

# IMMAF ANTI-DOPING DISCIPLINARY COMMITTEE

## Terms of Reference

### 1. Status and Role

- 1.1 The IMMAF Anti-Doping Disciplinary Committee (ADDC) is appointed by the General Assembly and reports to the IMMAF Board of Directors (Board) under Article 22 of the IMMAF Statutes.
- 1.2 The role of the ADDC is to hear any allegation made of a breach of the Anti-Doping Rules and to manage and resolve an alleged Anti-Doping Rule Violation (ADRV), or other dispute arising from the implementation of the rules, policies and procedures in line with the Results Management Process as described in the Anti-Doping Rules (ADR).

### 2. Commencement

These Terms of Reference are effective from 1 December 2019.

### 3. Composition of Anti-Doping Disciplinary Committee

- 3.1 The ADDC shall comprise a minimum of six (6) persons including the Chair with expertise in law, ethics and the sport of mixed martial arts and seek geographic and gender balance amongst members. The IMMAF Anti-Doping Director will serve as Staff Liaison for this Committee with speaking but no voting rights.
- 3.2 The ADDC may also invite an expert/s to advise it based on their expertise who shall have no voting rights.
- 3.3 To be eligible for nomination, and to remain as an ADDC member the person must be;
  - 3.3.1 be at least 18 years old;
  - 3.3.2 be able to speak and understand English reasonably well;
  - 3.3.3 have experience working in the sport of MMA and/or the field of anti-doping in sport and/or sport law;
  - 3.3.4 not be under investigation, or convicted or otherwise sanctioned for:
    - 3.3.4.1 any other offence or breach of any rules of IMMAF, an Area Association or a Member Federation; or an Anti-Doping Rule Violation under the World Anti-Doping Code.
    - 3.3.4.2 an offence under any applicable laws punishable by a term of imprisonment of two (2) years or more (unless the person has served the sanction imposed on them);

### 4. Term and Vacancies

- 4.1 The term of office for members of the ADDC is three (3) years which may be renewed (IMMAF rules 8.1.1.5).
- 4.2 A member may resign prior to the expiry of their term of office by giving not less than one (1) months' notice in writing to the ADDC Chair and the IMMAF President.
- 4.3 A member may be removed from the ADDC prior to the expiry of their term of office, by decision of the Board on the recommendation of the ADDC Chair to President, for:
  - 4.3.1 breach of any duty under clause 8; or

- 4.3.2 any other act or conduct that, in the opinion of Board, brings the ADDC or IMMAF into disrepute.
- 4.4 In addition, an ADDC member shall be deemed to have vacated his or her position if, during his or her term, he or she is absent from two (2) consecutive meetings of the ADDC.
- 4.5 If any position on the ADDC is vacant, whether by resignation, removal or otherwise at any time, the Board may (on the recommendation of the ADDC Chair and President) appoint a replacement member (who is eligible under clause 3.3) for the balance of the term of office of the vacated position.

## 5. Chair

- 5.1 The role of the Chair is to lead and represent the ADDC in close co-operation with the IMMAF CEO. The Chair has the following responsibilities:
  - 5.1.1 chair and prepare the agenda and all papers for all meetings of the ADDC;
  - 5.1.2 be the spokesperson for the ADDC;
  - 5.1.3 liaise with the IMMAF Anti-Doping Director and IMMAF CEO as required or requested;
  - 5.1.4 prepare and present reports to the Board;
  - 5.1.5 attend meetings of the Board and any other Committees or Working Groups as requested by the CEO or Board;
  - 5.1.6 represent the ADDC at any forums, groups or presentations if requested by the President or the Chief Executive;
  - 5.1.7 any other specific responsibility as required by the CEO, President or Board that are within the scope of the role and responsibilities of the ADDC (set out in clauses 1.2 and 6).
  - 5.1.8 form a Panel of the ADDC (“Hearing Panel”) to hear an alleged Anti-Doping Rule Violation or other breach of anti-doping rules. The Chair may elect to be a member of a Panel or delegate to another ADDC member, in particular, where there is a conflict of interest or time pressure regarding the case to be heard.
- 5.2 The Chair may be removed from their position, prior to the expiry of their term of office, by:
  - 5.2.1 resignation; or
  - 5.2.2 decision of Board, in its absolute discretion; or
  - 5.2.3 resignation or removal from the ADDC under clause 4.2.

## 6. Responsibilities

- 6.1 The ADDC will consider and decide on any matter presented to it in relation to alleged breaches of the anti-doping regulations. In order to achieve this, the ADDC shall:
  - 6.1.1 maintain confidentiality, except when a decision is presented to the Board. Only the content of the decision will be a matter of public record.
  - 6.1.2 ensure that the rules of natural justice, due process and *audi alteram partem* are applied and that it acts fairly towards all participants in the matter while using its best endeavours to expedite hearings.
  - 6.1.3 develop procedures to be followed.
  - 6.1.4 undertake to have at its disposal all relevant information to decide on a matter based on the comfortable satisfaction of the ADDC which is greater than a balance of

probabilities but less than beyond a reasonable doubt, or as required under the WADA Code.

- 6.1.5 following a review of the allegation, institute a suspension of any participant from the time the ADRV is reported until completion of the hearing.
- 6.1.6 decide all matters presented to it and impose any of the following sanctions, with a reduction for cooperation and/or substantial assistance:
  - 6.1.6.1 suspend a person for any period of time from any specified activity in the sport (e.g. participating in tournaments or being a technical official);
  - 6.1.6.2 ban a person from involvement in mixed martial arts world-wide;
  - 6.1.6.3 issue or suspend financial penalties or suspension for a period of time;
  - 6.1.6.4 finalise the written ruling for the “prosecution”, “defence” and Board as soon as the hearing has been completed.
  - 6.1.6.5 submit reports on cases to the Board for information as soon as possible after the hearing;
  - 6.1.6.6 develop case law for IMMAF;
  - 6.1.6.7 make recommendations to the Board for improvements in its rules and regulations.

## **7. Referral of matters**

- 7.1 The CEO may refer matters to the ADDC as appropriate.
- 7.2 In exercising its responsibilities, the ADDC may refer any item to the IMMAF Administration for discussion, consideration and/or action.
- 7.3 The ADDC may recommend relevant matters for action or noting to other IMMAF Committees as appropriate.
- 7.4 The ADDC will ensure that all documentation is complete in case of an appeal against its decision to the Court of Arbitration in Sport.

## **8. Conflict of Interest**

- 8.1 ADDC members will sign a confidentiality and conflict of interest declaration in advance.
- 8.2 Members will recuse themselves where there are nationality, relationship or commercial conflicts of interest or potential conflicts they may have with any item on the ADDC’s agenda.
- 8.3 If a member does not recuse him or herself, he or she will be excused from ADDC discussions and deliberations on the issue by the Chair and this will be recorded in the minutes.

## **9. Authority**

- 9.1 The ADDC Chair may engage with the media on IMMAF ADRVs with the prior approval of the CEO.
- 9.2 Members of the ADDC will not make public statements about IMMAF, the ADDC or any aspect of the ADDC’s work.

## **10. Duties of Anti-Doping Committee Members**

- 10.1 Members shall rigorously champion the IMMAF anti-doping rules and procedures and the provisions of the WADA Code.

- 10.2 Members shall strive to ensure open and effective communication amongst ADDC members.
- 10.3 Members shall make timely decisions.
- 10.4 Members shall at all times contribute their expertise in the best interests of the IMMAF.
- 10.5 Members shall ensure that the principles of natural justice, impartiality, good governance and confidentiality are implemented at all times.
- 10.6 Members shall participate in an active and energetic way in meetings and in matters undertaken by the ADDC between meetings.
- 10.7 Each ADDC Member must be adequately prepared for each hearing in order to participate effectively and constructively.

## **11. Members**

- 11.1 Members will be provided with complete, accurate and meaningful information in a timely manner by the Anti-Doping advisor and relevant IMMAF staff.
- 11.2 Members can expect open and honest discussions, with the avoidance of misleading assertions.

## **12. Anti-Doping Rules**

- 12.1 Committee Members are bound by the IMMAF Anti-Doping Rules and other IMMAF Policy documents. This includes principles of conduct related to integrity, equality, dignity, good faith, conflicts of interest, improper benefits, improper association and neutrality.
- 12.2 ADDC members are bound by all the rules and regulations of IMMAF together with any directions and decisions of the Board.

## **13. Reporting**

- 13.1 The ADDC shall submit a confidential report to the CEO in writing as soon as possible after a hearing. This report shall be prepared by the Chair in collaboration with the CEO. All ADDC members shall receive a copy of this report.
- 13.2 By a date specified by the CEO, the Chair shall, in consultation with the ADDC, prepare an annual report with a summary of the ADDC's work for inclusion in Board's annual report to the Member Federations. This report will also be published on the IMMAF website.

## **14. Anti-Doping Disciplinary Committee Meetings and Procedure**

- 14.1 The ADDC shall meet at such time and place as the Chair may determine in consultation with the Administration.
- 14.2 The ADDC shall undertake its work at its meetings and in between meetings by telephone, email and other means of communication as is necessary to fulfil its responsibilities.
- 14.3 A member will attend ADDC meetings, as per a schedule determined by the Chair, in person or using technology unless excused by the Chair. Meetings may be held by telephone, video or internet conference facilities or in combination with a meeting held in person provided that prior notice of the meeting is given to all members and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by any member in this manner at a meeting shall constitute the presence of that member at that meeting.

- 14.4 The Chair shall prepare an agenda for each meeting in consultation with the CEO. Members may submit items for the agenda through the Chair. The agenda, together with relevant papers, must be circulated no later than eight (8) working days prior to the forthcoming meeting. Except with the express permission of the Chair, late documents will not be accepted. Responsibility for ensuring appropriate records management for the ADDC rests with the CEO under the direction of the Chair.
- 14.5 The Chair will chair all meetings, unless he or she is unavailable in which case the remaining members will designate a replacement.
- 14.6 In addition to ADDC members, other persons and experts may be invited by the Chair to attend meetings to provide information or advice on a specific item of business at a meeting with the prior approval of the CEO.
- 14.7 In addition to discussions and decisions made in meetings of the ADDC, discussions may be held between members via email and other social media and messaging platforms, provided that any resolutions or decisions of the ADDC which follows such discussion, shall only be valid if decided by email in the manner prescribed by the Chair and CEO.
- 14.8 Decisions of the ADDC shall generally be made by consensus. If a consensus cannot be reached and a vote is required, each ADDC member shall have one (1) vote. Voting by proxy is not permitted. Where members are attending a meeting using technology, they may vote by email in accordance with the procedures prescribed by IMMAF or by a show of hands or by a voting button within the conference platform. Except to the extent specified in these Terms of Reference, a majority in favour of an action by those ADDC members present at a meeting is required for it to be passed.
- 14.9 In the event of an equality of votes, the Chair may cast a casting and deliberative vote.
- 14.10 Minutes of each meeting of the ADDC shall be taken. The Chair will be responsible for designating whether the CEO or another person takes minutes during the meeting. The minutes will be finalised in consultation with the Chair and sent to the members within a maximum of one (1) month of the meeting. Any amendments to the minutes will be agreed at the next meeting of the ADDC and noted accordingly.
- 14.11 All meetings and the work of the ADDC are confidential.
- 14.12 No documents, information, discussion, recommendations or decisions made at an ADDC meeting shall be disclosed to any other person unless:
  - 14.12.1 the President, CEO or ADDC Chair authorises such disclosure;
  - 14.12.2 the ADDC agrees that such disclosure is necessary or desirable to advance its work;
  - 14.12.3 the matter is in the public domain; or
  - 14.12.4 such disclosure is required by law or any applicable authority, including the IMMAF Anti-Doping Committee, IMMAF Arbitration Panel or another Disciplinary Tribunal.
- 14.13 A quorum for the ADDC meeting is defined as 50% of the ADDC membership, plus one.
- 14.14 Where a quorum is lost, the meeting may be adjourned until such time as the Chair may determine.
- 14.15 This quorum also applies to decisions taken on a round robin basis or a resolution in writing.

## **15. Hearings and Procedures**

- 15.1 All hearings will be conducted in line with the principles of natural justice, impartiality, good governance and confidentiality are implemented at all times.
- 15.2 Procedures will follow articles 8, 9, 10 and 13 of the IMMAF Anti-Doping Rules and

Article 8.8 of the ISRM. Decisions shall be made in line Article 9 of the ISRM. In addition, the provisions of article 11 will apply where IMMAF institutes team events.

- 15.3 Where IMMAF is informed of a sanction imposed by another sporting body in terms of article 12, the ADDC will review the information provided prior to confirming exclusion and any additional sanctions if required.
- 15.4 The ADDC will provide reports in line with article 14 and ensure the implementation of its decisions in line with article 15.

## 16. Administration

- 16.1 ADDC members act as such in a voluntary capacity and will not be compensated for their work as a member. IMMAF will reimburse expenses and pay a per diem for each member in accordance with IMMAF policy for attendance at meetings or events.
- 16.2 IMMAF will arrange travel, accommodation and insurance for ADDC meetings in accordance with IMMAF policy.
- 16.3 IMMAF will provide the ADDC with all documents held by IMMAF relevant to the ADDC's work. All records, minutes and notes will be stored in the IMMAF Head Office.

## 17. Review

The ADDC shall review its Terms of Reference every two years and provide a report, including any recommendations to the CEO.

## 18. Formation of Panel

- 18.1 The ADDC is a wider pool of members from which the hearing panel for specific cases shall be nominated. At least one appointed hearing panel member must have a legal background, as set out in Article 5 (above). The ADDC Chair is the independent person to determine the size and composition of a particular hearing panel. Upon appointment, each hearing panel member shall sign a declaration that there are no facts or circumstances known to him/her which might call into question their impartiality in the eyes of the parties. If facts or circumstances arise at a later stage the hearing panel member shall promptly disclose to the parties.
- 18.2 Parties to a hearing shall be notified of the identities of the hearing panel members appointed to hear and determine the matter, and informed of their right to challenge the appointment on ground of conflict of interest within 7 days of the grounds of challenge being known. The challenge shall be independently assessed by another member of the ADDC pool to be resolved. The hearing panel shall be operationally independent.
- 18.3 As per the Code definition, *Operational Independence* means that (1) board members, staff members, commission members, consultants and officials of IMMAF or its affiliates (e.g. member federation or confederation), as well as any person involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of IMMAF and (2) that hearing panels shall be in a position to conduct the hearing and decision-making process without interference from IMMAF or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.