

# **Swiss Olympic Statutes on Ethics in Swiss Sport**

Valid from 1 January 2025

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## **Introduction**

The Ethics Charter of Swiss Olympic and of the Federal Office of Sport (FOSPO) lays down the fundamental values of healthy, respectful, fair and sustainably successful sport.

Conveying these values is achieved through information and education, combined with a system of intervention in the event of violations of these values.

Together with the corresponding organisational and procedural rules, these Ethics Statutes form the basis of the system for reporting, investigating and imposing sanctions for violation of certain rules of conduct and for identifying abuses in Swiss sport.

The Swiss Sport Integrity foundation (SSI) receives and investigates reports of violations and abuses. These are sanctioned by the Swiss Sports Tribunal foundation (Swiss Sports Tribunal) or, in certain cases, by SSI.

These Ethics Statutes take into account the requirements of Swiss Olympic according to Articles 72c-72j of the Federal Act on the Promotion of Sport and Exercise (SpoPA) (SR 415.01).

## **1 Scope of application**

### **1.1 Personal scope of application**

<sup>1</sup>These Ethics Statutes apply to the following organisations and persons:

<sup>2</sup>Sports organisations:

- a. Swiss Olympic;
- b. Swiss Olympic member federations and partner organisations;
- c. The direct and indirect member organisations of the organisations specified under (b) (e.g. affiliated and subsidiary, regional or cantonal federations or associations, sections and clubs);
- d. Organisations which endorse and adhere to these Ethics Statutes contractually.

<sup>3</sup>Natural persons:

- a. Direct and indirect members of a sports organisation;
- b. People who agree to these Ethics Statutes contractually or through a subordination agreement, such as:
  1. Support and supervisory staff of athletes, e.g. coaches, sports doctors, physiotherapists, technical and/or mental training advisers and coaches, nutritionists and sports psychologists;

2. Referees, umpires and judges, technical delegates or other people who perform a role in connection with events for sports organisations according to Article 1.1 para. 2;
3. People who perform a role in an organ or an official body of a sports organisation;
4. People who apply for a position in a sports organisation;
5. Employees and representatives of a sports organisation in accordance with Article 1.1 para. 2;
6. Athletes who take part in an organised sporting activity put on by a sports organisation and, in the case of minors, their legal guardian(s). People holding a Swiss Olympic Card and, in the case of card-holders who are minors (under the age of 18), also their legal guardians and people with parental authority.

## **1.2 Functional and territorial scope of application**

<sup>1</sup>Subject to the following paragraphs, these Ethics Statutes are applicable to any conduct of the organisations and people referred to in Article 1.1, in Switzerland or abroad, in so far as said conduct is connected with engaging in sport or may have an effect on sport and its standing and image among the general public.

<sup>2</sup>Violations of other association regulations that do not constitute an offence under these Ethics Statutes will be investigated and decided in accordance with the procedures of the national and international sports organisation responsible. This may include, in particular, violations of rules of play and competition regulations, anti-doping rules, or decisions made by competition judges during a competition. Selection decisions for national and international competitions are also excluded from the scope of application of these Ethics Statutes.

<sup>3</sup>If a violation of these Ethics Statutes also falls within the area of competence of other sports organisations, especially international sports organisations, then SSI and the other sports organisations coordinate with each other, exchange information as far as possible and permissible, take into account any current investigations under way and measures imposed by the other organs and avoid duplication and parallel courses of action. If another sports organisation makes a final decision on the matter, SSI generally discontinues any pending proceedings. This applies, for example, in cases of corruption and acceptance of gifts or other advantages as well as in the event of competition manipulation. If a sanction is imposed by another sports organisation in such cases, SSI and the Swiss Sports Tribunal may publish the corresponding decision.

<sup>4</sup>Violations in respect of offences laid down in law are investigated in principle and subject to sanctions imposed by the competent authorities. It is possible for an investigation to be carried out by SSI in parallel with criminal proceedings. See also Article 5.8.

## **2 Ethics violations**

The following cases and actions constitute violations of these Ethics Statutes which may lead to sanctions (“Ethics violations”).

<sup>2</sup>Unless the Ethics Statutes expressly state otherwise, only those who intentionally commit an ethics violation may be sanctioned. Anyone who believes that the violation is attainable and accepts this fact is also deemed to be acting intentionally.

<sup>3</sup>Negligent violations may only be sanctioned in the cases expressly stated in these Ethics Statutes.

<sup>4</sup>An attempted violation of ethics is also regarded as a violation of these Ethics Statutes.

<sup>5</sup>A violation of these Ethics Statutes is committed by anyone who incites or helps others to violate ethics according to Articles 2.1 – 2.3.

### **2.1 Maltreatment and abuses**

#### **2.1.1 Discrimination**

These offences include discrimination against other people based on their appearance, ethnic origin, nationality, social background, language, religion, way of life, political or other opinion, sexual orientation, gender identity, physical, mental or psychological impairment, age, etc. or for other objectively unjustified reasons.

#### **2.1.2 Violation of psychological integrity**

This type of offence includes harassment through words, actions or behaviour that emotionally hurts, threatens, intimidates or puts another person under undue pressure. This includes in particular:

- a. Statements and bullying as well as actions that exclude, restrict, intimidate or violate the dignity of another person;
- b. Stalking, i.e. subjecting someone to unwanted pestering;
- c. Offending the honour of another person through derogatory, harassing, mocking or defamatory statements or actions;
- d. Unsuitable training methods or unjustified physical requirements;
- e. Systematic refusal of attention or support for minors entrusted to their care.

#### **2.1.3 Violation of physical integrity**

This offence includes any action that may damage or harm the physical health of another person. This includes in particular:

- a. Assault such as hitting, pushing, kicking or burning;

- b. Causing physical injury or pain, for example through obviously unsuitable or excessive training methods;
- c. Administering alcohol, drugs and doping substances against the will of the other person.

#### **2.1.4 Violation of sexual integrity**

<sup>1</sup>This is an offence committed by anyone who violates a person's sexual self-determination through sexual or sexualised acts against the will of the person concerned. It includes in particular:

- a. Sexualised acts without physical contact such as comments about physical merits or failings, obscene, sexist speech, lewd gestures and intrusiveness, showing, sending or producing pornographic material (e.g. pictures or films), encouraging sexually inappropriate behaviour, exposing genitalia or masturbating;
- b. Sexualised acts involving physical contact such as advances, unprofessional touching, kissing, unwanted caressing, sexual exploitation or rape.

<sup>2</sup>A violation of sexual integrity also occurs if the person concerned gives their consent to this kind of behaviour, but is particularly vulnerable and the other person abuses this situation for their own benefit. This may be the case in particular if there is a dependent relationship (e.g. between the trainer / supervisor and the athlete) and/or the person concerned is a minor (has not yet turned 18).

#### **2.1.5 Neglect of duty of care**

<sup>1</sup>This offence is committed by anyone who fails to fulfil their duty of care due to inadequate supervision or a lack of safety precautions towards an athlete under their care. Committing this act as a result of negligence is punishable.

<sup>2</sup>Neglecting the duty of care also means:

- a. Failing to take the measures required under the circumstances to increase and promote the integral development of the athletes under their care;
- b. Becoming aware that an athlete under their care is the victim of a suspected ethics violation under Articles 2.1.1 - 2.1.4 and failing to report it to SSI, and not taking reasonable measures to prevent the act of violation being repeated or to protect the victim;
- c. As a trainer or supervisor, consuming addictive substances while training or competing with minors, meaning that they are no longer able to fully exercise their duty of care.

## **2.2 Abuse of a position in a sports organisation**

### **2.2.1 Corruption and acceptance of gifts or other advantages**

<sup>1</sup>This refers to offering, promising or giving (so-called active bribery) and/or accepting, demanding or accepting the promise (so-called passive bribery) of undue advantages.

<sup>2</sup>Examples of undue advantages include, for example, material or intangible benefits in the form of monetary payments, sponsorship services, gifts, excessive invitations or reimbursements that are granted in order to influence the decision-making of an employee, a representative or an officeholder.

<sup>3</sup>In addition, anyone using financial or other gifts and donations for purposes not provided for by these statutes or for corruption purposes or awarding contracts or the right to organise sports competitions not in accordance with the invitations to tender processes laid down by the regulations, also violates this provision.

<sup>4</sup>Minimal or socially customary benefits do not constitute an undue advantage.

### **2.2.2 Ignoring conflicts of interest**

This covers the concealment and/or non-disclosure of mutual interests, involvement, business relations and sidelines or secondary occupations by a decision-maker, inasmuch as such circumstances may create the impression of bias. In such circumstances, the person concerned must, of their own accord, disclaim competence and abstain from taking part in the preparation of a decision and decision-making for a sports organisation.

### **2.2.3 Neglect of supervisory duties**

<sup>1</sup>This offence is committed by anyone who, through inadequate supervision or checks, fails to fulfil their duty of supervision as set out in the statutes, regulations or specifications of a sports organisation and thereby contributes to a violation of ethics in accordance with Article 2 or an irregularity remaining undetected in accordance with Article 3. Committing this act as a result of negligence is punishable.

<sup>2</sup>In particular, anyone who discovers or becomes aware of suspected violations of ethics according to Article 2 or an abuse in accordance with Article 3 in their area of responsibility, and who fails to report this to SSI or to take reasonable measures to prevent the violation being repeated or to protect the victim, shall be deemed to have neglected their duty of supervision.

## **2.3 Unsporting behaviour**

### **2.3.1 Unsporting behaviour in general**

According to these Ethics Statutes, unsporting or unfair behaviour is deemed to include flagrant violations of fundamental values of sport in so far as they are not already covered by



rules of play and competition or other provisions of these Ethics Statutes. It includes in particular:

- a. Disregarding the idea of fair play and the use of unfair advantages and means in competition;
- b. Lack of respect and regard for oneself, the opponents, the rules of the game, the decisions of the referees, the spectators and animals.

### **2.3.2 Unsporting behaviour in respect of the environment**

Unsporting behaviour in respect of the environment is considered to be disregarding published requirements and prohibitions to protect the environment or applicable environmental regulations from the authorities in connection with a sporting activity.

### **2.3.3 Competition manipulation**

<sup>1</sup>Unsporting conduct in the sense of competition manipulation is considered to be practised by anyone who, as a participant in a competition, regardless of their role in this competition, makes agreements with third parties that aim to unfairly alter the result of the competition with the intention of making the outcome of said competition partly or fully predictable in order to obtain an unjustified advantage for themselves or for others.

<sup>2</sup>Unsporting conduct in the sense of competition manipulation also applies if a person:

- a. Places sports bets in connection with the competition in which the person placing the bet is taking part, or has these placed for them by a third party;
- b. Gives tips for placing sports bets for competitions in which they are involved in any capacity;
- c. Becomes aware of attempted or planned competition manipulation and does not report it.

## **3 Abuses**

Abuses are defined as a culture and existence or absence of structures and processes within a sports organisation, which may hinder the implementation of these Ethics Statutes, encourage violations of these Ethics Statutes or make it more difficult to identify or prevent them.

## **4 Duties of participation and cooperation**

### **4.1 Adoption and ensuring the application of these Ethics Statutes**

<sup>1</sup>Swiss Olympic, its member federations and partner organisations undertake to adopt and incorporate these Ethics Statutes into their rules and regulations by adapting their statutes,

to ensure that their direct and indirect members (e.g. affiliated and subsidiary, regional or cantonal federations or associations, sections and clubs) also adopt and incorporate them and ensure their application by their members, employees and representatives.

<sup>2</sup>The member federations and partner organisations of Swiss Olympic do not have any existing rules and regulations with the same subject matter as these Ethics Statutes. However, they are free to issue additional rules of conduct for their direct and indirect members. If the additional rules of conduct conflict with the Ethics Statutes, the provisions of the Ethics Statutes take precedence. The member federations and partner organisations of Swiss Olympic are themselves responsible for enforcing the additional rules of conduct.

<sup>3</sup>Swiss Olympic and its member federations and partner organisations publish the current version of these Ethics Statutes on their websites, for example, by providing a corresponding link to the SSI website.

<sup>4</sup>Swiss Olympic and its member federations and partner organisations ensure that the organisations and persons named in Article 1.1 are subject to these Ethics Statutes by making appropriate declarations, provided that they are not already subject to the Ethics Statutes as direct or indirect members.

<sup>5</sup>The sports organisations will, as far as possible and reasonable, collaborate only with organisations and people which/who agree to abide by these Ethics Statutes or declare their support for and adherence to values that correspond at least to those underlying these Statutes.

<sup>6</sup>Athletes and their parents are required, when entering into agreements with personal support and supervisory staff, coaches, sports doctors and advisers from other fields of expertise who are not already subject to these Ethics Statutes due to their direct or indirect membership or a declaration of subordination, to ensure that these persons are subject to these Statutes contractually or through an appropriate declaration, or undertake to adhere to values that correspond at least to those underlying these Statutes.

## **4.2 Information and prevention**

By means of suitable information and prevention measures, the sports organisations ensure that the direct and indirect members subject to these Ethics Statutes, as well as persons entrusted with responsibilities in sport, are familiar with and follow the ethical principles and values underlying these Ethics Statutes. This also includes, in particular, the parents and legal guardians of, or persons with parental authority for, athletes who are minors (under the age of 18).

## **4.3 Participation in investigation of violations of the Ethics Statutes**

<sup>1</sup>The sports organisations and individuals subject to these Ethics Statutes are obliged to cooperate in investigations of ethics violations or abuses if they are requested to do so by SSI or the Swiss Sports Tribunal. The obligation to cooperate is not limited to suspected ethics

violations within one's own sports organisation. The extent of the obligation to participate and cooperate is proportionate to their position and status within organised Swiss sport. The applicable provisions of data protection and personality rights are reserved.

<sup>2</sup>If SSI considers an ethics violation or an instance of abuse to be likely, there is an obligation to participate and cooperate, which includes, in particular, providing personal information which the suspect has stored on personal electronic data carriers (mobile phones, tablets and/or laptops or PCs, including e-mails and social media accounts).

## **5 Procedures for suspected violations of the Ethics Statutes**

The procedure for reporting, investigating and judging ethics violations and the process of dealing with abuses is based on the following principles:

### **5.1 Initial consultation**

<sup>1</sup>SSI may be contacted for the purposes of an initial consultation. SSI listens to the person reporting, informs them of the possible courses of action and the procedure and may recommend a more in-depth consultation with an appropriate advisory office.

<sup>2</sup>An initial consultation is not a prerequisite for SSI to examine a possible ethics violation.

### **5.2 Reporting**

<sup>1</sup>Any person may report a suspected violation of these Ethics Statutes to SSI using any means of communication. A report must include a description of the facts, in as much detail as possible.

<sup>2</sup>People with special care and supervision obligations have a reporting obligation in accordance with Articles 2.1.5 and 2.2.3.

<sup>3</sup>A sports organisation that receives reports of an ethics violation must forward them to SSI. The sports organisation also forwards anonymous reports and maintains the confidentiality of non-anonymous reports.

### **5.3 Preliminary investigation and triage**

<sup>1</sup>Within the scope of its responsibility, SSI checks whether the report justifies suspicion of a violation of these Ethics Statutes.

<sup>2</sup>If SSI establishes that the reported matter falls within the exclusive responsibility of another office or organisation, it will inform the reporting person and direct them to the correct place.

<sup>3</sup>If the notification justifies suspicion of a criminal or professional offence, SSI will inform the person reporting it. Otherwise, in such cases, Articles 5.8 and 5.9 must be followed.

#### **5.4 Investigation procedure**

<sup>1</sup>If SSI declares itself competent and suspects a violation of these Ethics Statutes, it will open an investigation and investigate the reported ethics violation.

<sup>2</sup>SSI will notify the other parties, Swiss Olympic and the Swiss Olympic member federation or partner organisation concerned of the opening of the investigation. This information may be wholly or partially withheld if providing it would jeopardise the course of the investigation.

<sup>3</sup>SSI may inform other sports organisations upon request or on its own initiative about the opening of an investigation in order to reduce the risk of further ethics violations.

#### **5.5 Attempt to reach an agreement**

<sup>1</sup>With the consent of all other parties, SSI may take steps to amicably resolve the problem that gave rise to the report at any time, at the request of a party or on its own initiative. By consenting, all parties are deemed to have waived the right to question the impartiality of SSI due to the participation of its employees in the agreed steps and the knowledge gained.

<sup>2</sup>Persons from SSI who participate in such an attempt at unification may not carry out any investigative actions in accordance with Articles 5.3 and 5.4 in the same matter or take part in decisions in accordance with Articles 5.6 and 5.7.

#### **5.6 Provisional measures**

<sup>1</sup>SSI may, at the request of a party or on its own initiative, take any provisional measures for the duration of the investigation and assessment process that it deems necessary and appropriate, including a person being temporarily suspended from their sports-related functions.

<sup>2</sup>SSI will hear the person concerned before the interim measure is imposed.

<sup>3</sup>In particularly urgent cases, SSI may arrange a provisional measure before the parties concerned have been heard (so-called super-provisional measure). By the time of such an arrangement at the latest, SSI must bring the application to the attention of the other parties and grant them a hearing without delay and, if necessary, set a deadline before SSI decides whether to maintain or revoke the interim measure.

<sup>4</sup>According to para. 1 or 2, an objection against the issuance of an interim measure may be lodged with the Swiss Sports Tribunal within ten days. An objection may be raised against a super-provisional measure that has been issued in accordance with para. 3 as soon as SSI has heard the other parties and has issued a new decision.

<sup>5</sup>SSI may communicate the arrangement of precautionary measures to third parties as soon as the Swiss Sports Tribunal has confirmed the measure or the objection period has expired without being used, and if the communication appears to be necessary for the protection of athletes or sports organisations.

## **5.7 Conducting the Swiss Sport Integrity procedure**

SSI may conduct the preliminary investigation and the investigation process as follows:

### **5.7.1 Not taking action**

SSI may decide not to act on a report if it is clearly unjustified or abusive. They inform the person reporting of their notification being rejected or action not being taken, and point out the option for an initial consultation in accordance with Article 5.1. No appeal may be lodged against a decision not to take action.

### **5.7.2 Concluding the investigation procedure**

#### **5.7.2.1 Carrying out proceedings without measures**

<sup>1</sup>If SSI does not discover any violation of these Ethics Statutes as part of its investigation, it will record this in the final decree and terminate the proceedings.

<sup>2</sup>The final decree must be delivered to the other parties, the member federation or partner organisation of Swiss Olympic concerned and Swiss Olympic, and may be challenged by them at the Swiss Sports Tribunal within 21 days of delivery of the final decree. FOSPO will also be informed about the decision made by means of the final decree, and they may, if necessary, make their own decisions in accordance with public law.

#### **5.7.2.2 Carrying out proceedings with measures**

<sup>1</sup>If SSI identifies a violation of these Ethics Statutes in the course of its investigation and deems one of the following measures to be appropriate,

- a. Warning;
- b. Suspension of athletes from training and competitions for up to three months;
- c. Arrangement of temporary monitoring or coaching by a suitable specialist or agency at the accused person's own cost;
- d. Fines of up to CHF 5,000.00;
- e. Recommendations (e.g. for adapting the specifications and/or supervision of the accused person) to the sports organisation, including clubs;
- f. Imposing the costs of the investigation or part thereof;

it may prescribe such a measure in the final decree.

<sup>2</sup>The final decree must be delivered to the other parties, the member federation or partner organisation of Swiss Olympic concerned and Swiss Olympic and may be challenged by them at the Swiss Sports Tribunal within 21 days of delivery of the final decree. FOSPO will also be

informed about the decision made by means of the final decree, and they may, if necessary, make their own decisions in accordance with public law.

<sup>3</sup>SSI may publish its decisions in accordance with Article 5.7.2.2 either in full or in the form of a press release as soon as they become legally binding and there is public interest in publication. At the same time, it takes into consideration the personality rights of the persons concerned.

### **5.7.3 Application to order measures to be submitted to the Swiss Sports Tribunal**

In all other cases, SSI submits an investigation report including applications for disciplinary measures to the Swiss Sports Tribunal for assessment, to Swiss Olympic and the member federation or partner organisation of Swiss Olympic concerned, and to FOSPO for information.

## **5.8 Procedure where there is suspicion of a crime**

<sup>1</sup>SSI investigates matters reported under the Ethics Statutes as part of a disciplinary process, irrespective of whether the matter under investigation might constitute a criminal offence. SSI is not obliged to file criminal charges or criminal complaints.

<sup>2</sup>If the suspicion of an official offence such as serious bodily harm or rape and sexual assault arises during the investigation under these Ethics Statutes, SSI will notify the person affected by the reported incident, if known, as well as the person reporting, regarding the option of filing a criminal complaint.

<sup>3</sup>If there is suspicion of a criminal offence during the investigation, SSI will inform the person affected by the reported incident, if known, regarding the option of filing a criminal complaint.

<sup>4</sup>The person reporting must be made aware that, in the event of a criminal investigation into the incident that is also the subject of the report, SSI may be required to provide information to the law enforcement authorities.

<sup>5</sup>If conduct that is being investigated by SSI also includes offences that are being investigated by the law enforcement authorities at the same time, SSI will seek cooperation with the law enforcement authorities to the extent that this is legally permissible and possible. In such cases, SSI may temporarily interrupt its own investigations, subject to resumption, until the investigation has been completed by the law enforcement authorities or the relevant offence has been legally assessed by a state court.

## **5.9 Procedure where there is suspicion of a violation of professional duty**

<sup>1</sup>SSI investigates matters reported under the Ethics Statutes as part of a violation of professional obligation or duty, irrespective of whether the matter under investigation might constitute a criminal offence.

<sup>2</sup>If during the investigation there is suspicion of a violation of a professional obligation or duty (e.g. a violation of medical professional rules), SSI may, if known, inform the person affected by the reported incident about the option of reporting the matter to the occupational or professional organisation.

## **6 Procedural principles**

### **6.1 Protection of the person reporting, witnesses and informants**

<sup>1</sup>Anonymous reports may be made to protect the person reporting. A technical platform is available for this. Anonymity means in particular that SSI, the Swiss Sports Tribunal, the sports organisations concerned and Swiss Olympic have no knowledge of the identity of the person reporting unless they consent to their identity being made known (if necessary, to a limited extent only).

<sup>2</sup>SSI respects the wish for anonymity of the person reporting, witnesses and informants. Anonymity must also be maintained when reporting to state authorities or other organisations and bodies in accordance with Article 5.3, as well as for persons who are accused of violating these Ethics Statutes, for the legitimate protection and well-being of the reporting persons.

<sup>3</sup>Anonymity should not be abused for malicious reports or statements. If there is strong suspicion that anonymity has been improperly invoked, SSI may discontinue the proceedings or disregard anonymous statements.

The latter also applies to the Swiss Sports Tribunal.

<sup>4</sup>Mandatory legal obligations to provide information and the obligation of employees of authorities to file criminal charges remain reserved if they become aware of a criminal offence that is to be prosecuted officially in the course of their professional activities.

<sup>5</sup>SSI also treats non-anonymous reports and the identities of witnesses and informants confidentially. As part of an investigation, information on reports and the identity of reporting persons as well as witnesses and informants will only be passed on to other persons in accordance with the principle of necessity (need-to-know basis) to the extent that they are required to provide such information in the course of exercising their duty in their role and to meet their responsibilities.

<sup>6</sup>SSI examines the extent to which the legitimate interests of third parties can be taken into account in accordance with paras. 2 and 3 of this provision by redacting sensitive personal data or by concluding confidentiality agreements.

<sup>7</sup>SSI and/or the Swiss Sports Tribunal ensure that persons who report a case, anonymously or otherwise, have access to support and assistance if required and appropriate.

<sup>8</sup>Persons who report a violation of ethics or abuse in good faith or who provide information to the best of their knowledge in a procedure of SSI or the Swiss Sports Tribunal, must not be penalised or discriminated against for doing so.

<sup>9</sup>A report is deemed to have been made in good faith if the person making it could have reasonably assumed that the reported ethics violation or abuse actually occurred.

## **6.2 The rights of the accused person or sports organisation**

<sup>1</sup>SSI and the Swiss Sports Tribunal ensure that the right to be heard is safeguarded for persons and sports organisations that are the subject of proceedings under these Ethics Statutes. This means that these people and sports organisations are informed in good time and comprehensively about the accusations against them and can state their position regarding the accusations made against them.

<sup>2</sup>In the SSI investigation process, people and sports organisations who/that are accused of violating these Ethics Statutes have the right to inspect the files after the first interview at the latest in accordance with Article 5.4.

<sup>3</sup>Persons and sports organisations who are accused of violating these Ethics Statutes may be assisted or represented by a person they trust and/or a lawyer in the proceedings before SSI and the Swiss Sports Tribunal.

<sup>4</sup>SSI and the Swiss Sports Tribunal are obliged to carefully examine and weigh up the interests of athletes and the sports sector against ethics violations and the interests of an accused person against unjustified accusations, especially when it comes to opening an investigation or ordering precautionary measures to communicate to third parties.

## **6.3 Equitable procedure**

Both SSI and the Swiss Sports Tribunal are obliged to carry out the procedures in an equitable manner for all phases in accordance with these Ethics Statutes. Deadlines for answering questions in writing should only be extended in exceptional cases. Further process acceleration measures in the rules of procedure of SSI and the Swiss Sports Tribunal remain reserved.

## **6.4 The parties and others involved in the procedure**

<sup>1</sup>The following are deemed to be parties to the investigation procedure: SSI, the accused person or organisation and the victim of the ethics violation reported.

<sup>2</sup>Other persons may be included in the procedures of SSI or the Disciplinary Chamber as persons called to provide information or as witnesses.



## **6.5 Protection of the procedure**

The following violations of the provisions for protecting the procedure in accordance with these Ethics Statutes constitute violations of these Ethics Statutes and may be sanctioned in accordance with Article 7, irrespective of whether such violations are the subject of a report in accordance with Article 5.2 or are identified by SSI as part of an investigation:

- a. Preventing, obstructing or influencing proceedings by SSI or the Swiss Sports Tribunal;
- b. Refusal to participate in proceedings by SSI or the Swiss Sports Tribunal in accordance with Article 4.3;
- c. Failure of a person occupying a particular welfare or supervisory role to report in accordance with Article 5.2 in conjunction with Article 2.1.5 or 2.2.3;
- d. Knowingly false, obviously unfounded or improper reports to the detriment of another person according to Art 5.7.1;
- e. Disregard of the request of the reporting person to remain anonymous according to Article 6.1 para. 1 ff.;
- f. Discriminatory treatment of a person who reported an ethics violation or abuse to SSI in good faith, or who provided information to the best of their knowledge in proceedings by SSI or the Swiss Sports Tribunal, in accordance with Article 6.1 para. 8;
- g. Preventing reporting in good faith through violence, threats or intimidation, in accordance with Article 6 para. 9.

## **7 Consequences of ethics violations**

### **7.1 Disciplinary measures**

<sup>1</sup>Violations of these Statutes may be subject to sanctions in the form of one or more of the following disciplinary measures:

- a. Warning;
- b. Suspension of athletes from training and competition with or without a time limit;
- c. Temporary or, in the case of serious violations, a permanent ban, on carrying out certain activities in organised sport (bans);
- d. Temporary or, in the case of serious violations, permanent removal from a position within a body of a sports organisation (e.g. executive committee);
- e. Temporary or, in the case of serious violations, permanent exclusion from a sports organisation;

- f. Fines of up to CHF 50,000;
- g. Imposing the costs of the investigation or part thereof;
- h. Publication of the guilty verdict and consequences.

<sup>2</sup>Instead of, or in addition to a disciplinary measure, the Swiss Sports Tribunal may order that a person found to be at fault be monitored or coached for a specific limited time by an independent supervisor or supervisory office.

<sup>3</sup>SSI may order the measures cited in Article 5.7.2.2.

<sup>4</sup>Legally imposed fines in accordance with paragraph 1 (f) and Article 5.7.2.2 (d) will be charged and enforced by Swiss Olympic. They are to be used by Swiss Olympic after deducting collection costs to promote fair and safe sport.

<sup>5</sup>Disciplinary measures may be imposed both against people and sports organisations.

## **7.2 Standard of proof**

<sup>1</sup>SSI's standard of proof for establishing an ethics violation is convincing evidence, which must be greater than a slightly increased probability but is not required to be evidence beyond reasonable doubt.

<sup>2</sup>However, the standard of proof for exonerating counter-evidence to be provided by the accused person is a slightly increased probability.

## **7.3 Proportionality of disciplinary measures**

<sup>1</sup>In determining the proportionality of the disciplinary measure, all deciding factors should be taken into account, including the nature of the violation of these Statutes, the benefit of a deterrent effect with regard to similar misconduct, the participation and cooperation of the perpetrator in the investigation, the motives, the circumstances of the violation, the degree of fault of the perpetrator, the insight and remorse of the perpetrator and their efforts to compensate for or redress the consequences of the ethics violation.

<sup>2</sup>Aggravating factors that it is particularly important to take into account exist when the perpetrator has exploited his/her special relationship of trust and dependency with the person affected by the violation, e.g. as support staff member, supervisor or assistant, or has violated these Statutes repeatedly or continually, or the ethics violation was perpetrated to the detriment of a minor (person under the age of 18).

<sup>3</sup>Mitigating factors that it is particularly important to take into account exist when the perpetrator participates and cooperates voluntarily in shedding light on the ethics violation, admits the ethics violation promptly or shows remorse, in particular remorse demonstrated in a practical way.

## **7.4 Further measures**

Swiss Olympic, the Federal Office of Sport and the sports organisations involved may order further measures against the person concerned or the institution to which this person belongs, such as revoking a coaching licence, withdrawing a Swiss Olympic Card, removing a Swiss Olympic label or reducing financial benefits.

## **8 The Swiss Sports Tribunal**

### **8.1 Responsibilities**

<sup>1</sup>The Swiss Sports Tribunal is the sole authority responsible for assessing ethics violations brought to it by SSI in accordance with Article 5.7.3, including ordering appropriate measures.

<sup>2</sup>The Swiss Sports Tribunal is responsible as an appeal authority for assessing objections and challenges against

- a. Orders of provisional measures by SSI in accordance with Article 5.6;
- b. Discontinuation orders from SSI without measures in accordance with Article 5.7.2.1;
- c. Orders of measures by SSI in accordance with Article 5.7.2.2;
- d. The ordering of measures by Swiss Olympic to remedy abuses according to Article 9.4.

<sup>3</sup>The Swiss Sports Tribunal assesses all other matters assigned to it in accordance with these Ethics Statutes. This also includes the matters mentioned in the transitional provisions of Article 10.3.2.

### **8.2 Publication of the decisions of the Swiss Sports Tribunal**

<sup>1</sup>The Swiss Sports Tribunal, Swiss Olympic or SSI may publish the decisions of the Swiss Sports Tribunal either in full or in the form of a media release as soon as they become legally binding and there is public interest in publication. At the same time, they take into consideration the personality rights of the persons concerned.

<sup>2</sup>Decisions of the Swiss Sports Tribunal must generally be published without attribution, unless the Swiss Sports Tribunal has ordered the publication of the guilty verdict and consequences in accordance with Article 7.1 para. 1(h).

## **9 Course of action in the case of suspected abuses**

### **9.1 Reporting or discovering irregularities**

<sup>1</sup>Anyone can report abuse to SSI by any means of communication. A report must include a description of the facts which is as detailed as possible.

<sup>2</sup>An abuse may also be identified in connection with investigations or assessments of ethics violations.

### **9.2 Investigating abuses**

<sup>1</sup>An allegation of abuse is generally investigated by SSI, although an investigation by Swiss Olympic may also be agreed depending on the facts of the case.

<sup>2</sup>As part of the investigation, the Swiss Olympic member federation or partner organisation in whose area of responsibility the abuse occurred must be given the opportunity to comment on the allegation of abuse, which must be taken into account in the investigation report.

<sup>3</sup>The investigation must be concluded with an investigation report for the attention of Swiss Olympic.

<sup>4</sup>If the abuse concerns SSI, they will inform the Board of Trustees of the Swiss Sports Tribunal. They commission an independent specialist to investigate the abuses and submit an investigation report.

### **9.3 Implementation**

<sup>1</sup>Swiss Olympic enters into a binding implementation agreement with the Swiss Olympic member federation or partner organisation concerned. The implementation agreement contains the measures to remedy the abuse, the reporting obligations and the consequences if implementation is not carried out.

<sup>2</sup>If no implementation agreement is reached within a reasonable period of time after the investigation report is available, Swiss Olympic may unilaterally order suitable measures in an implementation decree.

<sup>3</sup>The Swiss Olympic member federation or partner organisation concerned may lodge an objection against this implementation decree with the Swiss Sports Tribunal within 21 days.

<sup>4</sup>If the abuse concerns SSI, they will inform the Board of Trustees of the Swiss Sports Tribunal. If necessary, the latter proposes measures to Swiss Olympic and enters into an implementation agreement with Swiss Olympic, or unilaterally orders the appropriate measures in an implementation decree if no implementation agreement is reached within a reasonable period of time after the investigation report is available.

## **9.4 Measures to remedy abuse**

<sup>1</sup>Measures to remedy an abuse may, for example, be as follows:

- a. Awareness-raising and continuing education measures;
- b. Consulting an expert in the field or specialist office for advice;
- c. Developing or adapting regulations, processes and structures;
- d. Drawing up or amending job descriptions (duties and responsibilities) of certain employees or officeholders;
- e. Introducing or adapting reporting obligations;
- f. Introducing or adapting control mechanisms.

<sup>2</sup>Failure to adhere to the implementing agreement constitutes a violation of these Statutes. The persons responsible may be subject to sanctions in accordance with these Statutes. Swiss Olympic reserves the right to take further measures.

## **10 Final and transitional provisions**

### **10.1 Rules of procedure**

<sup>1</sup>Furthermore, the organisation, tasks and powers of SSI and the Swiss Sports Tribunal as well as their procedures are based on the rules of procedure for SSI and the rules of procedure of the Swiss Sports Tribunal.

<sup>2</sup>In the event of discrepancies or contradictions, the provisions of these Statutes take precedence.

### **10.2 Limitation**

<sup>1</sup>The pursuit of violations of these Statutes limitations lapses after ten years. In the case of abusive acts against minors (persons under the age of 18), the limitation period of ten years begins on the 18th birthday of the minor concerned. The receipt of a report to SSI interrupts the limitation.

<sup>2</sup>The limitation period is suspended if criminal proceedings are instituted during that period.

<sup>3</sup>SSI may also take part in the reappraisal of statute-barred (lapsed) violations of these Statutes if those violations are serious and there is a public interest in the reappraisal. In order to fulfil this duty, SSI seeks collaboration with the sports organisations, political authorities and independent experts. Although imposing sanctions for statute-barred abuses is ruled out, applications may still be submitted for measures to redress and put an end to abuses.

### **10.3 Transitional provisions**

#### **10.3.1 Alleged ethics violations that occurred before 1 January 2022**

Offences and actions that are suspected to constitute an offence in these Ethics Statutes but that occurred before 1 January 2022 (“previous ethics violations”) will be dealt with in accordance with the following transitional provisions.

#### **10.3.2 Investigation procedure**

<sup>1</sup>Procedures investigating ethics violations that were instituted before 1st January 2022 by Swiss Olympic member federations and were not yet closed on 1 January 2022 must be concluded by the authority dealing with the case and closed with a final report.

<sup>2</sup>Reports of prior ethics violations received or incoming on or after 1 January 2022 will be investigated by SSI. Pending investigation procedures in accordance with para. 1 remain reserved.

<sup>3</sup>If there is any uncertainty regarding responsibility for investigating ethics violations, the sports associations should consult SSI.

<sup>4</sup>SSI may only conclude proceedings in accordance with Article 5.7.2.2 of the Ethics Statutes if the underlying facts occurred from 1 January 2025.

#### **10.3.3 Responsibility for legal assessment**

<sup>1</sup>As regards the legal assessment of previous ethics violations based on investigations completed by a member federation or partner organisation of Swiss Olympic, in which proceedings are already pending before a judicial authority of the member federation or partner organisation of Swiss Olympic as of 1 January 2022, this authority remains responsible until the final decree is issued.

<sup>2</sup>The Swiss Sports Tribunal is responsible for the legal assessment of previous ethics violations for which no proceedings were pending before a judicial authority of the member federation or the partner organisations of Swiss Olympic as of 1 January 2022. They apply their rules of procedure.

<sup>3</sup>Ongoing proceedings before the disciplinary chamber will be taken over by the Swiss Sports Tribunal and they will continue them in accordance with the applicable procedural rules of the Swiss Sports Tribunal. If a procedure is conducted using the simplified procedure or a panel has already been appointed in an ordinary procedure on 1 July 2024, this will be completed in accordance with the rules of the applicable rules of procedure of the Swiss Sports Tribunal.

<sup>4</sup>Decisions in cases brought before the Swiss Sports Tribunal before 1 January 2025 are subject to appeal to the international Court of Arbitration for Sport (CAS; in accordance with Article 5.8 of the Ethics Statutes of 26 November 2022). Decisions in cases pending before the Swiss Sports Tribunal from 1 January 2025 cannot be appealed to the CAS.

<sup>5</sup>The Swiss Sports Tribunal also assesses previous ethics violations if the parties are subject to the Ethics Statutes or have signed a corresponding arbitration agreement.

#### **10.3.4 Applicable law**

When assessing previous ethics violations, the Swiss Sports Tribunal applies the statutes and regulations of the relevant member federation or partner organisation of Swiss Olympic in the version that was valid at the time at which the alleged previous ethics violation occurred. The process follows the rules of procedure of the Swiss Sports Tribunal.

#### **10.4 Rescission or amendment of existing regulations of Swiss Olympic**

<sup>1</sup>The Codes of Conduct of Swiss Olympic were rescinded on 1 January 2022.

<sup>2</sup>These Ethics Statutes should be revised at least every two years and, if applicable, be adapted according to the experience acquired and new knowledge and insights gained.

#### **10.5 Provisions of the member federations and partner organisations of Swiss Olympic in the field of ethics**

As of 1 January 2022, these Ethics Statutes replace regulations of the Swiss Olympic member federations in the field of ethics, provided those provisions include rules which are laid down by these Ethics Statutes. The application of regulations of the member federations and partner organisations to matters which occurred before 1 January 2022 remains reserved. The member federations and partner organisations may adopt or maintain additional rules of conduct in accordance with Article 4.1.

#### **10.6 Interpretation**

In the event of discrepancies between the different language versions of these Statutes, the German version takes precedence.

#### **10.7 Editorial changes and amendments**

The Executive Board of Swiss Olympic may make changes or amendments to these Statutes in order to correct printing, typographical, grammatical, typing or spelling errors or to make clarifications, provided those changes or amendments are not factually contrary to decisions and resolutions of the Sports Parliament.

### **11 Final provisions**

These Statutes were issued by the Swiss Olympic Sports Parliament on 26 November 2021 and come into force on 1 January 2022. They have since been amended as follows:

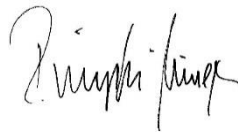
- Editorial amendments made by the Executive Board on 21 September 2022, coming into effect on 26 November 2022.
- Amendments by the Sports Parliament on 25 November 2022, coming into effect on 26 November 2022.
- Amendments by the Sports Parliament on 22 November 2024, coming into effect on 1 January 2025.

Ittigen b. Bern, 22 November 2024

**Swiss Olympic Association**



Jürg Stahl  
President



Ruth Wipfli Steinegger  
Vice President