

IMMAF Arbitration Committee

The IMMAF Arbitration Committee is elected during the IMMAF General Assembly and should be considered as an Independent entity. The Arbitration Committee members will serve on a voluntary basis for a period of 2 years.

The IMMAF Arbitration Committee has the exclusive right to resolve complaints and disputes and appeals arising from decisions of the IMMAF Disciplinary Committee and complaints and disputes related to decisions of the IMMAF Anti-doping Disciplinary Committee, but not appeals. The WADA Code requires that appeals from anti-doping cases must go directly to the Court of Arbitration in Sport (CAS).

The IMMAF Arbitration Panel is responsible for first hearing appeals of the IMMAF Disciplinary Committee but decisions can then be appealed to CAS.

The IMMAF Arbitration Committee will establish a pool of Arbitrators with recognised competence with regards to sport and alternative dispute resolution procedures, including expertise in Anti-doping Rules (ADR) and with appropriate medical/scientific qualifications to serve on IMMAF Arbitration Panels.

There may be one or two secretaries appointed by the chairperson to deal with administrative matters relating to the conduct of hearings.

Composition of Panel

IMMAF Arbitrators will be appointed by the Chairman of the Arbitration Committee with the aim of ensuring a wide geographical and gender representation for individual Hearing Panels.

Subject to an Arbitrator's acceptance and challenge (of potential conflict of interest) process, three (or sole) Arbitrator(s) shall conduct the Individual Hearing.

Eligibility

To be eligible for nomination as an IMMAF Arbitration Panel representative, the applicant must:

- a. be able to speak and understand English reasonably well;
- b. not be under investigation, or convicted or otherwise sanctioned
 - i. any other offence or breach of any rules of IMMAF, an Area Association or a Member Federation
 - ii. an offence under any applicable laws punishable by a term of imprisonment of 2 years or more (unless the person has served the sanction imposed on them);

IMMAF may at its discretion modify or republish its Arbitrator list from time to time.

Hearing Process

At the request of the Applicant, hearings may be by sole arbitrator (as selected by the Applicant from a list of available arbitrators), or by a panel of three arbitrators, selected first by the Applicant, then by IMMAF's representative, and the two Arbitrators shall appoint a third Arbitrator who shall chair the Panel. Such nomination process should be completed within 5 days.

Decisions of the Arbitrators shall be by majority vote.

Hearings may be conducted following submission of documentation, in person, or by any means of communication such as SKYPE, video conference, or telephone, as agreed by the parties.

If the arbitration is to take place in person, it shall be conducted in London, England, unless the Arbitrator(s), for good cause, rule otherwise. Arbitration hearings shall be conducted in English, unless fairness requires otherwise.

Confidentiality: All meetings and the work of the Arbitration Committee and Arbitration Panels will be considered as confidential pending a final decision and publication of Arbitration Panel decisions. No documents, information, discussion, recommendations, decisions made or otherwise exchanged or agreed in connection with, shall be disclosed to any other person pending any final Arbitration Panel decisions.

Conflict of Interest

Arbitration Panel members will sign a confidentiality and conflict of interest declaration in advance of assignments. Members will be expected to raise any issues related to nationality, relationship or commercial conflicts of interest or potential conflicts with hearings with the Arbitration Committee Chair before accepting any assignment related to IMMAF Arbitration cases. The Arbitration Committee chair will have the final judgement in case of conflicts of interest.

Timetable of Hearings

A timetable for hearings shall be agreed within 90 days of the appointment of the Arbitrator(s). The hearing process shall be expedited when necessary to determine an Applicant's eligibility for a World or Regional Championship, or as a condition of professional registration.

Administration

Expenses: Arbitration Committee Members act as such in a voluntary capacity and will not be compensated for their work. However, IMMAF will reimburse expenses and pay a per diem for each Arbitration Committee Member in accordance with IMMAF policy.

Administration: IMMAF will arrange travel, accommodation and insurance for Arbitration Committee meetings in accordance with IMMAF policy.

Documents: IMMAF will provide the Arbitration Committee with all documents held by IMMAF relevant to the Coaching Commission's work. All records, minutes and notes will be stored on a secure electronic platform set up by the IMMAF. All written records related to Arbitration cases will also be stored at the IMMAF office.

Arbitration Panel Costs

The Arbitration Committee will select and work with suitably qualified arbitrators who are able to offer their services either on a pro bono and/or on a reasonable fixed fee basis. Although independent of IMMAF, the Arbitration Committee will need to agree relevant budgets for Panel hearings with the IMMAF CEO in advance.

The IMMAF ADR allows for costs to be recovered from the applicant, and mindful of this, IMMAF would not wish fair hearing costs to dissuade applicants from pursuing disputes. Costs will be regularly reviewed with the appointed panel members, in line with the development of the sport and level of dispute.