but its substantive provisions will not, unless they are more favourable to the person(s) involved. Article 4.3 of this Integrity Code remains reserved, when and where applicable.

## **2. INTERPRETATION**

- 2.1 Words and phrases capitalized in this Integrity Code are defined terms. Unless otherwise specified, they have the meaning set out in the Definition section to this Integrity Code.
- 2.2 The commentary notes annotating Articles in this Integrity Code are to be used as a guide to the interpretation and application of this Integrity Code.
- 2.3 Unless otherwise indicated, references to chapters and articles are to chapters and articles of this Integrity Code; words denoting the singular include the plural and vice versa.
- 2.4 Any deviation from any provision of this Integrity Code and/or any irregularity, omission, technicality, or other defect in the procedures followed hereunder will not invalidate any finding, procedure or decision unless it is proven to render the proceedings unreliable or to have caused a miscarriage of justice.



- 2.5 If any part of this Integrity Code is ruled to be invalid, unenforceable or illegal for any reason, that part will be deemed deleted, and the rest of the Integrity Code will remain in full force and effect.
- 2.6 Any lacuna in this Integrity Code shall be filled, and any unforeseen circumstances arising in relation to the Integrity Code shall be addressed, by reference to, and in a manner consistent with, the objectives underlying this Integrity Code.
- 2.7 This Integrity Code sets out sporting rules and is not intended to be subjected to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. Rather, it reflects a broad consensus of World Aquatics and its stakeholders as to what is necessary and proportionate in order to protect the integrity of Aquatics and should be respected accordingly by all outside agencies.
- 2.8 World Aquatics (including its officers, members, employees and volunteers, as well as the members of the AQIU) shall not be liable to any person howsoever for any act or omission in connection with any investigation or proceeding or other matter arising under or in relation to this Integrity Code save where the act or omission is shown by that person to constitute conscious and deliberate wrongdoing by the individual or entity alleged to be liable.

### **3. INTEGRITY CODE OF CONTINENTAL ORGANISATIONS AND WORLD AQUATICS MEMBERS**

- 3.1 Each Continental Organisation and each World Aquatics Member must adopt the terms and conditions of this Integrity Code to govern the conduct of persons involved in Aquatics under its jurisdiction, and those persons participating in activities organised, convened, authorised or recognised by it or any of its clubs, member Organisations or licensees, such code to take effect within the limits of its jurisdiction. Thereafter, each Continental Organisation and each World Aquatics Member must apply and enforce its code effectively. Any failure to do so will be assessed according to the World Aquatics Constitution and the relevant World Aquatics Regulations and may be subject to sanctions.
- 3.2 To ensure transparency and accountability, any integrity code and regulations adopted by a Continental Organisation or a World Aquatics Member must include provisions giving World Aquatics the right to be notified and kept informed of any provisional measures and enforcement proceedings (including observer rights at any hearings) as well as of any decision.

### **4. NATURAL AND LEGAL PERSONS BOUND BY THIS INTEGRITY CODE**

- 4.1 This Integrity Code applies automatically to the following natural and legal Covered Persons:
- a) persons who are, or are seeking to become (whether by election or appointment or otherwise) World Aquatics Officials or Other Officials;
  - b) any Athlete;
  - c) any Athlete Support Person;

- d) any team or other entity participating in any Event;
- e) World Aquatics Members;
- f) Members and clubs of World Aquatics Members;
- g) Continental Organisations; and
- h) Candidate and/or host cities seeking to or nominated to host an Event organised by World Aquatics.

4.2 Covered Persons shall cease to be bound by this Integrity Code as of the date that they cease to perform their role and/or to conduct the activities that originally qualified them as such.

4.3 A Covered Person will remain subject to this Integrity Code, and to the jurisdiction of World Aquatics, the AQIU, the Adjudicatory Body, and the CAS hereunder, in respect of matters occurring prior to the date that the Covered Person ceases to be bound by this Integrity Code. For the avoidance of doubt, World Aquatics' jurisdiction over a Covered Person under this Integrity Code shall survive any purported termination by such Covered Person, whether such termination for any reason takes place before or after any investigation has been opened in relation to them and/or proceedings have been instituted against them under this Integrity Code. A Covered Person who has retired or resigned or otherwise been terminated may not participate in any Events or take up any position as a Covered Person or have any dealings with World Aquatics, until the Covered Person has submitted themselves to the investigation, and any consequent proceedings under this Integrity Code have been completed. For matters where the violation is alleged to have occurred before 1 January 2023 and concerning a person that has ceased to be subject to the World Aquatics Constitution and/or any World Aquatics Rules before 1 January 2023, both such person and World Aquatics shall be entitled to request at the start of the proceedings the procedure to be conducted in accordance with the previous World Aquatics (FINA) Code of Ethics, World Aquatics (FINA) Code of Conduct, World Aquatics (FINA) Rules on the Prevention of the Manipulation of Competitions, and World Aquatics (FINA) Rules of Conduct Applicable to Bidders.

4.4 If any part of this Integrity Code is stated to apply only to particular types or categories of Covered Persons (e.g., only World Aquatics Officials), then it will not apply to other types or categories of Covered Persons. If any part of this Integrity Code is not stated to be limited in application in this way, then it applies to all Covered Persons.

4.5 Covered Persons are responsible for knowing what constitutes an Integrity Code Violation.

## CHAPTER B – GENERAL DUTIES

### **5. DUTIES OF GOOD CONDUCT**

- 5.1 Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.
- 5.2 Covered Persons must avoid any conduct that is inconsistent with or that undermines in any way the objectives of this Integrity Code.
- 5.3 Covered Persons must avoid acts or omissions that give the appearance of impropriety, or that disparage World Aquatics, or that bring (or have the potential to bring) World Aquatics, Aquatics and/or sport generally into disrepute.
- 5.4 Covered Persons must not be involved with entities or persons whose activities or reputations are inconsistent with the principles set out in this Integrity Code. In order for this provision to apply, it is necessary that the Covered Person has previously been advised in writing by World Aquatics, a Continental Organisation, a World Aquatics Member, or other relevant authority with jurisdiction over the Covered Person that there should be no more association with such entity/person, and of the consequences that will apply if any association continues.
- 5.5 Covered Persons must avoid any offensive, violent or disrespectful behaviour towards other participants, including, the officials, other athletes, media, and/or spectators during the entire conduct of a competition. Such behaviour towards a doping control official is also prohibited at any time.
- 5.6 Covered Persons must avoid any act of discrimination against anyone on the basis of race, skin colour, gender, religion, sexual orientation, language, political or other opinion, national or social origin, property, birth, disability or any other ground.
- 5.7 Covered Persons must avoid interference, disobedience or obstruction to the orderly conduct of any sporting event within or outside of the venue(s).
- 5.8 Covered Persons must avoid interference with any aspect of the field of play.
- 5.9 Covered Persons must actively participate in the full conduct of the competition, including victory ceremonies and, if applicable, presentations and/or press conferences. Any political or religious statement or behaviour is strictly prohibited during these times.
- 5.10 Athlete Support Personnel shall cooperate with the anti-doping testing program and shall not use or possess any substance or method prohibited under the World Anti-Doping Code without valid justification.

## **6. DUTY TO REPORT AND COLLABORATE**

Each Covered Person must:

- a) report to the AQIU without delay all knowledge concerning any approach or invitation received by them to engage in a conduct that would amount to an Integrity Code Violation;
- b) report to the AQIU without delay all knowledge concerning any incident, fact or matter that comes to their attention that might evidence a potential Integrity Code Violation by another person; and

Note: Covered Persons have a continuing obligation to report any new incident, fact, or matter to the AQIU, even if the Covered Person has already reported their prior knowledge in relation to the matter.

- c) cooperate fully with all investigations carried out by the AQIU in relation to possible Integrity Code Violations (including, without limitation, by providing any information and/or documentation requested by the AQIU as part of that investigation, including by way of a Demand).

Note: For the avoidance of doubt, obstructing or delaying any investigation carried out by (or on behalf of) the World Aquatics in relation to a possible Integrity Code Violation, including without limitation concealing, tampering with or destroying any documentation or other information that might be relevant to the investigation, will constitute an Integrity Code Violation.

## **7. CONFIDENTIALITY**

7.1 Covered Persons must not disclose to any third group (whether for personal gain or advantage) any information disclosed to them in confidence as a result of their activities or dealings with the World Aquatics, save where (1) required by law; (2) the World Aquatics agrees in writing in advance; or (3) that information is already in the public domain (other than by reason of their violation of this Article). Any duties of confidentiality on Covered Persons under this Integrity Code shall continue even after such Covered Person ceases to be bound by this Integrity Code.

7.2 All discussions at meetings of the Bureau, any committees, panels or working groups, and any other bodies, are confidential. Covered Persons must not disclose any part of such discussions to third parties without the express written consent by the President or the Executive Director.

Note: This duty of confidentiality applies (without limitation) to agendas and accompanying documents for meetings, the content of discussions during meetings, and the minutes of meetings (unless they have been published).

## **8. NEUTRALITY**

Covered Persons must respect the Olympic principles of autonomy from government interference and political neutrality in their dealings with government institutions and national and international Organisations, associations or groupings.

## **9. DUTY OF UNDIVIDED LOYALTY**

- 9.1 World Aquatics Officials owe a duty of undivided loyalty to World Aquatics. They must make decisions (including as to how to vote on a specific motion) based solely on their independent and objective judgement, made in good faith, of what is in the best interests of World Aquatics and the sport of Aquatics as a whole. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests.
- 9.2 Where there is an actual, apparent, or potential conflict between the interests of World Aquatics and personal interests of a World Aquatics Official or of the relatives, friends or acquaintances of a World Aquatics Official, the World Aquatics Official must disclose all relevant information about that conflict promptly, accurately, and fully to the Chief Ethics and Compliance Officer.
- 9.3 Each World Aquatics Official (except legal persons) shall file a disclosure statement with the AQIU in the form prescribed by the AQIU, listing any actual, apparent or potential conflicts known to the World Aquatics Official at that time. Each World Aquatics Official will be under a continuing duty to update that statement in writing as and when changes or additions are required to ensure the disclosure remains accurate and complete. The AQIU will maintain a register of such disclosures.
- 9.4 If a conflict arises during a meeting, the World Aquatics Official concerned must disclose the conflict to the Chief Ethics and Compliance Officer and the chair of the relevant meeting (even if it has already been declared in a disclosure statement). The Chief Ethics and Compliance Officer or the chair of the relevant meeting will:
- a) advise the meeting of the conflict; and
  - b) cause the conflict to be recorded in the register maintained by the AQIU (and, where applicable, in the minutes of the relevant meeting) if it has not been recorded there already.
- 9.5 In every case, unless otherwise specified by the AQIU or the chair of the meeting, the World Aquatics Official who is the subject of the conflict must:
- a) excuse themselves from any discussions relating to the conflict;
  - b) abstain from voting and/or from seeking to influence the vote on any matter impacted by the conflict; and
  - c) refrain from taking any other part in the handling of the conflict or of the matter impacted by the conflict.
- 9.6 Any of the requirements set out in this Article 9 may be waived where the Chief Ethics and Compliance Officer (or their delegate) or the chair of the relevant meeting deems it appropriate, save that no waiver may be granted where the World Aquatics Official has a personal financial interest in the outcome of the matter being considered.
- 9.7 Any waiver must be recorded in the register maintained by the AQIU and, where applicable, in the minutes of the relevant meeting.

- 9.8 World Aquatics Officials must also disclose in the same manner any 'institutional' conflicts of interest, i.e. actual, apparent or potential conflicts between the interests of World Aquatics and the interests of a World Aquatics Member or other body with which the World Aquatics Official is associated (whether by virtue of employment or otherwise). Such conflicts may not be waived. World Aquatics Officials:
- a) may present the perspective of a particular stakeholder (such as a World Aquatics Member) or of any third party, where they consider it relevant to the matter at hand, but they must not pursue the interests of that stakeholder or third party in a manner that would conflict with their overriding duty to act in the best interests of the World Aquatics and the sport of Aquatics as a whole;
  - b) must not agree to act or allow themselves to be influenced to act in a manner that conflicts with their duty of undivided loyalty to the World Aquatics (e.g. by agreeing to vote in a particular manner in respect of a particular issue); and
  - c) must disclose to the Chief Ethics and Compliance Officer any matter that may reasonably be construed as impacting or potentially impacting upon their decision and must provide such further information in relation thereto as the Chief Ethics and Compliance Officer may request.
- 9.9 Covered Persons must not abuse their position within Aquatics in any way, especially for their own aims or objectives.
- 9.10 Office holders and staff of a World Aquatics Member, in their dealings with the World Aquatics, including when representing the World Aquatics Member at Congress and/or otherwise deciding how to exercise the rights of the World Aquatics Member as a World Aquatics Member, must act with undivided loyalty to the World Aquatics Member. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests, including the interests of any contractual partner of the World Aquatics and/or of the World Aquatics Member.
- 10. FALSIFICATION AND MISUSE OF FUNDS**
- 10.1 Covered Persons must not forge a document or falsify an authentic document, or knowingly use a forged or falsified document.
- 10.2 Covered Persons must not knowingly give false information, including false results, nationality and/or date of birth.
- 10.3 Covered Persons shall not take or omit to take any action in furtherance of an offer, payment, promise to pay, or authorization of the payment of money or giving of anything of value, either directly or indirectly, to any third group while knowing that all or some portion of the item of value will be offered, given or promised to anyone to improperly influence any action or decision, to obtain or retain business or otherwise to secure any improper advantage.
- 10.4 Covered Persons shall not misappropriate or misuse funds, whether directly or indirectly through, or in conjunction with, third parties. Covered Persons must use the resources of the World Aquatics, Continental Organisations or World Aquatics Members only for lawful and ethical purposes authorised by the relevant body.

- 10.5 Covered Persons may only claim reimbursement for expenses properly and reasonably incurred in the course of their activities. Requesting, authorizing, and/or accepting any undue pecuniary or other advantage is strictly prohibited.

**11. OFFERING AND ACCEPTING GIFTS AND HOSPITALITY**

11.1 Covered Persons may never offer or accept:

- a) any cash Gift or bribe in their capacity as Covered Person;
- b) any Gift, Hospitality or other benefit in their capacity as Covered Person that is given secretly, not openly;
- c) any Gift, Hospitality or other benefit that creates an actual or apparent or potential conflict of interest for the recipient or that is intended or may reasonably be construed as being intended to influence the recipient improperly in their official activities (such as Gifts offered to technical officials, and Gifts offered by candidates to voting delegates); or
- d) any other Gift, Hospitality or other benefit (whether of a monetary value or otherwise) in circumstances that give rise to an appearance of impropriety or lead to the recipient's impartiality or integrity being called into question or to the World Aquatics and/or the sport of Aquatics being brought into disrepute.

11.2 Without prejudice to Article 11.1, in their capacity as Covered Person, Covered Persons may offer and accept:

- a) tokens of consideration or friendship of nominal value, in accordance with prevailing local customs; and
- b) reasonable, proportionate, and bona fide corporate Gifts and Hospitality (including event accreditations or tickets), solely as a mark of respect or friendship;

provided that any such token, Gift, or Hospitality that is worth more than 250 USD (or the equivalent in any other currency) must be disclosed to the Chief Ethics and Compliance Officer, and if it is not approved by the Chief Ethics and Compliance Officer it must be withdrawn or returned (as applicable).

**12. BIDDING FOR EVENTS**

12.1 Candidate and host cities seeking to host an Event organised by World Aquatics and its local organising committee(s), and any of its officials, employees, volunteers and/or other persons entitled to act or attend an Event on its behalf must conduct their candidacies with honesty, dignity, moderation and respect for their opponents, and in accordance with applicable law and any applicable World Aquatics Regulations and/or guidelines, including this Integrity Code. They must also:

- a) Respect the bidding process established by World Aquatics;
- b) Refrain from soliciting or accepting any undue support or promotion from World Aquatics sponsors and other World Aquatics marketing partners;
- c) Refrain from making any comparison between their bids and the bid of other candidates;

- d) Refrain from making any agreement, coalition or collusion with other candidates; and
- e) Refrain from covering any costs and expenses of World Aquatics Bureau Members, in particular travel and accommodation until such bid is accepted.

Note: For the avoidance of doubt, in addition to any other information World Aquatics may require in any particular bidding procedure, World Aquatics may, at its discretion, require all candidate entities submitting bids to provide details of any financing or other support received (or to be received) from any third group in relation to such bids.

12.2 Covered Persons must:

- a) respect the integrity of the bid process, allowing equal conditions and opportunities for each candidate and potential candidate, treating each candidate and potential candidate in a fair and equal manner;
- b) not directly or indirectly solicit or accept any form of advantage from the process;
- c) not use the resources of World Aquatics to back any candidate; and
- d) be neutral in respect of bids for the grant of hosting rights, commercial rights and/or other rights, including refraining from making any public declaration appearing to give an opinion on one or more candidates.

12.3 All official hosting announcements, statements and correspondence (in all forms) on behalf of World Aquatics may only be made by the President, the Executive Director, or other person authorised by World Aquatics to do so.

**13. ELECTIONS**

13.1 Candidates for elected World Aquatics positions must conduct their candidacies (and must ensure that persons assisting them with their candidacies conduct themselves) with honesty, dignity and respect for their opponents, and in accordance with applicable law and any applicable World Aquatics Regulations and/or guidelines, including this Integrity Code.

Note: A candidate is identified as such when his/her nomination is submitted to World Aquatics. This being said, an individual shall also be regarded as a candidate, and subject to World Aquatics Regulations and this Integrity Code, if he/she states his/her intention in public to be a candidate or campaign in such a way that gives the appearance of being a candidate, even if he/she has not been nominated.

13.2 Candidates may outline and describe in a written document addressed to voting delegates their plans and views. Copies of any document used to support a candidature shall be provided by the candidates to the AQIU. Directives of the Chief Ethics and Compliance Officer in respect of the content of the document shall be immediately observed and implemented by the candidates.

13.3 Candidates may grant interviews to the media. All communications undertaken by a candidate shall strictly respect the other candidates and shall in no way be prejudicial to any other candidate.

13.4 Candidates must refrain from:



- a) entering into any form of undertaking with any individual or Organisation that is likely to affect the candidate's freedom of decision or action if elected;
- b) engaging in any act, coalition, collaboration or collusion by or between candidates with the intent to defraud or unduly manipulate the result of the vote; and
- c) Requesting or using support, resources or services from World Aquatics in connection with their candidacies, even if they currently occupy elected or appointed positions within World Aquatics.

13.5 Covered Persons and in particular voting delegates must:

- a) respect the integrity of the candidacy process, allowing equal conditions and opportunities for each candidate and potential candidate, treating them in a fair and equal manner, and avoiding any risk of conflict of interest;
- b) not accept Gifts or Hospitality from any candidate, unless permitted under this Integrity Code;
- c) not directly or indirectly solicit or accept any form of undue advantage from the process; and
- d) not use the resources of World Aquatics to assist or back any candidate.

#### **14. MANDATORY EDUCATION COURSE**

14.1 All Athletes and Athletes Support Personnel participating in World Aquatics Events may be requested to complete an eLearning course on Integrity prior to their participation.

14.2 Any Athlete or Athletes Support Personnel who has not met this requirement may be ineligible to participate in the relevant Event, until successful completion of the course and its registration.

## CHAPTER C - PREVENTING THE MANIPULATION OF AQUATICS COMPETITIONS

### 15. ANTI-CORRUPTION RULES

15.1 Each of the following, when committed by a Covered Person (whether directly or indirectly through any third group), will constitute an Integrity Code Violation by that Covered Person:

- a) Betting in relation to:
  - any Aquatics Event, whether or not the Covered Person is directly participating in that Aquatics Event; and
  - any non-Aquatics sport event, if it features in a multi-sport competition in which Aquatics Events are featured, if the Covered Person is directly participating in that multi-sport competition. For example, an Athlete participating in the Olympic Games is not allowed to bet on tennis at the Olympic Games.
- b) Manipulation of Events;
- c) Providing, requesting, receiving, seeking, or accepting a Benefit related to the Manipulation of Event or any other form of corruption. Without limiting the generality of the foregoing, this includes:
  - fixing or contriving in any way or otherwise improperly influencing (or being a group to the fixing, contriving or other improper influencing of) the result, progress, outcome, conduct or any other aspect of an Event;
  - ensuring the occurrence of a particular incident in an Event, which occurrence is to the Covered Person's knowledge the subject of a Bet and for which the Covered Person or another Person expects to receive or has received a Benefit;
  - failing to perform to the best of one's abilities in an Event, in return for a Benefit or the expectation of a Benefit (irrespective of whether such Benefit is in fact given or received) or further to another agreement with a third group;
  - seeking, accepting, offering, or agreeing to accept or offer, a bribe or other Benefit to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of an Event (irrespective of whether such bribe or other Benefit is in fact given or received); and/or
  - providing, offering, giving, requesting or receiving any Benefit in circumstances that the Covered Person knew or should have known could undermine public confidence in the integrity of any Event or the sport of Aquatics generally (irrespective of whether such Gift or other Benefit is in fact given or received).

- d) Inside Information:
- Using Inside Information for the purposes of Betting, manipulating Events or any other corrupt purposes, whether such use is by the Covered Person or via another person and/or entity.
  - Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Covered Person knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, manipulating Events or any other corrupt purposes.
  - Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.
- e) Committing any act not otherwise prohibited under this Integrity Code that amounts to a violation of any applicable criminal or other law or regulation where such violation could undermine public confidence in the integrity of an Event or the sport of Aquatics generally.

15.2 The following matters are not relevant to the determination of a violation of this Chapter:

- a) whether or not the Covered Person actually participated, or was assisting an Athlete who participated, in the specific Event in question;
- b) the outcome of the Event on which the Bet was made;
- c) whether or not any Benefit or other consideration was actually given or received;
- d) the nature or outcome of any Bet in issue;
- e) whether or not the Covered Person's efforts or performance (if any) in any Event in issue were (or could be expected to be) affected by the act(s) or omission(s) in question;
- f) whether or not the result or any other aspect of the Event in issue was (or could have been expected to be) affected by the act(s) or omission(s) in question;
- g) whether or not the manipulation of any Event or other corrupt conduct included a violation of a technical rule of World Aquatics or any Continental Organisation or World Aquatics Member; and
- h) whether or not the Event was attended by a representative of World Aquatics or any Continental Organisation, World Aquatics Member or other competent Sports Organisation.

## **16. RELATIONSHIPS WITH BETTING ORGANISATIONS**

16.1 A Covered Person may not have a business association or enter into any business arrangement (whether formal or informal) with any Betting Organisation that involves the payment of any monies to or by, or the conferring of any benefit(s) or advantage(s) upon or by, the Covered Person, either directly or indirectly, as a result of such association or arrangement.

- 16.2 As an exception to Article 16.1, a Covered Person will not be in Integrity Code Violation if he/she is employed by, or have a business association with, a parent company that has a Betting Organisation as a subsidiary company (or Betting is a business interest of any subsidiary company), provided that the Covered Person can prove that (i) he/she has no direct involvement with the subsidiary, (ii) that he/she derives no direct or indirect benefit from the subsidiary, and (iii) that the parent company's business does not involve Betting.
- 16.3 A Covered Person shall be considered to have acted in violation of Article 16.1 if any member of his/her immediate family (being a partner/spouse, parent, sibling, child or dependent) has a controlling interest in a Betting Organisation, or a substantial relationship with a Betting Organisation, or is employed in the day-to-day operational control of a Betting Organisation, unless this is disclosed to, and recorded and approved by, the Chief Ethics and Compliance Officer.

## CHAPTER D – ENFORCEMENT OF THE INTEGRITY CODE (AQIU RULES)

### **17. THE AQUATICS INTEGRITY UNIT**

- 17.1 World Aquatics has entrusted the enforcement of this Integrity Code to the AQIU, including investigation, prosecution and adjudication of potential Integrity Code Violations.
- 17.2 The AQIU's different units are defined at Article 24 of the World Aquatics Constitution and include:
- a) The Supervisory Council;
  - b) The Chief Ethics and Compliance Officer;
  - c) The Investigatory Body;
  - d) The Adjudicatory Body; and
  - e) The Anti-Doping Advisory Body.
- 17.3 The AQIU has its offices at one or more locations, as decided by the World Aquatics Bureau on the recommendation of the AQIU Supervisory Council. The offices may be in the same building as World Aquatics offices, provided that they are capable of being secured so that no one may access them without the knowledge and agreement of the AQIU.
- 17.4 The AQIU may use functions and services provided by World Aquatics staff on agreed terms, provided that at all times the independence of the AQIU is not compromised and the confidentiality of the AQIU's work is maintained.
- 17.5 All AQIU staff will be employed or engaged by World Aquatics but will report to the AQIU Supervisory Council.
- 17.6 If at any time the position of a member of the AQIU is vacated prior to the expiry of his/her term of office, it will be filled until the next Congress by a person appointed by the World Aquatics Bureau, with such appointment to be put to Congress for ratification at its next meeting.
- 17.7 Each member of the AQIU will have reasonable expenses incurred by them in carrying out their roles either paid or reimbursed, in accordance with the policy adopted by the World Aquatics Bureau

### **18. MONITORING**

The AQIU may take all practical steps within its power to prevent and investigate potential Integrity Code Violations, including:

- a) monitoring Betting, including monitoring any irregular Betting patterns that might occur;
- b) establishing means for the receipt of third group information on a confidential basis (for example, by establishing an information 'hot-line');

- c) establishing effective channels for cooperation (including but not limited to the exchange of intelligence and information) between the World Aquatics and other competent authorities (including national and international criminal, administrative, professional and/or judicial agencies) in relation to the investigation and prosecution of conduct that is prohibited under this Integrity Code and/or under other applicable laws or regulations;
- d) exchanging information with other Sports Organisations in relation to corruption in sport; and
- e) Introduce education programmes.

## **19. REPORTING**

- 19.1 Any person may address a report of an alleged Integrity Code Violation to the AQIU.
- 19.2 All reports of a potential Integrity Code Violation, including any approaches or requests to engage in conduct that may constitute an Integrity Code Violation, should be made by lodging a compliant or report with the AQIU.
- 19.3 The AQIU shall acknowledge receipt of the report, although the person submitting the file shall have no entitlement for proceedings to be opened, to be a Party to proceedings or to be informed of any decision passed. The AQIU will ensure that upon full discretion of the AQIU any person that can be deemed to be directly concerned is duly consulted, in particular, as regards establishing facts. The AQIU shall also inform the complainant, provided he/she/it is directly concerned by the facts of the case, of (i) the opening of proceedings, (ii) imposition of Provisional Measures, (iii) the findings of the decision, as well as any considerations related to the facts which concern such person directly. Upon request, such information may also be provided by the AQIU to any other person who is directly concerned and has a legitimate interest. The information shall be provided at the same time as notification to the Parties to the proceedings.
- 19.4 The report, including all accompanying documents, shall be filed in English. Any and all costs related to the translation of a document shall be borne by the person making the report. The AQIU may disregard any document not provided in English.
- 19.5 The transfer of an Ethics Panel proceeding to the AQIU shall be deemed to be a report under this Integrity Code.

## **20. PRIMA FACIE CASE**

- 20.1 The Chief Ethics and Compliance Officer shall first assess whether the report relates to an alleged Integrity Code Violation. In carrying out a preliminary analysis, the Chief Ethics and Compliance Officer will assess whether the AQIU has prima facie jurisdiction to investigate the report and whether the report has any reasonable prospect of establishing one or more Integrity Code Violations. Where the Chief Ethics and Compliance Officer considers that the AQIU does not have jurisdiction or that the report has no reasonable prospect of establishing one or more Integrity Code Violation, the Chief Ethics and Compliance Officer may decide, in his/her full discretion, to take no further action. Such decision is not subject to appeal.

- 20.2 Where the same conduct could be pursued as either an Integrity Code Violation by the AQIU or as a violation of the integrity code of a Continental Organisation or of a World Aquatics Member, the AQIU shall decide whether to pursue the matter under this Integrity Code or to refer the matter to the Continental Organisation or the World Aquatics Member (as applicable), to pursue it under the Continental Organisation or the World Aquatics Member Integrity Code. Where a Continental Organisation or a World Aquatics Member fails to act effectively in respect of the matter, the AQIU may (at its absolute discretion) pursue the matter under this Integrity Code.
- 20.3 If the Chief Ethics and Compliance Officer considers it appropriate to do so, he/she may ask any person filing a report to provide further information or may make other enquiries before a decision is taken as to whether a Prima Facie case is made out.
- 20.4 If the evidence submitted with, or subsequent to, any report is considered by the Chief Ethics and Compliance Officer to establish a Prima Facie case of an Integrity Code Violation, the Chief Ethics and Compliance Officer will cause an investigation to be commenced, unless in the view of the Chief Ethics and Compliance Officer, there is a good reason not to cause an investigation to be commenced either immediately or at all.
- 20.5 In addition to information provided in a report, the Chief Ethics and Compliance Officer may consider information that has come to their attention by whatever means to establish whether there is a Prima Facie case of an Integrity Code Violation, and in such circumstances, they will initiate an investigation for an alleged Integrity Code Violation.
- 20.6 Grounds do not need to be given for the initiation of an investigation for an alleged Integrity Code Violation and the decision may not be contested. The Covered Person may be notified of the commencement of such an investigation and of the possible Integrity Code Violation(s) to which the investigation relates and may be afforded the right to make a written submission as part of the investigation.
- 20.7 The Chief Ethics and Compliance Officer may write to any Covered Person against whom a Prima Facie case has been found to exist, to ask whether or not that person wishes to admit any Integrity Code Violation(s) and enter an agreed-upon sanction. In this case, the Chief Ethics and Compliance Officer may submit the matter directly to the Adjudicatory Body for ratification of a settlement agreement.
- 20.8 At any time, whether or not the Chief Ethics and Compliance Officer considers there is a Prima Facie case, he/she may refer any information received from a report or otherwise, to the appropriate criminal, authorities or bodies, if he/she considers it appropriate to do so or it is required by law.

## **21. PROVISIONAL MEASURES**

- 21.1 The Chief Ethics and Compliance Officer may impose provisional measures on the Covered Person pending completion of the investigation and a decision if they consider that the safety or well-being of a person, and/ or public confidence in the integrity of the sport of Aquatics is at risk pending the outcome of the investigation. The Covered Person may not be given an opportunity to submit their position before provisional measures are imposed. Any provisional measures imposed will take effect from the date of the Chief Ethics and Compliance Officer's decision. A copy of the decision to impose provisional measures on the Covered Person shall be:
- a) notified to the Covered Person, as well as his/her/its World Aquatics Member and Continental Organisation (if applicable); and
  - b) publicly disclosed.
- 21.2 There shall be no appeal against a decision to impose provisional measures.
- 21.3 During the period of any provisional suspension, a Covered Person will be subject to the same restrictions that apply during a period of ineligibility, as set out in Article 33.8.
- 21.4 A Covered Person may at any time accept a voluntary provisional suspension pending determination of the charge(s) against him/her/it. Such voluntary provisional suspension will come into effect only upon receipt by the AQIU of written confirmation of the Covered Person's acceptance of the provisional suspension.
- 21.5 No admission may be inferred, or other adverse inference drawn, from a Covered Person's acceptance of voluntary provisional suspension.
- 21.6 Any period of provisional suspension served and complied with (whether voluntarily or otherwise) shall be credited against any period of suspension subsequently imposed on the Covered Person.

## **22. INVESTIGATING POTENTIAL VIOLATIONS**

- 22.1 The Chief Ethics and Compliance Officer may investigate potential Integrity Code Violation.
- 22.2 The Chief Ethics and Compliance Officer may be assisted by the AQIU Staff, the Investigatory Body or any other third party appointed by the Supervisory Council.
- 22.3 The Chief Ethics and Compliance Officer may at any stage after he/she considers there to be a Prima Facie case (including after the notice of charge) make a written Demand to a Covered Person to provide any document, information, or item that the Chief Ethics and Compliance Officer reasonably believes may evidence or lead to the discovery of evidence of an Integrity Code Violation.
- 22.4 A refusal or failure by a Covered Person to comply immediately with the Demand shall constitute an independent violation of Article 6 of this Integrity Code and any attempted or actual damage, alteration, destruction or hiding of such document, information, or item upon receipt of or after the Demand shall constitute an independent violation of Article 6 of this Integrity Code.



22.5 In each case following completion of the investigation, the Chief Ethics and Compliance Officer shall decide whether to pursue an Integrity Code Violation and, if so, whether provisional measures should be imposed on the Covered Person, pending resolution of the case.

22.6 Where it is determined that no procedure shall be opened, the matter shall not proceed and any provisional measures previously imposed shall be lifted. A decision that a matter shall not proceed is not subject to appeal.

### **23. NOTICE OF CHARGE**

23.1 When the Chief Ethics and Compliance Officer decides to pursue an Integrity Code Violation, a notice of charge shall be sent to the Covered Person with a copy to their World Aquatics Member and Continental Organisation (if applicable). The Chief Ethics and Compliance Officer is entitled to decide to postpone the notification of any such notice where in his/her discretion there are important reasons to do so, like for instance the risk that such a notice could have a negative impact on the investigations.

Any notice to be given under this Integrity Code by the AQIU shall be deemed to have been validly given if it is given in writing and delivered by one of the following means:

- a) by post to the last known address of the Covered Person;
- b) by personal delivery (including by hand or by courier to the published physical address of the Covered Person); or
- c) by electronic mail or other electronic means of communication, to the published email or other electronic address of the Covered Person;

Alternatively, where the Covered Person is a member of or affiliated to a World Aquatics Member, notification may be accomplished by delivery of the notice by one of the foregoing means to the World Aquatics Member. It will be the responsibility of the World Aquatics Member to without delay (i) forward the notice to the Covered Person, and (ii) inform the AQIU of such notification.

The AQIU may instruct the Covered Person at any time how any notice to be given by the Covered Person to the AQIU shall be communicated.

23.2 The notice of charge shall set out:

- a) the Integrity Code Violation(s) alleged to have been committed (including the specific Article(s) alleged to have been infringed);
- b) a summary of the facts upon which such allegations are based;
- c) a summary of the potential consequences and sanctions; and
- d) the Covered Person's entitlement to respond to the notice of charge in accordance with Article 23.3.

23.3 The Covered Person may respond to the notice of charge in one of the following ways:

- a) admit the charge and accept the potential consequences and sanctions specified in the notice of charge;

- b) admit the charge, but dispute and/or seek to mitigate all or any of the potential consequences and sanctions specified in the notice of charge and have the Adjudicatory Body determine the consequences and sanctions; or
- c) deny the charge, and have the Adjudicatory Body determine the charge and any consequences and sanctions, in accordance with Article 25.

23.4 In the event the Covered Person does not respond by the specified deadline, the Covered Person will be deemed to have admitted the charge, and the consequences and sanctions specified in the notice of charge will apply. The sanction shall be notified and published as per Article 32.8. Such decision is not subject to appeal.

23.5 In the event the Covered Person admits the charge and accepts the consequences, the consequences specified in the notice of charge will apply. The sanction shall be notified and published as per Article 32.8. Such decision is not subject to appeal.

23.6 In the event that a Covered Person denies the charge and/or disputes and/or seeks to mitigate all or any of the potential consequences and sanctions specified in the notice of charge, the Chief Ethics and Compliance Officer will file a written petition to the Adjudicatory Body pursuant to Article 24.

#### **24. FILING TO THE ADJUDICATORY BODY**

24.1 Proceedings are initiated when a filing is made with the Adjudicatory Body by the Chief Ethics and Compliance Officer.

24.2 The filing shall contain the following:

- a) name and contact details of the Covered Person or his/her/its World Aquatics Member;
- b) a summary of the charge;
- c) all documentation on which the Party intends to rely, including witness statements and/or expert reports if applicable; and
- d) the relief, including sanctions and consequences, sought by the Party.

#### **25. ASSIGNMENT OF CASES**

25.1 Upon receipt of a filing, the Chair of the Adjudicatory Body shall nominate a Panel to adjudicate the case.

25.2 AQIU members shall not be appointed to a Panel to adjudicate a case if circumstances exist that give rise to justifiable doubts as to their ability and availability to ensure a timely, fair and impartial hearing. In principle, no AQIU member shall be appointed to a Panel to hear a specific case if he/she is a citizen of the country of the Respondent. Exceptions to such limitation may be made where necessary or appropriate. The Chair of the Adjudicatory Body may also determine situations in which a member of the Adjudicatory Body should not be appointed due to a potential conflict.

25.3 Once the case has been referred to the Adjudicatory Body, the proceedings are conducted by the Panel to which the case has been assigned.

**26. CHALLENGE OF THE PANEL OR OF THE JURISDICTION**

- 26.1 After the Panel has been appointed for a particular matter, the Parties shall be informed of the opening of the proceedings, of their right to be assisted by the representative(s) of their choice at their own cost and expense and shall be provided with the filing and all accompanying documents. The Parties should also be provided with a declaration from the members of the Panel, disclosing any facts or circumstances known to them that might reasonably call into question their impartiality or independence.
- 26.2 Any challenge of the appointed Panel shall be filed within seven (7) calendar days from receipt of the notification of the Panel members.
- 26.3 Any challenge of the jurisdiction of the Adjudicatory Body shall be filed within seven (7) calendar days from receipt of the filing of the procedure. Receipt is deemed effectuated upon service to the Accused Person or his/her/its World Aquatics Member in accordance with Article 26.1.
- 26.4 Any such challenge shall indicate the grounds of the challenge and include, if possible, all relevant facts and supporting evidence.
- 26.5 Any application to challenge the Panel shall be decided by the Chair of the Adjudicatory Body, after the challenged member(s) of the Panel has been invited to submit written comments. In case the Chair of the Adjudicatory Body is the challenged member, the challenge shall be decided by the Vice-Chair. The decision on the challenge of the Panel is final and is not subject to any appeal.
- 26.6 The Panel shall rule on its own jurisdiction in its Decision.
- 26.7 If no challenge of the jurisdiction of the appointed Panel is filed within seven (7) calendar days from receipt of the notification of the Panel members, the Parties are deemed to have accepted the jurisdiction of the Adjudicatory Body and the appointment of the Panel.

**27. ANSWER OF THE RESPONDENT**

- 27.1 When directed to do so, the Respondent shall submit an answer in the form and within the deadline that will be communicated to Respondent. Such answer shall contain:
- a) a statement of defence;
  - b) any exhibits or other evidence upon which the Respondent intends to rely, including witness statements and/or expert reports;
  - c) the relief or remedy sought by the Respondent; and
  - d) the indication whether Respondent wishes for a hearing to be held.
- 27.2 The Respondent must set out the facts and law on which Respondent relies as comprehensively as possible. Written submissions shall be accompanied by all relevant evidence, including witness statements and expert reports.
- 27.3 If the Respondent fails to submit the answer within the set deadline, the Panel may nevertheless proceed with the case and render a Decision.

**28. FURTHER SUBMISSIONS AND ADDITIONAL EVIDENCE**

- 28.1 Unless otherwise agreed by the Parties or ordered by the Panel, the Parties shall not be authorised to supplement or amend their submissions, nor to produce new exhibits or further evidence after the submission of the filing and the answer, respectively.
- 28.2 The Panel may at any time order one or more Parties to supplement their submissions on a specific issue or to produce additional documents or witness statements.

**29. HEARING**

- 29.1 The Panel may, at its own discretion, decide whether or not a hearing shall be convened.
- 29.2 Unless otherwise decided by the Panel, hearings shall take place via videoconference.
- 29.3 It is the responsibility of the Parties to ensure the appearance at the hearing of any interpreters, witnesses and experts requested by them and to pay all costs and expenses associated with their appearance.
- 29.4 The Panel is responsible for the proper conduct of the hearing. The Panel may issue procedural directives as necessary and/or hold a preparatory telephone conference with the Parties and/or their representatives.
- 29.5 As a general rule, the Party who made the initial filing shall be heard first, followed by the Respondent.
- 29.6 The Panel will hear the witnesses and experts specified in the Parties' written submissions. This being said, the Panel may limit or disallow the appearance of any witness or expert, or any part of their testimony, on the ground of irrelevance.
- 29.7 Once the hearing is closed, the Parties shall not be authorised to produce further evidence or written pleadings, unless ordered otherwise by the Panel.

**30. GENERAL CONDUCT OF THE PROCEEDINGS**

- 30.1 Any procedural objection shall be raised without delay or shall be deemed to be waived.
- 30.2 The Parties may be represented or assisted by the representative(s) of their choice at their own cost and expense. The identity and contact information of the Person(s) representing or assisting the Parties shall be communicated to the Adjudicatory Body in advance of the hearing.
- 30.3 Upon a reasoned request of a Party, the Adjudicatory Body may decide to proceed in an expedited manner if the circumstances so require. In such case, the Panel shall issue appropriate directives accordingly.

**31. BURDEN AND STANDARD OF PROOF; ADMISSIBILITY OF THE EVIDENCE**

- 31.1 The AQIU will have the burden of establishing that an Integrity Code Violation has been committed. The standard of proof will be the balance of probabilities.
- 31.2 Facts shall be established by any reliable means. The Panel shall at its own discretion determine the admissibility, relevance, materiality and weight of the evidence offered.

- 31.3 The principle of strict liability applies. Therefore, violations are punishable regardless of whether they have been committed intentionally, recklessly, and/or negligently.
- 31.4 The Adjudicatory Body may draw an adverse inference against any Covered Person who (a) fails to comply with any request for information, documentation or assistance; (b) fails to appear in front of the Adjudicatory Body; or (c) fails to answer any question(s) in the hearing.
- 31.5 In order to establish an Integrity Code Violation against a legal person, such as a World Aquatics Member or a Continental Organisation, it shall be sufficient to establish that one of the representative and/or employees and/or delegates and/or members of the legal person committed the Integrity Code Violation.

## **32. DECISION PROCESS**

- 32.1 Once the Parties have made their submissions, the Adjudicatory Body shall determine whether a violation has been committed. Where the Adjudicatory Body determines that a violation has been committed, the Body shall also determine, in its discretion, the appropriate sanction(s), in accordance with Article 33.
- 32.2 The Adjudicatory Body shall have full power to review the facts and the law. The Panel is not bound by the relief sought by the Parties.
- 32.3 The Adjudicatory Body shall issue a decision in writing to the Parties as soon as reasonably practicable setting out, in principle, the following:
- a) the name of the members(s) who decided the case;
  - b) the name of the Parties;
  - c) a summary of the relevant facts;
  - d) an account of the procedure followed;
  - e) the decision on jurisdiction;
  - f) the provisions or a reference to the provisions on which the Decision is based;
  - g) the reasons of the Decision, including the Integrity Code Violation(s) committed, the applicable consequences and start date (if applicable);
  - h) the operative part of the Decision;
  - i) the decision, if any, in regard to costs; and
  - j) a notice indicating any possibility to file an appeal in CAS and the relevant time limit.
- 32.4 In rendering the Decision, the Panel shall apply this Integrity Code as well as the World Aquatics Regulations and, subsidiarily, Swiss law.
- 32.5 The Panel will make its decision unanimously or by majority. No members of the Panel may abstain.
- 32.6 The Adjudicatory Body may rectify any error in computation, any clerical or typographical error, or any error or omission of a similar nature contained in a Decision, after it has been rendered.

- 32.7 Decisions are enforceable as soon as the operative part is communicated to the Parties by email.
- 32.8 A copy of the decision will be sent to the Covered Person's World Aquatics Member (where applicable). The decision will be made public upon receipt, including by posting a copy on the World Aquatics' website. If the Decision rules that no Integrity Code Violation was committed, the Decision will only be published with the consent of the Covered Person. However, the fact that the charge has been dismissed may be publicly disclosed. The Adjudicatory Body may decide to redact specific parts of the Decision before its publication.
- 32.9 The Panel may decide to communicate the operative part of the Decision prior to the delivery of the full Decision including the reasons.

### **33. SANCTIONS**

- 33.1 Any one or more of the following sanctions may be imposed for an Integrity Code Violation:
- a) a warning as to future conduct;
  - b) a reprimand;
  - c) a fine in an amount proportionate to the seriousness of the violation;
  - d) an order of reimbursement or restitution;
  - e) a suspension from carrying out specific activities on behalf of World Aquatics and/or Continental Organisation and/or World Aquatics Member for a specified period;
  - f) a period of ineligibility, the length of which is to be determined based on what is proportionate in the circumstances of the case, taking into account in particular (i) the nature of the violation(s), (ii) the degree of fault of the Covered Person, (iii) the harm that the violation(s) has/have done to the sport, (iv) the need to deter future violations, and (v) any specific aggravating or mitigating factors; and
  - g) any other sanction deemed appropriate, including, but not limited to disqualification of results, annulment of results of any Event, removal from office, forfeiture of points and/or of quota places and/or of hosting rights, other loss of privileges, no contact directives, requirement to complete educational or other programs, and return of World Aquatics awards.
- 33.2 The sanction(s) to be imposed in a particular case shall be determined by reference to all of the relevant circumstances of the case, including an assessment of the seriousness of the violation, and any mitigating or aggravating factors that may be present.
- 33.3 Aggravating factors may include (without limitation):
- a) the age or experience or position of trust or authority of the Covered Person (e.g., as coach of the team);
  - b) the Covered Person's previous disciplinary record, including in particular any prior violations of this Integrity Code or similar offences;

- c) any finding that the Covered Person violated more than one Article of this Integrity Code or violated the same Article more than once;
- d) any finding that the Covered Person received or expected to receive a significant Benefit as a result of their violation;
- e) any finding that the Covered Person's violation affected or had the potential to affect the course or outcome of an Event;
- f) any finding that the violation was part of a broader scheme involving other Covered Persons;
- g) the Covered Person's deceptive and/or obstructive behaviour during the course of the World Aquatics' investigation and/or the proceedings before the Adjudicatory Body, such as providing no (or incomplete or inaccurate) information in response to questions or requests for information, or pursuing frivolous arguments or defences; and/or
- h) a lack of remorse on the part of the Covered Person (including, for example, refusing to take part in Integrity educational programs organised by the World Aquatics).

33.4 Mitigating factors may include (without limitation):

- a) the youth or inexperience of the Covered Person and/or any finding that there was taken advantage of them by more experienced or more senior Covered Persons;
- b) the Covered Person's good previous disciplinary record;
- c) any finding that the Covered Person did not receive or expect to receive any significant Benefit as a result of the violation(s);
- d) any finding that the Covered Person's violation(s) did not affect or have the potential to affect the course or outcome of an Event;
- e) the Covered Person's timely admission of a violation when confronted with the alleged violation(es);
- f) the Covered Person's cooperative behaviour during the course of the AQIU's investigation and/or the proceedings before the Adjudicatory Body, such as providing information requested on a timely and complete basis, and/or volunteering information;
- g) the Covered Person's provision of Substantial Assistance (provided that the extent of the mitigation will depend mainly on the extent to which the Substantial Assistance enabled the AQIU or other relevant authority to establish other violations of this Integrity Code or other applicable laws or regulations); and
- h) the Covered Person displaying remorse (including, for example, by agreeing to take part in integrity educational programmes organised by the World Aquatics).

33.5 Where more than one violation has been committed, the sanction will be based on the most serious violation and increased as appropriate depending on the specific circumstances.

- 33.6 Any period of ineligibility imposed under Article 33 will commence on the date it is imposed by the Adjudicatory Body, or otherwise accepted by the Covered Person, with credit given for any period of provisional suspension served and complied with.
- 33.7 Where the Panel sees fit, it may suspend the implementation of all or part of any sanction(s) imposed for so long as specified conditions are satisfied.
- 33.8 During any period of ineligibility or provisional suspension, a Covered Person may not (i) participate in any Event; (ii) attend any other Aquatics-related activity organised by or on behalf of the World Aquatics or any Continental Organisation or World Aquatics Member, save that at the World Aquatics' invitation the attendance is allowed in an educational capacity as part of an integrity programme organised by the World Aquatics; and (iii) hold or be a candidate for any position (or have any dealings) as a World Aquatics Official or Other Official. Any potential violation of the period of ineligibility shall be considered an Integrity Code Violation and shall be pursued in accordance with Chapter D.
- 33.9 If a Covered Person is found to have violated Article 33.8, the period of ineligibility originally imposed in accordance with this Integrity Code shall recommence from the date of such violation (disregarding the period of ineligibility served prior to such violation) and (where applicable) the Covered Person shall be immediately disqualified from the relevant Event.
- 33.10 This Integrity Code shall continue to apply to any ineligible Covered Person and separate proceedings may be brought against the Covered Person under this Integrity Code for any violation committed during the period of ineligibility.

#### **34. COSTS**

- 34.1 Unless decided otherwise by the Panel, the proceedings shall be free.
- 34.2 Each Party shall bear its own costs and expenses incurred in connection with the proceedings and, in particular, the costs of legal representation, translation, witnesses and experts.
- 34.3 Even if their period of suspension/ineligibility has expired, a Covered Person may not participate in any manner or capacity in any Event (or otherwise act as or have any dealings with World Aquatics as an World Aquatics Official or Other Official) until the Covered Person has paid in full any fine and/or costs that were ordered to pay under this Integrity Code unless the World Aquatics (in its absolute discretion) agrees (and the Covered Person complies with the terms of) an instalment plan for the payment of such amounts.

#### **35. APPEALS EXCLUSIVELY TO THE CAS**

- 35.1 Only final decisions of the Adjudicatory Body determining that an Integrity Code Violation has been committed may be appealed by any Party to the proceedings in question. Any such appeal shall be filed exclusively to the CAS.



- 35.2 To be admissible, an appeal to CAS must be filed with the CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email. A copy of the appeal shall be served at the same time on the other Part(ies). Only the notification by email of the full Decision is relevant for the purposes of calculating the time limit to appeal in CAS. The appeal shall comply with the applicable rules and requirements of the CAS Code of Sports-related Arbitration.
- 35.3 An appeal to CAS shall not have any suspensive effect. Accordingly, pending the resolution of the appeal by the CAS, the decision being appealed (including any sanction(s) imposed) will remain in full force and effect (unless the CAS orders otherwise).
- 35.4 The appeal proceedings before CAS shall be conducted in English and the procedure will be governed by the procedural rules of the CAS Code of Sports-related Arbitration. The substantive issues on appeal will be governed by this Integrity Code (and any other applicable World Aquatics Regulations and/or guidelines) and subsidiarily by Swiss law.

## **36. RECOGNITION OF DECISIONS AND PROVISIONAL MEASURES**

- 36.1 Decisions taken under this Integrity Code, including decisions on provisional measures and decisions of CAS on appeals submitted to CAS, are applicable worldwide and must be recognised, respected and given effect by World Aquatics, all World Aquatics Members and all Continental Organisations, without the need for any further formality.
- 36.2 World Aquatics, all Continental Organisations and all World Aquatics Members shall recognise and take all necessary and reasonable steps within their powers to enforce and give effect to all decisions taken under the regulations of a Continental Organisation or World Aquatics Member adopted in accordance with Article 3. World Aquatics may decide not to recognise such a decision if it violates the World Aquatics Constitution or important principles of law.
- 36.3 World Aquatics, all Continental Organisations and all World Aquatics Members shall recognise, respect and give effect to final decisions taken by other Sports Organisations if such decisions purport to be within the authority of that Sports Organisation and the Integrity Code of that body is consistent with this Integrity Code. Such recognition shall be without prejudice to the World Aquatics' right to seek further sanctions against the Covered Person beyond the sanctions imposed by the other Sports Organisations, in accordance with this Integrity Code. World Aquatics may decide not to recognise such a decision if it violates the World Aquatics Constitution or important principles of law.

## CHAPTER E - ELIGIBILITY DETERMINATION

### **37. ELIGIBILITY DETERMINATION RULES OF PROCEDURE**

- 37.1 The Investigatory Body determines whether, a person is eligible to stand as a candidate to be elected or appointed as a World Aquatics Official.
- 37.2 The Investigatory Body may make any request to the person or his World Aquatics Member, to provide any documents and information reasonably required for the purpose of determining whether or not a person is eligible under the applicable provisions of the World Aquatics Regulations.
- 37.3 In any event where the Investigatory Body determines that a person is ineligible it shall then notify the person, on a confidential basis, the reasons why the Investigatory Body has come to a provisional determination that the person is ineligible. The Investigatory Body shall then afford the person a deadline by which the person may make confidential submissions in response to the notified provisional determination. The Investigatory Body shall then consider any such written submissions and make a final determination as to the eligibility of the person.
- 37.4 The determination must be made by at least a simple majority of the members of the Investigatory Body.
- 37.5 The Investigatory Body shall report its determinations to the person concerned and the Congress of World Aquatics promptly, so as to not unduly effect or prejudice elections or the appointment process.
- 37.6 A determination of ineligibility made in accordance with this Article 37 may be exclusively appealed to the CAS by the person concerned. The proceedings shall be conducted on an expedited basis, unless World Aquatics has reasonable grounds to refuse an expedited procedure. The time limit for appeal against a decision of ineligibility is ten (10) calendar days from receipt of the final determination of the Investigatory Body.

Melbourne, 12 December 2022

For the Bureau:

The President

The Executive Director

Husain Al Musallam

Brent J. Nowicki