

OLYMPIC COUNCIL OF MALAYSIA

**PROPOSED CONSTITUTIONAL AMENDMENTS 2008
TO BE CONSISTENT WITH THE OLYMPIC CHARTER**

Existing Articles	New Articles	Explanations
<p>PREAMBLE We, the Olympic Council of Malaysia, an organization belonging to the Olympic Movement, duly represented by the <i>undersigned. Hereby</i> undertake to respect the provisions of the Olympic Charter and the World Anti-Doping Code and to abide by the decisions of the IOC. We undertake, in accordance with our mission and role at national level, to participate in actions to promote peace and to promote women in sport. We also undertake to support and encourage the promotion of sports ethics, to fight against doping and to demonstrate a responsible concern for environmental issues.</p>	<p>PREAMBLE We, the Olympic Council of Malaysia, an organization belonging to the Olympic Movement, duly represented by the <i>undersigned, hereby</i> undertake to respect the provisions of the Olympic Charter and the World Anti-Doping Code and to abide by the decisions of the IOC. We undertake, in accordance with our mission and role at national level, to participate in actions to promote peace and to promote women in sport. We also undertake to support and encourage the promotion of sports ethics, to fight against doping and to demonstrate a responsible concern for environmental issues.</p>	
<p>None</p>	<p>Mission * The mission of the Olympic Council of Malaysia is to develop, promote and protect the Olympic movement in Malaysia, in accordance with the Olympic Charter.</p>	<p>This is to comply with IOC requirement.</p>
<p>None</p>	<p>Article 4.2 * The OCM is obliged to participate in the Games of the Olympiad by sending athletes</p>	<p>This is to comply with IOC requirement.</p>
<p>None</p>	<p>Article 4.3 * The OCM constitute, organize and lead its delegation at the Olympic Games and at the regional, continental or world multi-sports competitions patronized by the IOC. The OCM is responsible for the behavior of the members of its delegation.</p>	<p>This is to comply with IOC requirement.</p>
<p>Article 4.2 The OCM shall have the exclusive <i>powers</i> for the representation of Malaysia at the Olympic Games, Asian Games, Commonwealth Games, Southeast Asian Games and other international multi-sports competitions in accordance to the Rules and Regulations of the IOC, the Olympic Council of Asia, the Commonwealth Games Federation, the Southeast Asian Games Federation and other international multi-sports bodies.</p>	<p>Article 4.4 * The OCM shall have the exclusive <i>authority</i> for the representation of Malaysia at the Olympic Games, Asian Games, Commonwealth Games, Southeast Asian Games and other <i>regional</i> and international multi-sports competitions in accordance to the Rules and Regulations of the IOC, the Olympic Council of Asia, the Commonwealth Games Federation, the Southeast Asian Games Federation and other <i>regional</i> and international multi-sports bodies.</p>	<p>This is to comply with IOC requirement.</p>

<p>Article 5.1 To develop and protect the Olympic Movement in accordance with the Olympic Charter, to propagate the fundamental principles of Olympism through sports activity and education and to ensure the observance of the Olympic Charter.</p>	<p>Article 5.1 * To promote the fundamental principles and values of Olympism in Malaysia, in particular, in the fields of sport and education, by promoting Olympic educational programmes in all levels of schools, sports and physical education institutions and universities, as well as by encouraging the creation of institutions dedicated to Olympic education, such as National Olympic Academies, Olympic Museums and other programmes, including cultural, related to the Olympic Movement.</p>	<p>This is to comply with IOC requirement.</p>
	<p>Article 5.2 * To ensure the observance of the Olympic Charter in Malaysia</p>	<p>This is to comply with IOC requirement.</p>
<p>Articles 5.2 to 5.5</p>	<p>Change to Article 5.3 to Article 5.7</p>	
	<p>Article 5.6* To encourage and support measures and efforts for protecting the health of athletes and for the social and professional future of athletes</p>	<p>This is to comply with IOC requirement.</p>
<p>Article 5.6 to 5.7</p>	<p>Article 5.7 to 5.8</p>	
<p>Article 5.8 To maintain complete independence and autonomy and to resist all political, religious or commercial pressures.</p>	<p>Article 5.9 * To preserve complete independence and autonomy and to resist all pressures of any kind, including but not limited to political, legal, religious or economic, which may prevent the OCM from complying with the Olympic Charter.</p>	<p>This is to comply with IOC requirement.</p>
<p>Articles 5.9 to 5.16</p>	<p>Articles 5.10 to 5.17</p>	
	<p>Article 6.15 Any member who fails to present himself after having received notice to settle a dispute referred to in this section, shall be deemed to have waived his right to resolve the dispute and therefore the dispute could be settled in his absence.</p>	<p>This is a new article to ensure that both parties in disputes will attend the mediation or arbitration sessions set up by OCM. Detail provisions will be established under the Bye-Laws of OCM.</p>
<p>Article 6.15</p>	<p>Change to Article 6.16</p>	
<p>Article 9.4 Application by a National Sports Association to be an Ordinary Member of the OCM, must submit proof that its International Federation has at least 50 members in 3 continents.</p>		<p>Article 9.4 is repealed.</p>
<p>Articles 9.5 and 9.6</p>	<p>Changed to Articles 9.4 and 9.5</p>	
	<p>Article 9.6 Only Associate Members governing sports which are included in the programme of the Olympic Games may apply to be upgraded to be Ordinary Members.</p>	<p>This is a new article. Existing and future Associate Members of NSAs of sports not included in the programme of the Olympic Games will no longer be admitted to become Ordinary Members of OCM, to ensure that there will always be more Ordinary</p>

		Members of NSAs of sports included in the programme of the Olympic Games than Ordinary Members of sports not included in the programme of the Olympic Games.
Article 15.1 (m) Not more than four (4) persons who, in the opinion of the Executive Council, can contribute to the objectives of the OCM	Article 15.1 (m) Not more than four (4) persons, <i>of whom, at least two (2) shall be women</i> , who, in the opinion of the Executive Council, can contribute to the objectives of the OCM	Proposed amendments are in bold italic
Article 16.1 (f) Not more than four (4) persons to be appointed by the Executive Council, <i>one of whom shall be from the State of Sabah and another from the State of Sarawak, provided that representatives from these States are not holding any office under (a) above.</i>	Article 16.1 (f) Not more than four (4) persons to be appointed by the Executive Council, <i>of whom, at least two (2) shall be women, provided they are not from Members of the OCM, whose representatives are holding any office under (a) above.</i>	Proposed amendments are in bold italic
Article 17.1.1 The Executive Council shall appoint members, designate the Chairman, and outlined the terms of reference and duties of all Committees. The Chairman of such Committees shall report directly to the Executive Board and shall perform their duties under the direction of the Executive Board.	Article 17.1.1 The Executive Council shall, <i>at the first meeting after the AGA or soon after</i> appoint Chairman and members of Committees and outlined the terms of reference and duties of all Committees. The respective Chairman of the Committees shall report directly to the Executive Board and shall perform their duties under the direction of the Executive Board.	Proposed amendments are in bold italic
Article 17.1.3 The Executive Council shall at its first meeting appoint the Chairman and members of the following committees:- (a) Discipline (b) Finance (c) General Purpose (d) Selection (e) Sport (f) Sport for All (g) Marketing & Sponsorship (h) Building (i) Legal Advisory (j) Women and Sport (k) Alternate Dispute Resolution (ADR) (l) Sport and Environment (m) Information Technology and Resource Development (n) such other committees as the Executive Council may deem necessary	Article 17.1.4 The OCM shall have the following Standing Committees: (a) Selection (b) Discipline (c) Finance, Marketing and Sponsorship (d) Sport for All, Sport and Sport & Environment (e) Legal Advisory and Alternate Dispute Resolution (ADR) (f) Management and Administration (g) Women and Sport (h) Building (i) Sport Museum and Hall of Fame (j) Medical & Doping Control (k) National Olympic Academy (l) such other committees as the Executive Council may deem necessary (m) The OCM shall discontinue with any of the above Committees as the Executive Council deems fit.	

Article 17.1.4 The duties of the Committees are:		Article 17.1.4 and the duties of the Committees are repealed and transferred to the Bye Laws of OCM.
	Article 17.1.5 The duties of the Committees are as set out in the Bye Laws of OCM.	
Article 17.1.5 and Article 17.1.6	Change to Article 17.1.6 and Article 17.1.7	
	Article 18.1 The Executive Council preceding the AGA shall appoint a three (3) member Independent Panel, one of whom shall be the Returning Officer, to supervise, manage and conduct the elections of Office Bearers of OCM.	
	Article 18.2 The Returning Officer shall be overall responsible for the purposes of the elections including all procedures prior to the elections including sending out nomination forms, receiving nomination forms and informing candidates of their qualification or disqualification to stand as candidates.	
	Article 18.3 The Independent Panel shall disqualify a candidate for furnishing incorrect or false particulars or failing to provide particulars that are required or where a candidate is an undischarged bankrupt or has been convicted of a statutory offence involving fraud or dishonesty or a criminal offence within or without Malaysia within a period of five (5) years of his conviction.	
	Article 18.4 The Returning Officer shall ensure all delegates who attend the AGA have been nominated by their respective NSAs and are eligible to vote. Only accredited delegates are entitled to vote.	
Article 18.1 Nominations for Office Bearers shall be invited from Ordinary members by the General Manager of OCM or such officer duly authorized by the Executive Board , at least forty-two (42) days before the AGA in which elections are to be held.	Article 18.5 Nominations for Office Bearers shall be invited from Ordinary Members by the Returning Officer , at least twenty-one (21) days before the AGA in which elections are to be held.	Proposed amendments are in bold italic. The notice inviting for nominations is reduced from forty-two (42) days to twenty-one (21) days.
Article 18.2 Nominations in writing, duly proposed by the President or the Hon. Secretary of an Ordinary member, must be received by the General manager or such officer duly authorized by the	Article 18.6 Nominations with the consent, in writing, of the candidates concerned shall be in the prescribed OCM form, duly proposed and signed by the President or the Hon. Secretary of an	Proposed amendments are in bold italic. The Closing date for nominations is reduced from twenty-eight (28) days to ten (10) days.

<p>Executive Board, in the office of OCM, not later than <i>twenty-eight (28) days</i> before the AGA.</p>	<p>Ordinary Member, and must be received by the office of OCM during office hours, up to 5.00 p.m., not later than <i>ten (10) days</i> before the AGA.</p>	
<p>Article 18.3 The General manager or such officer duly authorized by the Executive Board, shall after the closing date for submission of nomination forms by Ordinary members verify the nominations and inform the qualified nominees of their nomination/s within seven (7) days and at the same time send them the consent forms for confirmation of their nominations. The signed and confirmed consent forms must be returned to the General manager or such officer duly authorized by the Executive Board, in the office of OCM, not later than eighteen (18) days before the said AGA. Consent forms duly signed by the candidates may also be sent in together with the nominations forms.</p>	<p>Article 18.7 After receipt and verifying the completed nomination forms, the Independent Panel shall thereafter within two (2) days after the receipt thereof inform each candidate as to whether he is qualified or otherwise to stand for election.</p>	
<p>Article 18.4 The <i>General Manager or such officer duly authorized by the Executive Board</i>, shall send to every Ordinary Member the list of qualified candidates for each of the positions nominated not later than <i>fourteen (14) days</i> before the said AGA.</p>	<p>Article 18.8 The <i>Returning Officer</i> shall send to every Ordinary Member the list of qualified candidates for each of the positions nominated not later than <i>seven (7) days</i> before the said AGA.</p>	<p>Proposed amendments are in bold italic. The deadline for informing the Ordinary Members the list of qualified candidates has been reduced from fourteen (14) days to seven (7) days.</p>
<p>Article 18.5 The Executive Council Meeting preceding the AGA shall elect a Returning Officer to conduct the elections at the AGA.</p>		<p>Article 18.5 is repealed.</p>
<p>Article 18.6 to Article 18.8</p>	<p>Changed to Article 18.9 to Article 18.11</p>	
	<p>Article 19.2 The office of an Office-Bearer shall become automatically vacant if an Office bearer:- (a) Becomes bankrupt; (b) Resigns his office by notice in writing, and which resignation is accepted by the Executive Council; (c) Absent from attending more than six (6) consecutive meetings without prior consent of the Executive Council; (d) Is convicted of a statutory offence involving fraud or dishonesty or a criminal offence within or without Malaysia with a sentence for imprisonment;</p>	

	<p>(e) Becomes prohibited from being an Office-Bearer by law or by reason if any court order;</p> <p>(f) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental disorder.</p>	
<p>Article 22.2 Only if mediation fails, then such disputes shall be referred to an arbitration tribunal within Malaysia where an arbitrator(s) are appointed with the consent of the parties concerned. After exhausting all avenues of resolution, the matter may be referred to the Minister of Youth and Sports where his decision should be final (Section 24, Sports Development Act). Any international disputes with regards to rules and regulations of sports should be referred to the International Court of Arbitration of Sports (ICAS).</p>	<p>Article 22.2 Mediation shall be carried out by the process of appointing a mediator(s) by the parties concerned from the panel members of the ADR Mediation Committee of OCM. Before commencement of mediation, the mediator(s) shall be agreed to by both the parties concerned. The mediator's role is that he acts independently and facilitates the mediation process. The procedure to be decided by the mediator and agreed to by the parties concerned. If the mediation is successful, the parties shall sign an agreement agreeing to the amicable settlement of the dispute and such agreement shall be final, conclusive and binding upon the parties..</p>	
<p>Article 22.3 Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted to the Court of Arbitration for Sport, in accordance with the Code of Sports-Related Arbitration.</p>	<p>Article 22.3 If, however, mediation fails then the unresolved dispute shall be referred to arbitration where the parties to the dispute shall agree and consent to an arbitrator(s) being appointed. The arbitrator(s) shall be appointed from the panel members of the ADR Arbitration Committee of the OCM. The governing Rules shall be made known to the parties concerned prior to the appointment of the arbitrator(s). The role of the arbitrator(s) is to arbitrate the dispute. He acts independently and adopts an acceptable procedure as agreed to by the parties or as provided by the rules. The arbitrator(s) shall at the conclusion of the arbitration process, make an Award which shall be binding on the parties concerned. The Award shall be binding on the parties unless challenged in which case Article 22.5 shall apply.</p>	
<p>Article 22.4 All awards published by the said Tribunals shall be final and binding upon all parties.</p>	<p>Article 22.4 The process of mediation and arbitration is an alternate means of resolving a dispute amicably pursuant to the Constitution and By-laws of OCM</p>	

<p>Article 22.5 Any athlete/official/member (state or club or individual) who has any grouch or grievance against the officials of his sports body or his sport body, shall first exhaust all the available internal remedies pursuant to the articles and By-laws of the Constitution of his own sports body and failure to do so shall warrant action being taken against him as deemed necessary.</p>	<p>Article 22.5 Any decision made by the OCM after the process of arbitration may be submitted exclusively by way of an appeal to the International Court of Arbitration for Sport (ICAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-Related Arbitration. The time limit for appeal is twenty-one (21) days after the reception of the decision concerning the appeal.</p>	
	<p>Article 22.6 All national bodies shall first exhaust all available internal remedies if possible, pursuant to the Article/Clause of its own Constitution including disciplinary action before the commencement of the mediation or arbitration process.</p>	
<p>Article 22.6 OCM shall establish a complaints Secretariat, to evaluate all written complaints submitted to it, for further action as deemed justified.</p>	<p>Article 22.7 The OCM ADR Committee shall evaluate all written disputes submitted to it, for further action as deemed justified.</p>	
<p>Article 27.4.2 The Notice of the AGA together with the audited Annual Statements of Accounts and the Annual Report for the previous year shall be circulated to the general membership at least <i>thirty-five (35) days</i> before the said AGA.</p>	<p>Article 27.4.2 The Notice of the AGA together with the audited Annual Statements of Accounts and the Annual Report for the previous year shall be circulated to the general membership at least <i>twenty-one (21) days</i> before the said AGA.</p>	
	<p>Article 29.5 * The voting majority of OCM and its Executive Council shall always be with the Ordinary Members of sports included in the programme of the Olympic Games.</p>	<p>This is to comply with IOC requirement.</p>
<p>Article 29.5</p>	<p>Change to Article 29.6</p>	
<p>Article 34.2 Such resolution shall be submitted to the Commissioner of Sports within twenty-eight (28) days of its approval by the AGA or the EGA, as the case may be, and shall become operative on the date of the written approval of the Commissioner of Sports.</p>		<p>Repealed.</p>
	<p>Article 34.2 * The approval of the Constitution of the OCM by the IOC Executive Board is a condition for recognition. The same condition applies to any subsequent change or amendment to the Constitution of OCM.</p>	<p>This is to comply with IOC requirement.</p>

<p>Bye Law to Article 27. Rule 2 At least <i>three (3) months</i> before the <i>deadline</i> for the holding of the Annual General Assembly (AGA), the <i>General Manager shall send the list of members of the Organization</i> to the Commissioner of Sport to verify their status</p>	<p>Bye Law to Article 27. Rule 2 2. At least <i>one (1) month</i> before the <i>notification</i> for the holding of the Annual General Assembly (AGA), the <i>OCM</i> shall submit the list of its Ordinary Members to the Commissioner of Sports to verify their status.</p>	<p>Proposed amendments are in bold italic.</p>
	<p>Bye Law to Article 27. Rule 3 (new) If no reply is received from the Office of the Commissioner of Sports to the contrary within thirty (30) days thereof, the AGS shall proceed as scheduled.</p>	
<p>Bye Law to Article 27. Existing Rules 3 to 10.</p>	<p>Bye Law to Article 27. Existing Rules 3 to 10 changed to Rules 4 to 11.</p>	
	<p>Bye Law to Article 27. Rule 12 (new) Only accredited delegates, who are issued with official non-transferable OCM Accreditation Cards, are eligible to vote.</p>	
<p>Bye Law to Article 27. Existing Rules 11 and 12.</p>	<p>Bye Law to Article 27. Existing Rules 11 and 12 changed to 13 and 14.</p>	
<p>Bye Law to Article 27. Rule 13 The Returning Officer, elected by the Executive Council, shall conduct the elections of the OCM from Agenda (h) to (j).</p>	<p>Bye Law to Article 27. Rule 15 (new) A three (3) member Independent Panel shall be appointed by the Executive Council at its meeting preceding the AGA, one of whom shall be appointed the Returning Officer.</p>	
	<p>Bye Law to Article 27. Rule 16 (new) A Returning Officer shall be appointed from amongst the three (3) member Independent Panel to supervise, manage and conduct the election of Office-Bearers of the OCM, to do all things necessary prior to the election including sending out nomination forms, receiving nomination forms and informing the candidate as to whether he is qualified to stand for election or otherwise.</p>	
<p>Bye Law to Article 27 Rules 14 and 15.</p>	<p>Bye Law to Article 27 Changed to Points 17 and 18.</p>	

Bye Law to Sub Article 5.9

Fundamental Rationale for the Code and the OCM's Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as “the spirit of sport”; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other Participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

1. The World Anti-Doping Code

- 1.1 The OCM is a Signatory to the Code and, as such, is responsible for assisting The Anti-Doping Agency of Malaysia (ADAMAS) in initiating, implementing and enforcing the Doping Control process.
- 1.2 Under the Code, the Olympic Council of Malaysia (OCM) as the National Olympic Committee for Malaysia has roles and responsibilities including the following:
 - (1) To ensure its anti-doping policies and rules conform to the Code,
 - (2) To require as a condition of membership or recognition that National Sports Associations' anti-doping policies and rules are in compliance with the applicable provisions of the Code,
 - (3) To require all Athletes who are not regular members of a National Sports Association to be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.
 - (4) To cooperate with ADAMAS the National Anti-Doping Organization of Malaysia
 - (5) To withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has violated anti-doping rules.
 - (6) To withhold some or all funding to the National Sports Association who are not in compliance with the Code.

2. Application of Anti-Doping Rules

- 2.1 These rules apply to:
 - (1) The OCM
 - (2) Athletes,
 - (3) Team Members,
 - (4) Athlete Support Personnel, and
 - (5) National Sport Associations
- 2.2 Sanctions are applicable in the event of any Anti-Doping Rule Violation or Doping Offence or other breach of these rules.

3. Obligations

- 3.1 All Athletes must:
- (1) be knowledgeable of and comply with all anti-doping policies and rules applicable to them, namely the Code, these rules, and the policies and rules of Anti-Doping Organizations and their National Sports Associations or International Federations;
 - (2) take responsibility, in the context of anti-doping, for what they ingest and use; and
 - (3) inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate the anti-doping policies and rules applicable to them.
- 3.2 All Athletes who are not regular members of a National Sports Association must be available for Sample collection conducted according to the Code and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.
- 3.3 All Athlete Support Personnel must:
- (1) be knowledgeable of and comply with all anti-doping policies and rules applicable to them or Athletes whom they support, namely the Code, these rules and the policies and rules of Anti-Doping Organizations and their National Sports Association;
 - (2) co-operate with the Athlete Testing programme; and
 - (3) use their influence on Athlete values and behaviour to foster anti-doping attitudes.
- 3.4 Each National Sports Association must:
- (1) comply with these rules;
 - (2) cooperate with and assist ADAMAS to fulfil its obligations under the Code;
 - (3) adopt and implement an anti-doping policy that conforms with the Code;
 - (4) cooperate with and assist its International Federation conduct its day-to-day anti-doping programmes;
 - (5) require Persons who:
 - (a) participate in sport under its authority; or
 - (b) are registered as an athlete or competitor (however described) or as an Athlete Support Personnel with it or with a club recognized by it;
 - (c) to recognize and be bound by its anti-doping policy, the Code and these rules;
 - (6) require Persons who:
 - (a) participate as an athlete or competitor (however described) in a sport under its authority; or
 - (b) are registered as an athlete or competitor (however described) with it or with a club recognized by it;
 - (c) to be available for Sample collection and provide accurate and up-to-date whereabouts information;
 - (7) require as a condition of membership that the policies, rules and programmes of its members or clubs recognized by it are in compliance with the Code; and
 - (8) take appropriate action to discourage non-compliance with the Code and its Anti-Doping Policy.
- 3.5 Notwithstanding paragraph 3.4 a National Sport Association will also:
- (1) recognize and respect a finding of an Anti-Doping Rule Violation by its International Federation or other Signatory or other National Sports Association without the need for a hearing provided the finding is consistent with the Code and within the authority of the body concerned; and
 - (2) require Athletes who are not regular members to be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.

- (3) promptly notify the OCM of the finding of any Anti-Doping Rule Violation or Doping Offence and the imposition of any sanction for an Anti-Doping Rule Violation or Doping Offence on:
 - (a) any Person under its anti-doping policy and rules; or
 - (b) any Athlete, Athlete Support Personnel or other Person under its authority or control under the anti-doping policy and rules of its International Federation.
- (4) provide assistance and information to the OCM as requested by the Honorary Secretary to enable the OCM to properly implement these Rules.

4. Testing

The OCM will recognize the results of accredited laboratory analysis of Testing conducted by Anti-Doping Organizations and the ADAMAS conducted in accordance with the Code.

5. Breaches of These Rules

- 5.1 The commission of an Anti-Doping Rule Violation is a breach of these Rules.
- 5.2 Articles 1, 2, 3, 4, 5, 6 and 17 of the Code apply to determine whether any Anti-Doping Rule Violation has been committed.
- 5.3 It is an infraction of these rules for a National Sports Association to breach any of its obligations to the OCM pursuant to these rules.

6. Recognized Anti-Doping Rule Violations and Doping Offences

The OCM will recognize and respect all determinations by all Anti-Doping Organizations that a Person has committed an Anti-Doping Rule Violation provided the finding is consistent with the Code and within the authority of the body concerned.

7. OCM Imposed Sanctions

- 7.1 Any Person who is found to have committed an Anti-Doping Rule Violation will be ineligible for membership or for selection in any Team, to receive funding from the OCM, or, to hold any position on the OCM,
- 7.2 The period or periods of any sanction will be determined according to Articles 10 and 11 of the Code.
- 7.3 The OCM will recognize previous sanctions imposed by any Anti-Doping Organization or National Sports Association to determine whether the breach is a first or second offence.
- 7.4 For Doping Offences recognized by the OCM pursuant to Article 6.1:
 - (1) Any Person found to have committed a Doping Offence will be ineligible for membership or selection in any Team, or to receive funding from or to hold any position on the OCM for the following periods:
 - (2) Where a Person is found to have committed a Doping Offence other than an Anti-Doping Rule Violation, the Person will be ineligible for membership or selection in any Team, or to receive funding from, or to hold any position on the OCM as follows:
 - (3) based on the decision of the disciplinary board and consistent with the WADA code
 - (4) The OCM will recognize previous sanctions imposed by any International Federation or National Sports Association to determine whether the breach is a first or second offence.

8. Disciplinary Procedures

- 8.1 All instances of alleged Anti-Doping Rule Violations will be determined in conformity with the Code and must be established according to the provisions of the Code.

- 8.2 The OCM Disciplinary Committee shall have the power to regulate its procedures so long as they are in conformity with Article 8 of the Code.

9. Notifications

Upon the imposition of a sanction under these rules, the OCM will send details of the sanction imposed to:

- (1) the IOC;
- (2) those Persons entitled to notification under Article 14.1 of the Code;
- (3) the National Sport Association of the Person concerned;
- (4) the ADAMAS;
- (5) WADA; and
- (6) any other Person or organization the OCM believes should be informed.

10. Appeals

- 10.1 Except as provided in the Code, no Person may appeal or challenge any recognition by the OCM of an Anti-Doping Rule Violation unless that Person has first exhausted all his or her rights of appeal and other legal rights (if any) in respect of the hearing and finding of the Anti-Doping Organization or National Sports Association concerned (whether before any tribunal as provided for in the anti-doping policy of the Anti-Doping Organization or National Sports Association concerned or in a court of law). In the event that a Person challenges or appeals the hearing or finding of the Anti-Doping Organization or National Sports Association concerned, the OCM will defer recognition of the Anti-Doping Rule Violation pending the conclusion of the challenge or appeal and will abide by the decision of the tribunal or court concerned.
- 10.2 Decisions under these Anti-Doping Rules may be appealed in conformity with Art 13 of the Code. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

11. Review of Anti-Doping Violation

If a Person recorded as having committed an Anti-Doping Rule Violation is subsequently found not to have committed that Anti-Doping Rule Violation or is otherwise cleared or pardoned of any relevant wrongdoing by CAS or any other Anti-Doping Organization's Appellate Body acting in conformity with the Code, the OCM will overturn the Anti-Doping Rule Violation and any sanction which had been imposed as a result of that Anti-Doping Rule Violation and will report the decision to all those Persons notified of the initial imposition of the sanction pursuant to article 9.

12. Interpretation

All the words utilized in these Rules shall have the same meaning as that ascribed to them in the World Anti-Doping Code.

Bye Law to Sub Article 17.1.5

The duties of the Committees are:-

1. Selection Committee

- (a) to establish selection criteria and qualifying standards for the selection of athletes and teams to participate in the Olympic, Asian and SEA Games and World or regional multi-sports competitions patronized by the IOC and the Commonwealth Games;
- (b) to select the athletes/teams for the above Games;
- (c) to establish rules/regulations and code of conduct/ethics for the participants of the above Games;

- (d) to establish list of duties/responsibilities of Chef de Mission, Team Managers, coaches and other team officials managing the athletes/teams of the above Games;
- (e) to receive periodic reports on the training of the athletes/ teams undergoing preparation for selection;
- (f) to monitor the centralized training of the Malaysian Contingent prior to departure for the Games;
- (g) to study the Chef de Mission's and Team Managers' reports on the Games and to make recommendations to the Council.

2. Discipline Committee

- (a) to investigate any disciplinary cases assigned by the Executive Board;
- (b) to convene hearings and to gather evidence on any case under investigation;
- (c) to prepare and submit its findings and recommendations to the Executive Board for further action.

3. Finance, Marketing and Sponsorship Committee

- (a) to keep the financial position of the OCM under continual review and to report thereon to the Executive Board and the Council as necessary from time to time;
- (b) to make recommendations as and when necessary for the approval of the Council relating to subscription and others fees;
- (c) to take responsibility for the sound investment of OCM's liquid assets;
- (d) to prepare the annual budget and submit it to the Council for approval;
- (e) to keep record of the movable and immovable assets of the OCM which shall show their value and to adjust this value from time to time to allow for depreciation;
- (f) to arrange for all necessary and desirable insurance to cover both staff and assets and to ensure that such insurances are renewed at the appropriate time;
- (g) to examine the monthly statements of receipts and payments and submit them in writing to the Executive Board together with recommendations thereon;
- (h) to make recommendations as and when necessary for the approval of the Executive Board for the procedure to be followed in conducting the financial affairs of the OCM;
- (i) to review the Auditors Report and Statements Accounts and make recommendations thereon to the Council;
- (j) to identify areas and activities of OCM for marketing and sponsorships;
- (k) to prepare terms and conditions for the marketing and sponsorship packages of OCM;
- (l) to invite for and consider the proposals submitted for the marketing and sponsorships packages of OCM and to make recommendations to the Executive Board;
- (m) to prepare and sign agreements/contracts with the successful sponsors, and franchise holders;
- (n) to monitor and supervise the sponsors and franchise holders to ensure there is no breach of agreement/contract conditions;
- (o) to monitor and prevent any pirating, misuse or unauthorized usage of OCM's Logo, the Olympic symbol, flag, motto, and the designations 'Olympic' and 'Olympiad' in Malaysia.
- (p) to evaluate all sponsorship proposals, coins programmes, etc, such as the TOP programme from the IOC, or other international bodies and to make recommendations to the Executive Board.

4. Sports for All, Sports and Sports & Environment Committee

- (a) to study and comment on the technical hand-books of World/regional multi-sports Games such as the Olympics, Asian, Commonwealth and SEA Games;
- (b) to advise and assist in the preparation of sports development programmes of National Sports Associations, and other sports bodies;
- (c) to study and comment on technical specifications of competition equipment to be used in World/regional multi-sports Games;

- (d) to study the requests for technical officials by National Sports Associations, to officiate at world/regional multi-sports Games, and make recommendations to the Selection Committee;
- (e) to advise sports facilities developers on the technical specifications of International Sports Federations, when requested;
- (f) to study the development programmes of National Sports Association submitted for funding by the National Sports Council;
- (g) to liaise with the National Sports Council on the above development programmes;
- (h) to study past performance of Malaysian Contingent in world/regional multi-sports Games and to publish the findings;
- (i) to encourage and support the promotion and development of Sports for All, through cooperation with members of OCM, other sports organizations and the mass media;
- (j) to assist and encourage the members of OCM in the practice of Sport for All;
- (k) to increase the awareness, knowledge and practice of Sports for All through the organization of seminars, meetings, talks, and training courses on Sport for All;
- (l) to organize and to encourage the organization of events and activities on Sport for All;
- (m) to participate in Sport for All events/activities both locally and internationally.

5. Legal Advisory and Alternate Dispute Resolution (ADR)

5.1 Legal Advisory

- (a) to advise OCM on all matters involving legal issues that are referred to the Committee;
- (b) to advise and assist in the preparation of legal documents including agreements as and when required;
- (c) to advise OCM on issues related to the OCM's Constitution and By-Laws;
- (d) to advise and assist all OCM's affiliates as regards their constitutions and by-laws.

5.2 Alternate Dispute Resolution (ADR)

5.2.1 Mediation

- (a) to assist national sports associations to resolve a sport dispute as between:-
 - (i) a member and OCM;
 - (ii) a member and another member of OCM;
 - (iii) a member of OCM and any of its member affiliate in the state, club or individual.
- (b) to assist its members by making available the list of the panel members of the ADR Committee of OCM for the parties to agree on a mediator;
- (c) the role of the Mediator is that he acts independently and as a facilitator of the mediation process. The parties sign an "Agreement to Mediate", before the Mediator commences mediation;
- (d) the procedure to be followed would be as agreed to by the parties. Mediation process is unregulated, there is informality and flexibility and direct involvement of the parties;
- (e) the parties would be aware of the procedure before the commencement of proceedings. Confidentiality is essential and parties are allowed to reach a settlement agreement without pressure;
- (f) where the mediation process is successful, the parties execute a consensual agreement agreeing to the amicable settlement of the dispute on their own free will;
- (g) the agreement of the parties shall be final, conclusive and binding on the parties subject to normal contractual principles as regards validity and review;
- (h) the parties share costs (expenses) involved in the mediation;
- (i) if mediation fails, each party may enforce its rights before a court of arbitration depending on the rules applicable in the courts concerned.

5.2.2 Arbitration

- (a) OCM is to assist its members by making available the list of panel members of the ADR Committee of OCM for the parties to agree on a Arbitrator;
- (b) the Arbitrator is appointed by the parties to look into unresolved sports disputes;
- (c) the rules of the process of arbitration shall be made known to the parties by the Arbitrator before the commencement of the arbitration process which the parties agree to;
- (d) the Arbitrator acts as an independent person to have the dispute resolved and delivers a decision at the conclusion of proceedings, by making an Award which is final, legal and binding on the parties concerned. The winning party is entitled to costs. It can be enforced through the Courts and is not subject to appeal or review except where the Arbitrator has misconducted himself or acted unfairly;
- (e) any decision made by the Arbitrator on behalf of OCM may be submitted exclusively by way of a request/appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-Related Arbitration. The time limit for request/appeal is twenty-one (21) days after the reception of the decision concerning the request/appeal. The party wishing to have recourse to CAS must first file a request for arbitration with the Court Office. The claimant must also pay a Court fee;
- (f) the International Council of Arbitration for Sport (ICAS) is the supreme organ of CAS. Its main task is to safeguard the independence of CAS and the rights of the parties.

5.3 Constitutional Provision

The process of mediation and then arbitration is to be attempted for the settlement of sports disputes as provided in the Constitution and Bye-laws of OCM and the Constitution and Bye-laws of all national sports associations affiliated to OCM.

6. Management and Administration Committee

- (a) to establish rules and regulations terms and conditions of service, and duties and responsibilities of the Staff of OCM;
- (b) to establish administrative procedures for the management and operation of the office of OCM;
- (c) to establish procedures for the recruitment and appointment of Staff of OCM;
- (d) to invite tenders/quotations for OCM's annual supplies of stationeries, consumerble items, annual maintenance services, etc;
- (e) to invite tenders/quotations for the supply of uniforms, shoes, air-passages and other items for Malaysian Contingents participating in the SEA, Asian, Commonwealth and Olympic Games;
- (f) to open tenders/quotations and make recommendations of acceptance (or otherwise) to the Executive Board;
- (g) to decide on the design and colour schemes of the uniforms, shoes, track-suites, etc and other requirements of the Malaysian Contingents and to make recommendations to the Executive Board.

7. Women and Sport Committee

- (a) to increase awareness on the issues concerning participation of women un sport;
- (b) to encourage and support women in sports at every level regardless of age and competence;
- (c) to study and propose means to encourage increase opportunities and facilities for participation of women in sport;
- (d) to study and propose means to achieve the targets set by the IOC for women to be holding decision making positions in sports organizations, including the OCM;
- (e) to conduct courses for women in sports administration, sports management and sports event implementation;
- (f) to confirm items which require assistance and encouragement in order to increase the participation of women in sport;

- (g) to prepare and formulate middle term and long strategies in order to increase the participation of women in sport.

8. Building

- (a) To establish rules and regulations for the proper management and maintenance of Wisma OCM;
- (b) to plan and submit proposals for upgrading of OCM Building to Council from time to time, for consideration and approval;

9. Sport Museum and Hall of Fame Committee

- (b) Responsible for the planning, the management and the administration of all programmes and activities of the Sport Museum and Hall of Fame.
- (c) To procure, organize record and maintain an authentic, quality and permanent collection on the rich heritage of sports in Malaysia for exhibition to the public and to give concrete form to the union of the traditional pillars (i.e. sports, art and culture) of Olympism.
- (d) To provide visitors an interactive enabling environment, through images, symbols and information, that Olympism is a philosophy of life with roots deeply imbedded in history, centering on the vital role of sports in the lives of Malaysians.
- (e) To provide educational and cultural activities for all persons interested in the heritage of the Olympic movement in all Malaysian sports and the future of Malaysian sports, and to engender and foster the spread of Olympism.
- (f) To conceptualize and implement strategic plans to adapt to, and meet changes, and ensure the long term sustainability and maintenance of the OCM Sport Museum and Hall of Fame

10. Medical & Doping Committee

- (a) To study the medical and doping control regulations of organizing committees of multi-sports games and to liaise with Malaysian Contingents doctors on the means to ensure that the regulations are followed;
- (b) To advice and update OCM and its members on doping control regulations of WADA, the IOC and the International Federations;
- (c) To advice members of OCM on the implementation of doping control tests when organizing international and regional championships of their sports concerned;
- (d) To organize on behalf of OCM, national, regional and international medical and doping control course, conferences, seminars, etc.;
- (e) To represent OCM at international and regional medical and doping control committees, conferences, seminars, etc.;
- (f) To advice OCM on positive test results of Malaysian athletes participating in the Olympic Games, Asian Games, Commonwealth Games, SEA Games, international/regional multi-sports Games, and international/regional sports championships.