INTERNAL DISPUTE RESOLUTION CODE

Version 1.1
# WDSF Internal Dispute Resolution Code

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WDSF Internal Dispute Resolution Code

Preamble

This Code shall unify, in one document, the provisions for legal assistance that already existed before. Rules of conduct, sportsmanship and fair play are only as good as the power to enforce them. This Code affirms the intent of WDSF that everyone must play by the rules, no matter if he or she is an Official, Athlete or other person, by means of offering transparent and comprehensible instruments of dispute resolution.

The WDSF Internal Dispute Resolution Code is a reflection of the belief that a functioning system of checks and balances increases confidence in WDSF and allows the Federation to learn from the perspectives of all people connected with DanceSport.

1 Scope of Application

1.1 Subject matter

1.1.1 To be subject to this Code, an issue must be covered by WDSF’s jurisdiction. The jurisdiction of the WDSF’s Organs comes from the WDSF Statutes, WDSF Rules, all other WDSF Governing Documents and the present Code.

1.1.2 WDSF’s jurisdiction does neither include disputes between WDSF Member Bodies or recognized Continental Associations, each including their representatives, and their Athletes, Adjudicators or other members nor disputes between WDSF Member Bodies that are not violations of WDSF’s Governing Documents at the same time. The foregoing notwithstanding, the jurisdiction of WDSF regarding its affairs according to Articles 1.3 and 11 of the WDSF Code of Ethics as well as Rules A.2.4 to A.2.16 of the WDSF Competition Rules remain preserved.

1.2 Procedures

1.2.1 This Code covers the four different procedures known in the WDSF legal system:

- **Reports** if no WDSF Organ or representative has been concerned with an issue before (“Reports procedure”),
- **Complaints** against a decision of a WDSF Official or Commission (“Complaint procedure”),
- **Appeals** against a decision of the WDSF Presidium or specifically designated decisions of the WDSF Ethics Committee (“Appeal procedure”) and
- **Arbitration Enquiries**, based on charges of specific WDSF Commissions (“Arbitration Enquiries”).

1.2.2 The WDSF Competition Rules contain special provisions for Objections. Objections are a specific instrument in the context of competitions and the only remedy that can have an effect on the results of a competition. Therefore, they are conclusively regulated in the WDSF Competition Rules and not part of this Code.

1.2.3 Unless otherwise specified, all four procedures listed in Article 1.2.1 above follow their own rules as set out in this Code.
1.2.4 If the Presidium intends to take initial actions according to paragraphs 14(1) letters a) and c) to e) of the Statutes or Rule Z.1.5 of the Competition Rules, the proceedings shall be governed by the following provisions in this Code:
- Article 1.3
- Articles 2.1 to 2.5, 2.7 to 2.10, 2.11.1 to 2.11.3 and 2.11.10 to 2.18
- Articles 3.4.3, 3.5, 3.6.1, 3.7.3 to 3.7.12 and 3.8 to 3.14 except Articles 3.13.2 and 3.13.3.

1.2.5 If the Presidium takes initial actions according to Article 1.2.4 above, the Presidium enters into the facts of a case and issues a formal decision. Such procedures may be adjourned if responsible persons or legal entities cannot be held responsible or are unknown. Time limits will not be interrupted by adjournments. An adjourned procedure will be resumed if the reasons for an adjournment no longer apply.

1.2.6 The provisions in this document may apply in parts or as a whole if other WDSF Governing Documents refer to this document and determine that certain proceedings are subject to the scope of application of this Code.

1.3 Governing law
According to Article 1(2) of the WDSF Statutes, the WDSF is constituted as a legal person in Switzerland. Therefore, WDSF’s jurisdiction including the above mentioned procedures is governed by Swiss law.

2 General principles

2.1 Application
The principles in this Article apply to all procedures covered by this Code, unless otherwise specified.

2.2 Conflicts of interest
Article 4.3.5 of the WDSF Code of Ethics applies to all Members of decisionmaking bodies mentioned in this Code. Therefore, they shall not perform their duties when there is an existing or potential conflict of interest and shall inform the other Members of the decisionmaking body accordingly.

2.3 Minors and Legal Entities, legal representatives
2.3.1 In any of the following procedures, minors under 18 years of age must be represented by their statutory representative, guardian or an authorised legal representative.

2.3.2 Legal entities are obliged to assign a representative for any contact with WDSF upon request.

2.3.3 Parties may decide to be represented by a legal representative in any procedure of this Code at their own cost and expense. Such legal representatives must be allowed to practise law in their respective country. They may act in the name and on behalf of the Party they are representing, except if the Party is required to appear or testify personally.

2.3.4 WDSF Organs may request that the Parties’ legal representatives submit a duly signed power of attorney and documentation of their licence to practise law. Statutory representatives, representatives of legal entities and guardians may submit equivalent documents proving their function.
2.4 **Language**

The language in all procedures covered by this Code shall be English. Any document submitted to WDSF Organs and representatives as well as any communication must be in English. Submissions in other languages (including evidence without corresponding translation into English) are not admissible.

2.5 **Communication**

2.5.1 The Parties, Officials and WDSF Organs involved in proceedings covered by this Code communicate in writing, by electronic means, unless otherwise specified. Each person or legal entity subject to this Code is obliged to provide an active e-mail-address to the WDSF representatives involved in proceedings covered by this Code upon request and to respond promptly to e-mail inquiries of WDSF representatives.

2.5.2 Persons or legal entities covered by this Code as well as WDSF representatives must acknowledge the receipt of communications within 14 days after they have been transmitted, if asked for. Answers to communications are regarded as such acknowledgements. If a communication has not been acknowledged or answered after 14 days, the sender must ask a second time for a confirmation of the delivery.

2.5.3 Service is effected if the delivery is acknowledged by the addressee or an appointed legal agent. It is also deemed to be effected if the addressee of a communication sent to the provided e-mail-address failed or refused to acknowledge the receipt of the communication within 17 days since the initial transmission. In all cases according to this Article 2.5 and regardless of different time zones, the day of the initial transmission is regarded as the day of delivery.

2.5.4 In cases in which it is not possible to address a person or legal entity directly, communications of WDSF Organs may be addressed to the Member Body the person or legal entity belongs to, together with the instruction to forward the communication immediately to the addressee. Service is deemed to be effected seven days after the date of transmission of the communication to the WDSF Member Body.

2.6 **General formal requirements for submissions subject to this Code**

2.6.1 Reports, Complaints and Appeals and any sort of statement, request or reply in a procedure covered by this Code must be sent to the decisionmaking body in writing by e-mail.

2.6.2 In order to be considered by the decisionmaking body, Reports, Complaints and Appeals must contain not less than the following information:

- full name, address and contact details of the Petitioner, Complainant or Appellant,
- full name, address and contact details of the sender of the submission, if different from the person or legal entity exercising a right,
- the designation of the organisation or federation the writer belongs to,
- designation of the submission as a Report, Complaint or Appeal,
- explanation why the person or legal entity exercising a right according to this Code is to be considered as actively legitimated to address the decisionmaking body,
- designation of the act or decision to be challenged with the submission, i.e.:
  
  *Reports Procedure*:
  
  - designation of the person or legal entity that allegedly violated WDSF Governing Documents;
  - exact designation of the act alleged to be violating WDSF Governing Documents;
Complaint and Appeal Procedure:

- designation of the person or legal entity whose decision is to be challenged;
- designation of the decision to be challenged, including its date and the date on which the Complainant or Appellant was informed about the decision;
- description of the subject matter of the submission according to the specific provisions of the legal remedy, indicating the exact provisions of WDSF Governing Documents alleged to be breached (if any);
- description of the further facts of the case;
- copies of any evidence (including, but not limited to documents, photographs, names and contact information of witnesses) in possession of the Petitioner, Complainant or Appellant;
- a written agreement to give evidence and to take all steps in the power of the Petitioner, Complainant or Appellant to require persons with knowledge of the matter of the submission to be examined and cross examined on that evidence;
- the order or claim sought with the submission.

2.6.3 No submission may be made on condition of anonymity or on any other condition. Articles 3.9.2 and 4.5.3 below remain reserved.

2.6.4 The decisionmaking bodies according to this Code will not consider submissions that violate human dignity or lack objectivity. In these cases, the decisionmaking bodies set a short time limit to the author to edit his or her submission. If the writer fails to file an appropriate submission, it is up to the discretion of the decisionmaking body whether or not and how to consider the submission.

2.6.5 If the Presidium decides in the cases of Article 2.6.4 above to take no further action at all in a procedure, such decisions are regarded as final decisions and therefore may be subject to further legal remedies according to this Code. Presidium’s decisions not to consider part or all of any evidence, to consider evidence in parts or not to take further evidence are not subject to legal remedies according to this Code.

2.7 Party status

2.7.1 Party status according to this Code means that the respective persons or legal entities have the right to be heard, which implies namely

- access to the files of a case,
- the right to be represented by a legal representative,
- the right to express themselves on the matter in question and regarding the procedure,
- the right to request that further evidence be taken,
- the right to seek an appellate remedy as far as provided by this Code.

2.7.2 The right to be heard may be restricted according to the provisions of this Code.

2.7.3 The failure to claim party rights, in particular in cases in which directly affected persons cannot be contacted (Article 2.5.4 above) shall not be accepted as an excuse to delay the progress of the procedure. If Parties fail to submit documents or statements in time, it is excluded to restore such deadlines. Persons or legal entities failing to claim party rights bear the due consequences of such missed deadlines.
2.8 Time limits

2.8.1 Time limits set out in WDSF’s governing documents may not be extended. Time limits set by WDSF representatives may be extended once upon request by its creator. Time limits shall be set out in days, meaning calendar days. Weekend days and holidays are counted as weekdays.

2.8.2 Time limits are met if the required action is effected on the last day of such deadlines. The day of transmission or the day of delivery (depending to which of the two dates this Code refers) is not counted for the calculation of the time limit.

2.9 Procedural requests and procedural decisions

2.9.1 Procedural requests concern the further progress of the proceedings and are determined by the body responsible to render a final decision. Procedural requests do not detain the further progress of the procedure.

2.9.2 Procedural decisions are made in writing. If final decisions in the respective procedure may be challenged, also procedural decisions may be subject to a legal remedy, as long as the procedural decision causes an irrevocable prejudice for a Party. Decisions of the review body whether or not to deal with a procedural request are final.

2.9.3 Decisions of the Presidium to impose provisional sanctions according to Article 3.10 below may be challenged as procedural decisions.

2.9.4 Decisions of the Presidium to enter into the facts of a case cannot be challenged.

2.10 Interim decisions

2.10.1 Interim decisions determine the position of persons or legal entities involved in the procedure. A case cannot proceed until interim decisions are taken. As for the rest, interim decisions are made and challenged according to procedural decisions.

2.10.2 The Presidium may decide to unify procedures of the same kind, having the same purposes, and to separate them again. Such decisions are not subject to legal remedies according to this Code.

2.11 Decisions

2.11.1 Any decisions according to this Code are rendered in writing.

2.11.2 Decisions according to this Code must contain:

- the name of the decisionmaking body,
- the composition of the Chamber in Charge in proceedings of the WDSF Disciplinary Council,
- the date of the decision,
- the names of the Parties,
- the legal requests of the Parties,
- a summary of the facts,
- the reasons for the decision,
- the provisions on which the decision is based,
- the legal remedies to challenge the decision (if any).
2.11.3 Decisions must be communicated to the Parties within 30 days after they have been made, including the reasons of the decision.

2.11.4 Requirements listed in the specific parts of legal remedies below and compliance with the time limits above are regarded as conditions to enter into the facts of the case. If they are not met, the decisionmaking body dismisses the submission without entering into the facts of the case. The discretion of the Presidium to initiate its own investigations (see Articles 3.2, 4.5.3 and 4.7.2 below) remains reserved.

2.11.5 As an exception to Article 2.11.4 above, submissions that are sent to a wrong person or decisionmaking body inside WDSF are deemed to be sent correctly if the other formal requirements are met. The proof of compliance with the time limits set out in this Code is to be provided by the sender of such submissions.

2.11.6 Requirements in the general part of this Code (except time limits) or in the general parts regarding submissions to a specific body are regarded as regulatory provisions. If submissions lack to comply with such regulatory provisions, the person directing the procedure must grant the person or legal entity who addressed the decisionmaking body a short term to complete the submission, indicating its deficiencies. The term to complete formal requirements may not be longer than half the time limit for lodging the specific legal remedy. If the submission is not completed within this term, the decisionmaking body acts according to Article 2.11.4 above.

2.11.7 The specified decisionmaking bodies terminate a procedure by either entering into the facts of a case and issuing a formal decision, or by a decision to adjourn or dismiss a procedure. Legal remedies according to this Code are given notwithstanding how a procedure is terminated.

2.11.8 Procedures will be adjourned if responsible persons or legal entities cannot be held responsible or are unknown. Time limits will not be interrupted by adjournments. An adjourned procedure will be resumed by the body in charge if the reasons for an adjournment no longer apply.

2.11.9 Procedures will be dismissed according to the provisions in this Code or if a procedure has become baseless.

2.11.10 Formal decisions can just determine the facts of a case and declare whether or not WDSF’s Governing Documents have been violated or they may include instructions to the Parties or one of them. The decisionmaking body may, at its discretion, impose sanctions according to the specific parts of this document.

2.11.11 The decisionmaking bodies according to this Code consider the files, statements and pieces of evidence at their complete discretion.

2.11.12 If this Code declares a decision as final, no legal remedy against such decisions is admissible.

2.11.13 Decisions according to this Code enter into force on the day of transmission of the decision if no legal remedy is given or lodged in time.

2.11.14 Editorial errors in decisions according to this Code, including calculation errors, may be corrected by the decisionmaking body without formalities. Such corrections are not communicated to the Parties. Any other modifications of decisions are only allowed within the limits of Article 2.12 below, provided always that no person shall suffer any disadvantage as a result of the incorrect pronouncement of a decision.
2.12 **Review**

2.12.1 If procedures according to this Code have been closed, they may be reopened if new facts or evidence appear that may change the conclusion of an investigation.

2.12.2 Parties may only present new facts and evidence after investigations are closed, if they can prove that they had no reasonable chance to discover those facts or evidence until the end of the time limit to submit such facts and evidence set by the decisionmaking body.

2.12.3 The absolute time limit to ask for a review is one (1) year after the date of transmission of the decision. Requests for a review must be presented to the body that issued the decision to be reviewed within ten (10) days after discovering the reasons for a review.

2.12.4 If a *prima facie* assessment by the respective body reveals unquestionably that the decision would have been taken alike even if the submitted new facts or evidence had been known to the decisionmaking body, the request for a review may be dismissed. Presidium’s decisions to dismiss a request may be subject to an Appeal.

2.13 **Waiver and withdrawal**

Anyone entitled to dispute a decision according to this Code is entitled to waive the right to challenge a decision and to withdraw Complaints or Appeals. Waivers of legal remedies and the withdrawal of Complaints and Appeals are final.

2.14 **Party compensation**

No compensation for attorney’s fees and other cost and expenses of the Parties shall be awarded in proceedings according to this Code.

2.15 **Confidentiality**

2.15.1 As long as a procedure is pending, persons not involved in a procedure may only be informed of a procedure according to the provisions of this Code.

2.15.2 Notwithstanding the provisions about the publication of final decisions, submissions of the Parties are treated as confidential.

2.15.3 The principle of confidentiality does not apply among the Parties.

2.15.4 Deliberations and votes within the decisionmaking body shall be confidential.

2.16 **Personal data**

The decisionmaking bodies mentioned in this Code may process and file personal data of persons and legal entities involved in one of their proceedings, as long as this data is needed for the purpose of the conduct of such proceedings according to this Code.

2.17 **Records**

Electronic records of the files of all decisions taken based on this Code must be kept for ten (10) years from the day of the decision.

2.18 **Exemption from liability**

Members of decisionmaking bodies according to this Code may not be held personally liable for any act relating to their work in the decisionmaking body as long as they do not concurrently violate the law.
3 Presidium procedures

3.1 Application

The principles in this Article apply to all procedures conducted by the Presidium according to this Code (Reports procedure and Complaints procedure), unless otherwise specified.

3.2 Duties of the Presidium

3.2.1 Notwithstanding Article 2.11.4 above, submissions to the Presidium do not limit the powers of the Presidium. Therefore, the Presidium may initiate its own investigations based on Reports or Complaints failing to meet the formal requirements in this Code. The Presidium may also expand the scope of a Report or Complaint that has been submitted correctly.

3.2.2 In all cases according to Article 3.2.1 above, this Code restates by reference to the WDSF Statutes that the Presidium retains full discretion to impose sanctions if the requirements for such sanctions are met.

3.3 Legal effect of submissions to the Presidium

Generally, filing a Report or Complaint does not produce a suspending effect. The Presidium may grant such submissions a suspending effect upon request by the Parties or ex officio. Such decisions are final.

3.4 Parties in the Presidium’s procedures

3.4.1 Defendants and Respondents automatically become a party in the Presidium’s procedures.

3.4.2 Petitioners and Complainants may become a Party in the Presidium’s procedures after they declared their interest to become a Party to the Presidium and if the other conditions in this Article are met.

3.4.3 Once the Presidium considers to take actions against specific persons or legal entities according to paragraphs 14(1) letters a) and c) to e) of the Statutes or Rule Z.1.5 of the Competition Rules, persons or legal entities alleged to have violated WDSF’s Governing Documents automatically gain party status in the sense of Article 2.7 of this Code. Article 3.6.1 of this Code remains reserved.

3.4.4 To become a Party in a specific Presidium’s procedure, the rights of persons or legal entities according to Article 3.4.2 above must be directly affected by the subject-matter of the Report or Complaint. WDSF Member Bodies are deemed to be directly affected if the rights of Athletes, Adjudicators, other Officials or Members they are representing are directly affected.

3.4.5 In addition to the direct affection, the Petitioner or Complainant must have a persistent interest in an intervention by the Presidium in order to become a Party in the specific Presidium’s procedure. A persistent interest is excluded if a legal intervention by the Presidium does not affect the situation of the Petitioner or Complainant.

3.4.6 If the party status is in dispute, the Defendant or Respondent (as the case may be) may respond regarding the compliance of a Petitioner or Complainant with the requirements in this Article 3.4. Subsequently, the Presidium determines the party status in such cases in an interim decision. Petitioners or Complainants become Party without further formalities, if their party status is certain and uncontested.
3.4.7 On request, initiators of correctly submitted Reports and Complaints that are not granted Party status have the right to be informed by the Presidium how a subsequent procedure had been terminated.

3.5 Representation

The Parties represent themselves in the Presidium’s procedures. Legal entities are represented by the persons entitled to sign in the name of the legal entity. Athletes and Adjudicators may decide to be represented by the WDSF Member Body they are part of. Such decisions have to be made in writing and are final. Article 2.3.3 above remains reserved.

3.6 Information of the Parties

3.6.1 The person directing the procedure informs the Parties of Reports and Complaints only after collecting any evidence which in its view might be in any danger of being lost so that such loss may not interfere with the conduct of the investigation. Information according to this Article is done by forwarding the received submission to the Parties, including its enclosures.

3.6.2 In cases of Article 4.2.3 below, the Presidium informs persons or legal entities who filed a report to the WDSF Ethics Committee together with a declaration according to Article 3.4.2 of the receipt of the report of the Ethics Committee and invites them to attest the requirements listed in Articles 3.4.4 and 3.4.5 above. A disclosure of the report of the WDSF Ethics Committee is excluded before party status is granted.

3.7 Investigation

3.7.1 The person directing the procedure according to the specific parts of this Code also conducts the investigation.

3.7.2 If Reports or Complaints are addressed to the WDSF Vice-President for Sport, he or she may conduct investigations on his or her own regarding the subjects of the submission before forwarding it to the Presidium. The Vice-President for Sport may also delegate such investigations to the WDSF Sports Director (except in cases described in Article 5.8.2 below). In these cases, the Sports Director conducts the investigation, but the Vice-President for Sport continues to direct the procedure.

3.7.3 In cases of sexual harassment, the Presidium must delegate the investigation to a Member of the same sex as the victim, if requested by the victim.

3.7.4 The person directing the procedure may make enquiries with third persons for the purpose of the investigation and disclose as much of the files of the procedure to such persons as is necessary to answer the raised questions.

3.7.5 The person directing the procedure may make use of the WDSF Commissions for the investigation and give them access to the files of a case for this purpose.

3.7.6 Investigations of the Presidium are made by written inquiries. However, the Presidium in its absolute discretion may permit Athletes and Adjudicators to appear before a panel of three Members of the Presidium who are chosen by the Managing Committee, to defend their case. The Athlete or Adjudicator requesting such a hearing must pay the costs of attending before that panel of the Presidium, including the expenses of the Presidium Members. The Presidium shall use its best efforts to help to minimize such costs. The language in such hearings is English. Translators have to be paid by the Athletes or Adjudicators.
3.7.7 The Presidium may decide to exclude Parties from attending oral interviews of other Parties or witnesses. In such cases, the Presidium must ensure that excluded Parties are granted the right to respond to such oral statements. Therefore, the Presidium is obliged to take minutes of any oral statement.

3.7.8 Persons subject to this Code shall make full disclosure of all information, documents and other permanent records reasonably requested by the Presidium and shall perform all acts reasonably necessary to assist the Presidium to discover all relevant facts, documents and other permanent records reasonably related to any question which is before the Presidium or which is reasonably related to any possible violations of WDSF’s Governing Documents. No one may claim remuneration or other compensation or reimbursement from the Presidium or any person for performing these duties.

3.7.9 Any person who is asked for information by the Presidium or who is given information by the Presidium is obliged to acknowledge receipt of the inquiry or communication.

3.7.10 The Presidium may set a time limit for responding. Any unannounced and unexplained further delay is considered as a denial to give information, provided always that a lack of a response by the Parties is not to be held against them.

3.7.11 The Disciplinary Council may in its absolute discretion control disclosure of information during the time a relevant procedure is pending before it.

3.7.12 The person directing the procedure may propose to the Presidium to impose sanctions against persons or legal entities based on the results of the investigation.

3.8 Right to be heard

3.8.1 The Parties have the fundamental right to be heard.

3.8.2 The Presidium in its absolute discretion controls the procedure by which this right may be exercised reasonably, including regarding the presentation of evidence or procedural requests and access to the files of a case, subject to the overriding provisions of Articles 3.9.1 and 3.9.2 herein.

3.9 Protection of persons or information

3.9.1 The Presidium may decide that information given to it may not be disclosed to the Parties if confidential matters need to be safeguarded.

3.9.2 At the request of a person submitting any statement to the Presidium, the Presidium may decide not to disclose the name of that person to the Parties. If the Presidium later decides to sanction a person based on its investigations, the statements or testimonies of such anonymous persons may not be used as the only evidence against a person.

3.9.3 A full or partial denial of access to the files according to Articles 3.9.1 and 3.9.2 above may be subject to an Appeal. The Presidium must outline the content of the confidential information to the Disciplinary Council in order to substantiate the legitimacy of the decision to keep that information confidential. The Disciplinary Council is obliged to assure confidentiality to the Presidium regarding this specific information which will not become a part of the files of a procedure.
3.10 **Provisional and preliminary measures, provisional sanctions**

3.10.1 If in its opinion a certain behaviour, offence or situation merits or requires immediate action, the Presidium may take preliminary measures and can impose provisional measures and sanctions. Such decisions become effective immediately.

3.10.2 In cases according to Article 3.10.1 above, the Presidium must grant affected persons the right to be heard and may revise the provisional measures or sanctions after such persons filed their submissions.

3.10.3 Notwithstanding Articles 2.15.1 and 2.15.2 above, the Presidium may inform third persons or legal entities in order to enforce actions according to this Article 3.10.

3.11 **Presidium’s decision**

3.11.1 The Presidium’s deliberations regarding a decision may be conducted in person, in writing or by any electronic means, including telephone or video conferences. Decisions of the Presidium are taken according to Article 15 of the *WDSF Statutes*, and this Code does not modify the *WDSF Statutes* in any way.

3.11.2 Each investigation is closed by a formal decision of the Presidium, containing the elements listed in Article 2.11.2 above, the results of the investigation and the decision to impose sanctions, if any.

3.11.3 After having initiated an investigation in a certain case, the Presidium is obliged to render a decision not later than one year after gaining knowledge of the facts or of the Report.

3.11.4 The Parties have the right to obtain a copy of the Presidium’s report and reasons.

3.11.5 The decision of the Presidium cannot alter the facts of the case. In particular, competition results or ranking lists cannot be changed, even if the Presidium’s procedure results in a revocation of a title or in the annulment of a result.

3.11.6 In cases in which the Presidium imposes a suspension, decisions of the Presidium may be published on the WDSF website to make sure that suspended persons cannot take part in or are not invited to competitions.

3.11.7 Other decisions may be published on the WDSF website if there is a public interest in the case. In order to protect the privacy of the involved persons, the Presidium may decide not to disclose the names of the Parties or other persons.

3.12 **Sanctions**

3.12.1 Infringements of WDSF’s Governing Documents may lead to sanctions. The Presidium may impose such sanctions based on Article 14(1)d of the *WDSF Statutes*. WDSF Rules may specify further acts and conduct that may lead to sanctions.

3.12.2 Sanctions may be imposed on the person or legal entity that violated WDSF’s Governing Documents. Couples may be sanctioned if such a violation was committed by both persons. Teams shall only be sanctioned if the majority of the team contravened WDSF’s Governing Documents.

3.12.3 Employees of the WDSF can be sanctioned, subject however to the imperative provisions of the law applicable to the employment agreement.
3.12.4 If sanctions, in particular suspensions, are imposed for a certain time period, the duration of provisional sanctions must be set off against the term of the sanction determined in a decision that closes a procedure.

3.12.5 If persons or legal entities expressly agreed to be bound by WDSF’s Governing Documents or any of them, sanctions may be imposed on them as if they were persons or legal entities directly submitted to WDSF’s jurisdiction. The form of consent, signed by such people or legal entities must include the warning that sanctions may be imposed on them in cases of contraventions (see also Article 21 paragraph 5 of the WDSF Statutes).

3.12.6 In cases in which investigations of the Presidium have been initiated by a Report or Complaint, sanctions must be imposed within one year after the delivery of the Report or Complaint to the Presidium. In any other cases, sanctions must be imposed by the Presidium within ten years after the occurrence of an act or omission leading to a sanction. In cases in which a procedure of the WDSF Ethics Committee preceded the Presidium’s investigation, Article 12.4 of the Code of the WDSF Ethics Committee applies.

3.12.7 In cases in which investigations have been initiated by a Report or Complaint and the investigation reveals that also the Petitioner or Complainant violated WDSF’s Governing Documents, the Presidium may decide to impose a lighter or no sanction to such a person or legal entity, if the Report or Complaint led to the revelation of a contravention of WDSF’s Governing Documents that was obviously much more serious than the Petitioner’s or Complainant’s.

3.12.8 Sanctions may be enforced within ten years after they have been imposed by the Presidium. Sanctions for bribery and corruption are not limited by the time limit in this Article.

3.12.9 Any kind of sanctions according to this Code will be enforced by the Presidium ex officio.

3.13 Catalogue of Sanctions

3.13.1 The Presidium may impose sanctions according to, but not limited to, the following catalogue:

3.13.2 Reprimands (pronouncement of disapproval)

3.13.3 Warnings (reminder of the existence of a provision in WDSF’s Governing Documents; warnings shall include a period of probation, together with the notice that repeated misbehaviour of the same kind during that period may lead to a more severe sanction than a warning)

3.13.4 Withdrawal of accreditation for a specific competition

3.13.5 Retroactive disqualifications

3.13.6 Rescission and return of awards

3.13.7 Prohibiting individuals from attending any WDSF competition or other event for a certain period of time;

3.13.8 Ban of an athlete, couple or team from participating in WDSF competitions or other events for a specific period of time

3.13.9 Prohibiting individuals from taking part in any function in any WDSF competition or other event for a certain period of time;

3.13.10 Prohibiting a person or legal entity from organising any WDSF competition or other event for a certain period of time;

3.13.11 Suspension of any licence, accreditation or permit issued by WDSF for a specific period of time
3.13.12 Revocation of any licence, accreditation or permit issued by WDSF, including concurrently granting permission to reacquire the respective licence, accreditation or permit at a later stage in time;

3.13.13 Permanent revocation of any licence, accreditation or permit issued by WDSF;

3.13.14 Permanent revocation of all licences, accreditations and permits issued by WDSF;

3.13.15 Dismissing or suspending Officials employed or appointed by the Presidium or by Presidium Members (without prejudice to contractual consequences to be addressed pursuant to the applicable contractual and/or legal provisions);

3.13.16 Orders for compensation if property was damaged or destroyed so that the costs be reimbursed

3.13.17 Ban of a person to be elected or appointed in any formal position within WDSF. If the Presidium is not the electing body, the decision may be published in order to inform the AGM about the sanction.

3.13.18 Excluding a person or legal entity from supplying goods or providing services to WDSF;

3.13.19 Excluding a person or legal entity from invitations to tender;

3.13.20 Prohibiting individuals from accepting services from persons or legal entities that violated WDSF’s Governing Documents;

3.13.21 Imposing sanctions on any sort of WDSF Members under Article 14(1) of the Statutes;

3.13.22 Administrative fines up to an amount of CHF 5’000.00.

3.14 Implementation of sanctions

3.14.1 Measures and sanctions may be combined.

3.14.2 In cases of recurrent or very serious misconduct, suspensions and revocations may be permanent.

3.14.3 In cases of permanent suspensions and revocations of licences or permits, the decision may grant the possibility to reacquire the right to compete, licence or permit at a later stage in time.

3.14.4 The breach or evasion of sanctions from Articles 3.13.7 to 3.13.14 and 3.13.17 to 3.13.20 is regarded as a violation of this Code.

3.14.5 In cases in which the Presidium cannot impose a sanction on elected representatives of the WDSF, the Presidium may suggest to the General Meeting not to re-elect a person or to revoke him or her from office.

3.14.6 If an administrative fine is imposed, the amount taken in has to be used for the benefit of WDSF’s Athletes.

3.14.7 Measures and sanctions remain in force notwithstanding of a limited duration until the expenses in a Complaint procedure as well as any fine have been paid in full.

3.14.8 Sanctions imposed by WDSF have the same effect for each of WDSF’s Member Bodies as if the sanction had been imposed by themselves.

3.14.9 WDSF Member Bodies are obliged to enforce sanctions imposed based on this Code if WDSF cannot enforce them directly or WDSF cannot enforce them comprehensively.

3.14.10 Measures and sanctions shall respect the principle of proportionality.
4 Reports procedure

4.1 Subject matter of the Report

4.1.1 Reports can be filed if the provisions of the WDSF Governing Documents allegedly have been violated, but the subject matter of the Report is not exclusively covered by the WDSF Code of Ethics.

4.1.2 Omissions are regarded as acts if any WDSF Governing Document requires the regarding persons or legal entities to act in certain situations.

4.2 Application

4.2.1 Reports according to this Article 4 can only be submitted if the Complaint procedure (Article 5 below) does not apply.

4.2.2 In addition to the conditions in Article 4.2.1 above, no Report may be submitted if a specific misconduct has already been subject to a procedure of the Presidium or the Disciplinary Council or a procedure is pending at the Disciplinary Council regarding the same issue.

4.2.3 Alleged violations of the WDSF Code of Ethics that are not contraventions of other Governing Documents of WDSF at the same time must be reported to the WDSF Ethics Committee, according to Article 4 of the Code of the WDSF Ethics Committee. In order not to be in a worse position than any other Petitioner, senders of such reports may add the declaration according to Article 3.4.2 to their report. In these cases, the WDSF Ethics Committee is obliged to inform the Presidium of that declaration together with its report. Article 3.6.2 above applies.

4.3 Petitioner

4.3.1 Any person or legal entity can file a Report, except bodies that are obliged to decide the regarding issue by this Code.

4.3.2 Reports of the WDSF Ethics Committee are also regarded as a report in the sense of this Code. Reports to the WDSF Ethics Committee are regulated in the Code of the WDSF Ethics Committee. The WDSF Ethics Committee cannot have party status in the Reports procedure.

4.4 Defendant

4.4.1 Acts of the following Persons or legal entities can be subject of a Report:

- WDSF Member Bodies or recognized Continental Associations, each including their representatives,
- WDSF Officials under the supervision of the Presidium, including Members of WDSF Commissions and WDSF Employees,
- Athletes with a WDSF Athletes’ ID Card,
- Adjudicators licensed by WDSF or employed in a WDSF competition,
- Organisers of WDSF competitions, if a competition is not hosted in the name of a WDSF Member Body,
- any other person or legal entity who expressly agreed to comply with WDSF Governing Documents in their entirety, the WDSF Statutes or a specific WDSF Rule or Regulation.
4.2 Acts of persons or bodies directly elected by the Annual General Meeting cannot be subject to a Report. If no other legal remedy according to this Code is given and the WDSF Code of Ethics does not apply, acts of such persons or bodies may be contested according to the general rules for the Annual General Meeting.

4.5 Decisionmaking body

4.5.1 The WDSF Presidium decides on Reports and is obliged to do so if the Report is submitted according to the provisions in this Code and meets all formal requirements, except in the cases of Article 4.5.3 below.

4.5.2 Reports concerning WDSF Competitions, Athletes or Adjudicators shall be directed to the WDSF Vice-President for Sport or the person designated by the Presidium in an Operating Policy specifying the provisions of this Code. All other reports shall be sent to the WDSF General Secretary. The addressee of a Report shall acknowledge receipt of a Report fulfilling the formal requirements within a period of two weeks after they are received by the WDSF server.

4.5.3 Reports may be sent to the Presidium anonymously. It is in the discretion of the Presidium whether or not to initiate an investigation in these cases. It is excluded that authors of anonymous reports later become Party in the Reports procedure and any further procedure regarding the same facts.

4.6 Person directing the Procedure

The procedure is directed by the person mentioned in Article 4.5.2 above unless the Presidium decides to delegate the direction of a procedure to one or more of its Members.

4.7 Time limits

4.7.1 Reports must be made to the representatives of the Presidium according to Article 4.5.2 above not later than twenty (20) days since the time at which the Petitioner became aware of the regarding act or omission, provided always that no report may be submitted more than one (1) year after the occurrence of the act or omission which is the subject of the Report.

4.7.2 The Presidium may initiate its own investigations based on Reports failing to comply with the time limits. Petitioners cannot become Party in such procedures.

4.8 Decision

4.8.1 The Presidium concludes the Reports procedure according to the general provisions in Articles 3.11 to 3.14 above.

4.8.2 If the Presidium considers that a Report does not describe any kind of offence falling within the jurisdiction of WDSF or a submission is sent purely for querulous reasons, the Presidium may determine not to take any further action and to dismiss the case. Article 2.11.7 applies.

4.9 Cost and expenses

No cost and expenses are imposed in the Reports procedure.
5 **Complaint procedure**

5.1 **Application**

Complaints can be lodged against decisions of specific WDSF Officials or of WDSF Commissions, unless expressly excluded in WDSF’s Governing Documents.

5.1.2 Omissions are regarded as decisions if the *WDSF Statutes*, Rules or Regulations state the duty of the Official or Commission in charge to decide specific questions.

5.2 **Subject matter of the Complaint**

The reason of the Complaint may either be that the WDSF Official or Commission

- applied WDSF Governing Documents incorrectly,
- established the facts of a case improperly, or
- exercised their discretion unduly.

5.3 **Complainants**

The following persons or legal entities can file a Complaint:

- WDSF Member Bodies,
- any other person or legal entity, if a WDSF Rule entitles them to file a Complaint and expressly refers to this chapter of the *WDSF Internal Dispute Resolution Code*.

5.4 Athletes with a WDSF Athletes’ ID Card and Adjudicators licensed by WDSF may directly address the WDSF Presidium if the representatives of the WDSF Member Body they belong to are unable or unwilling to file a Complaint in the specific case.

5.5 **Respondents**

The decisions of the following WDSF Officials or bodies can be subject to a Complaint:

- the WDSF Sports Director,
- WDSF Chairpersons,
- WDSF Invigilators,
- WDSF Commissions, if WDSF Rules entitle such Commissions to decide specific questions and expressly refer to this chapter of the *WDSF Internal Dispute Resolution Code*.

5.6 The WDSF Sports Director as well as Chairpersons and Invigilators represent him- or herself in the Complaint procedure, WDSF Commissions are represented by its Chairperson.

5.7 **Decisionmaking body**

5.7.1 The WDSF Presidium decides on Complaints and is obliged to do so if the Complaint is submitted according to the provisions in this Code.

5.7.2 Complaints concerning decisions of the WDSF Sports Director, of WDSF Chairpersons or of Invigilators shall be directed to the WDSF Vice-President for Sport or the person designated by the Presidium according to Article 4.5.2 above. All other Complaints shall be sent to the WDSF General Secretary.
5.8 **Person directing the Procedure**

5.8.1 The procedure is directed by the person mentioned in Article 5.7.2 above unless the Presidium decides to delegate the direction of a procedure to one or more of its Members.

5.8.2 If a Complaint is made against the decision of the WDSF Sports Director, the investigation of the case may not be delegated to him or her.

5.9 **Time limits**

Complaints must be made to the representatives of the Presidium according to Article 5.7.2 above within thirty (30) days after the pronouncement or transmission (as the case may be) of the decision which is the subject of the complaint, or within twenty (20) days of the time at which the complainant became aware of the same decision if he or she had not been the addressee of the decision, provided always that no complaint may be submitted more than ninety (90) days after the issuing date of the decision which is the basis for the Complaint.

5.10 **Decision**

5.10.1 If the Sports Director is the Respondent in a Complaint procedure, he or she may not be present during any discussions in the Presidium regarding the handling of the case.

5.10.2 The Presidium may confirm, rescind or modify the decision of the Official listed in Article 5.5 above.

5.10.3 The Presidium may impose sanctions according to Articles 3.12 to 3.14 for conduct that led to the decision of the official, even if the official did not impose any sanction. The Presidium is not bound by the decision of the official either in kind or degree and may expressly amend or rescind the imposed sanction.

5.10.4 If the Presidium decides to reduce or rescind a measure imposed by a WDSF Official, no one is entitled to claim any indemnification or compensation. This Article also applies if the Presidium modifies measures or sanctions in accordance with an Appeal decision of the WDSF Disciplinary Council.

5.11 **Cost and expenses**

5.11.1 In the Complaint procedure, no cost is imposed.

5.11.2 The Presidium may pass expenses to the Complainant if the Complaint is disallowed.
6 Disciplinary Council procedures

6.1 Application

The principles in this Article apply to all procedures conducted by the Disciplinary Council (Appeal procedure and Arbitration Enquiries), unless otherwise specified.

6.2 Panel of Judges

6.2.1 Within 14 days after procedures have been referred to the Disciplinary Council and all formal requirements are met, its Chairperson assigns the case to a panel of three judges in charge of deciding the case, called Chamber in Charge.

6.2.2 The Chairperson of the Disciplinary Council appoints the Chamber Chair (being either the Chairperson or one of the Vice-Presidents of the Disciplinary Council) and the two other Members of the Chamber in Charge.

6.2.3 The Chairperson of the Disciplinary Council grants the Parties the right to oppose the designated Members of the Chamber in Charge within 14 days. If Parties argue that there is a personal involvement of specific Members of a Chamber in Charge or some of them are otherwise biased, the Chairperson of the Disciplinary Council may decide to replace Members of the Chamber in Charge after having heard them before. In order to be considered for such a replacement, the personal involvement or bias of a person must be specific and of possible relevance for the decision of the Disciplinary Council. An involvement of a Member of the Disciplinary Council in previous procedures in which the Parties have been part of is never a reason to replace a Member of a Chamber in Charge (Article 6.2.4 below remains reserved). Decisions of the Chairperson of the Disciplinary Council regarding the composition of the Chamber in Charge are final.

6.2.4 If procedural decisions or interim decisions are contested or if a provisional hearing according to Article 7.9.3 of the WDSF Anti-Doping Code is conducted, the Members of the Chamber in Charge deciding such questions shall not be the same as the ones that later decide in an Appeal Procedure or an Arbitration Enquiry assessing the entire case. However, if several procedural requests have to be determined in the same procedure in sequence, the Chamber in Charge deciding such questions may remain the same.

6.2.5 Reviews according to Article 2.12 above shall be considered by the same Chamber in Charge that decided originally. However, the review procedure may be assigned to a differently composed Chamber in Charge if Members of the original Chamber in Charge left office since the date of the original decision.

6.2.6 Until a case is assigned to a Chamber in Charge, the Chairperson of the Disciplinary Council has full discretion to control the procedure of the case, provided always that such procedural decisions shall be in writing, and provided further that within 28 days after the Chairperson takes any such decision, the Parties may demand that an ordinary Chamber in Charge be appointed and that it reviews, varies or sets aside in whole or in part any such procedural decision by the Chairperson. The Chamber in Charge may then vary or set aside the Chairperson’s original decision in whole or in part, or may confirm the decision, and any such further decision by the Chamber in Charge in response to such demand shall be final.

6.2.7 Once a case is assigned to a Chamber in Charge, decisions concerning a specific case are taken by all three Members of the Chamber in Charge. However, the Chamber Chair directs the procedure of the Disciplinary Council, may ask the Parties and third persons for statements and evidence and may set deadlines for such submissions.
6.2.8 To prepare decisions of the Chamber in Charge, discussions may be held in person or conducted in writing or by any electronic means, including telephone or video conferences.

6.2.9 Decisions of the Chamber in Charge are taken by the majority of the votes cast. The Members of the Chamber in Charge are obliged to vote and may not abstain from voting.

6.2.10 If a Member or Chairperson of a Chamber in Charge leaves office or resigns from office while a procedure is pending at the Disciplinary Council, the Chairperson of the Disciplinary Council may replace such a Member by another Member or Chairperson of the Disciplinary Council. The new Member or Chairperson of the Chamber in Charge must be granted enough time to become acquainted with the complete files of the case and must take part in the complete process of the Chamber in Charge regarding the decision closing a case.

6.3 Enforcement of decisions and sanctions

Decisions of the Disciplinary Council, including sanctions, are enforced by the Presidium ex officio.

6.4 Publication of decisions

6.4.1 Any formal decision of the WDSF Disciplinary Council, will be officially published on the WDSF webpage.

6.4.2 Exceptions apply in Arbitration Enquiries if the Chamber in Charge concludes that the WDSF Anti-Doping Code has not been violated and if Minors are subject to a decision of the WDSF Disciplinary Council (Articles 8.2.3 (b) and 14.3.6 of the WDSF Anti-Doping Code). Likewise, Appeal decisions regarding procedural and interim decisions of the body that previously decided will not be published by the Disciplinary Council,

6.4.3 Decisions terminating an Arbitration Enquiry must contain the minimum information provided in Article 14.3.2 of the WDSF Anti-Doping Code.

6.4.4 Appeal decisions by the Court of Arbitration for Sports (CAS) according to Article 8.11 below must be published as provided in Article 14.3.2 of the WDSF Anti-Doping Code.

6.5 Cost and Expenses payable to WDSF

6.5.1 The Chamber in Charge decides on the cost of the procedure.

6.5.2 The minimum cost for procedures of the WDSF Disciplinary Council is CHF 200.00 in addition to the expenses of the Chamber in Charge.

6.5.3 In Arbitration Enquiries, cost also comprise attributable expenses of the WDSF Anti-Doping Commission for the sample collection and analysis of the sample.

6.5.4 If an Appeal procedure is disallowed or an Accused if found guilty in an Arbitration Enquiry, the Chamber in Charge may pass cost and expenses to the Appellant or Accused. In all other cases, cost and expenses are borne by WDSF.

6.5.5 If an Appeal procedure is disallowed, measures and sanctions imposed by the Presidium remain in force notwithstanding of a limited duration until cost and expenses of an Appeal procedure as well as any fine have been paid in full.

6.5.6 In cases in which WDSF Member Bodies reimburse WDSF for the cost of a procedure based on Article 12.2 of the WDSF Anti-Doping Code, the right to claim this money from the Accused according to Article 6.5.4 above devolves upon that WDSF Member Body.
7 Appeal procedure

7.1 Application

Appeals can be submitted against decisions of the WDSF Presidium, including provisional decisions and interim decisions, unless expressly excluded in WDSF’s Governing Documents. Omissions are regarded as decisions if the WDSF Statutes, Rules or Regulations state the duty of the Presidium to decide specific questions.

7.1.1 Decisions of the WDSF Ethics Committee according to Article 4.5 of the Code of the WDSF Ethics Committee may be subject to an Appeal. In such cases, Articles 7.2, 7.4, 7.5, 7.6, 7.8.1, 7.10, 7.11 and 7.12 below do not apply (see Article 7.13 for details).

7.2 Subject matter of the Appeal

7.2.1 The reason of the Appeal may either be that the WDSF Presidium
- applied WDSF Governing Documents incorrectly,
- established the facts of a case improperly, or
- made errors of assessment in applying WDSF’s Governing Documents.

7.2.2 The establishment of the facts may only be subject to an Appeal, if no Complaint procedure preceded in which the facts had been determined.

7.2.3 An Appeal may not cite different reasons or legal arguments from the reasons or legal arguments submitted during the subject Complaint procedure.

7.2.4 The imposition of sanctions, including their kind and degree, may only be made subject of an Appeal by sanctioned persons or legal entities.

7.3 Decisionmaking body

The WDSF Disciplinary Council deals with Appeals and is obliged to do so if the requirements stated in this Code are met. Appeals have to be directed to the Chairperson of the WDSF Disciplinary Council.

7.4 Appellees

7.4.1 Only decisions of the Presidium as a whole can be subject to an Appeal. In the Appeal procedure, the Presidium is represented by its General Secretary, except that the Presidium may assign any of its other Members to be its sole or additional representative in a specific procedure.

7.4.2 Decisions of the Presidium of WDSF Associate Members are equivalent to a decision of the WDSF Presidium according to Articles 7.1.1, 7.2.1 and 7.4.1 above, if the Associate Member agreed in its Membership Agreement that decisions of its Presidium are subject to an Appeal to the WSDF Disciplinary Council. In such cases, the word “Presidium” in this Chapter 7 stands for the Presidium of the Associate Member.

7.5 Appellants

7.5.1 The following persons or legal entities can submit an Appeal:
- WDSF Member Bodies,
- Recognized Continental Associations,
- the WDSF Ethics Committee in cases of Article 8.3 of the Code of the WDSF Ethics Committee,
- any other person or legal entity, if a WDSF Rule entitles them to file an Appeal and expressly refers to this chapter of the WDSF Internal Dispute Resolution Code.
7.5.2 Athletes with a WDSF Athletes’ ID Card and Adjudicators licensed by WDSF may directly address the WDSF Disciplinary Council if the representatives of the WDSF Member Body they belong to are unable or unwilling to file an Appeal in the specific case.

7.5.3 If an issue has already been subject to a prior Reports procedure or Complaint procedure, persons or legal entities according to Article 7.5.1 above and the persons or legal entities they are representing must already have been Party in the procedure that led to the decision of the Presidium in order to be legitimated to submit an Appeal, except if interim decisions regarding the party status are subject of the Appeal.

7.6 **Parties in the Appeal procedure**

7.6.1 The Appellee, Appellants according to Article 7.5.3 above and the WDSF Ethics Committee in cases of Article 8.3 of the **Code of the WDSF Ethics Committee** automatically become Parties in the Appeal procedure.

7.6.2 If no Reports or Complaint procedure led to the contested decision of the Presidium, Appellants may become a Party in the Appeal procedure after they declared their interest to become a Party to the Disciplinary Council and if the other conditions in this Article 7.6 are met.

7.6.3 To become a Party in the Appeal procedure, the rights of persons or legal entities according to Article 7.5.1 above must be directly affected by the subject-matter of the Appeal. WDSF Member Bodies are deemed to be directly affected if the rights of Athletes, Adjudicators, other Officials or Members they are representing are directly affected.

7.6.4 In addition to the direct affection, the Appellant must have a persistent interest in an intervention by the Disciplinary Council in order to become a Party in the Appeal procedure. A persistent interest is excluded if a decision of the Disciplinary Council cannot affect the situation of the Appellant.

7.6.5 The **Chamber in Charge** grants the Appellee the right to state its view regarding the direct affection and the persistent interest of the Appellant. Then the **Chamber in Charge** determines the Party status of the Appellant in a final decision.

7.7 **Legal effect of filing an Appeal**

Generally, filing an Appeal does not produce a suspending effect. The Chairperson of the Disciplinary Council may grant Appeals a suspending effect upon request by the Parties or *ex officio*. Such decisions are final.

7.8 **Time limits**

7.8.1 Appeals submitted to the Disciplinary Council must be made within a time limit of four (4) weeks after the date on which the decision of the Presidium was transmitted, provided always that the absolute limitation period shall be one (1) year after the decision of the Presidium.

7.8.2 Appeals against procedural decisions, including interim decisions and decisions for provisional measures and sanctions, must be submitted to the Disciplinary Council within a time limit of ten (10) days after the transmission of the contested decision.
7.9 **Advance payment**

7.9.1 An advance payment of CHF 200.00 for the legal charges must be sent by electronic transfer to the account of WDSF in favour of the Disciplinary Council before an Appeal may be considered by the Disciplinary Council. The advance payment will be credited to the cost of the procedure or paid back, depending from the result of the Appeal procedure.

7.9.2 The WDSF Ethics Committee is exempted from the requirement to wire an advance payment in cases of Article 8.3 of the *Code of the WDSF Ethics Committee*.

7.10 **Investigation**

7.10.1 The Appeal procedure is based on the facts and evidence established and collected in the Presidium’s procedure. Therefore, the *Chamber in Charge* determines the facts of the case based on the submissions of the Parties and the files of the case.

7.10.2 New facts and evidence may only be presented in the Appeal Procedure if the establishment of the facts is the subject-matter of the Appeal, if the Presidium did not follow the instructions in this Code or if the Appellant can prove that it was not possible to establish the new facts or collect the new evidence in a previous procedure. The *Chamber in Charge* decides conclusively on the admission of new facts and evidence.

7.10.3 The *Chamber in Charge* may conclude that a decision cannot be taken on the basis of the submissions of the Parties and the files of the case or that it is necessary that evidence, including hearings of the Parties, is taken again. In these situations, the *Chamber in Charge* may solicit and consider further evidence, statements and information from third parties, and may also require the Appellant or Appellee to file additional information within a certain time limit. Articles 3.7.8, 3.7.9 and 3.7.10 above apply *mutatis mutandis*.

7.11 **Right to be heard**

7.11.1 The Chamber Chair informs the Presidium about the Appeal within 14 days after the case has been submitted to the *Chamber in Charge* by forwarding the received Appeal including its enclosures. The Chamber Chair invites the Presidium to make a statement about the Appeal within 30 days.

7.11.2 If the Presidium filed a statement, the Chamber Chair forwards a copy of the statement including its enclosures to the other Parties.

7.11.3 As a general rule, the Chamber Chair then initiates a second and last exchange of submissions. The *Chamber in Charge* may, at its discretion, add further inquiries with the Parties. However, the *Chamber in Charge* may decide not to ask for more information after the Presidium answered according to Article 7.11.1 if the basis for a decision is already given and it is unlikely that another exchange of submissions would change the original positions. Such decisions must be reasoned in the formal decision terminating the procedure.

7.11.4 In cases according to Articles 8.3 and 12.3 of the *Code of the WDSF Ethics Committee*, the *Chamber in Charge* is obliged to respect the legitimate interests of the Presidium. Therefore, the Presidium’s information which is the subject matter of the procedure is not part of the files of the case.
7.12 Appeal decisions

7.12.1 As a rule, the Chamber in Charge declares the Presidium’s decision to be void and refers it to the Presidium for reconsideration, if the Appeal is allowed. The Presidium is bound by the findings of the Chamber in Charge. The subsequent reconsidered decision of the Presidium may again be submitted to the Disciplinary Council for Appeal.

7.12.2 If the Presidium modifies its initial decision after a procedure has been referred back according to Article 7.12.1 above, it takes a new decision with a new date. Time limits for the imposition of sanctions such as in Article 3.12.5 are met if the initial decision of the Presidium met the time limits.

7.12.3 If the Appeal only concerned the establishment of the facts of a case, the Chamber in Charge may determine facts different from those in the Presidium’s decision without referring the case back to the Presidium if it is excluded that these new facts could have changed the other parts of the Presidium’s decision.

7.12.4 In cases in which the Presidium failed to take any action which in the opinion of the Chamber in Charge is necessary, it may determine a time limit within which the Presidium must render a formal decision regarding such a matter.

7.12.5 Formal decisions of a Chamber in Charge to disallow an Appeal or to dismiss or adjourn an Appeal procedure are final and binding and no subject to any further appeal.

7.13 Appeals against decisions of the WDSF Ethics Committee not to initiate an investigation

7.13.1 Appeals against decisions of the WDSF Ethics Committee not to initiate an investigation according to Article 4.5 of the Code of the WDSF Ethics Committee are regarded as Appeals against a procedural decision if the initial report to the Ethics Committee met the formal requirements in Article 4 of the Code of the WDSF Ethics Committee.

7.13.2 The only Parties in procedures according to this Article 7.13 are the Ethics Committee (Appellee), represented by its Chairperson, and the person or legal entity who filed a report to the Ethics Committee according to Article 4 of the Code of the WDSF Ethics Committee (Appellant).

7.13.3 The Chamber Chair informs the Ethics Committee about the Appeal within 14 days after the case has been submitted to the Chamber in Charge by forwarding the received Appeal including its enclosures. The Chamber Chair invites the Ethics Committee to make a statement about the Appeal within 30 days.

7.13.4 Subject matter of the Appeal in cases according to Article 7.13.1 above is only the question if the Ethics Committee rightly refused to initiate an investigation. Therefore, the Chamber in Charge decides such questions purely based on the files collected by the Ethics Committee and the statement of the Ethics Committee according to Article 7.13.3 (if any).

7.13.5 If the Chamber in Charge concludes that the Ethics Committee should have entered into the facts of a case, it declares the decision of the Ethics Committee to be void and refers it back to the Ethics Committee together with the binding instruction to initiate an investigation regarding the specific matter within a specified time period. Such decisions are final and no subject to any further appeal.
8 Arbitration Enquiries

8.1 Application
8.1.1 Arbitration Enquiries are only carried out in cases of alleged violations of the WDSF Anti-Doping Code.
8.1.2 Violations of periods of ineligibility imposed by a Chamber in Charge are considered as a violation of the WDSF Anti-Doping Code, regardless whether they were committed in a WDSF Competition or not (Article 10.12.3 of the WDSF Anti-Doping Code).

8.2 Decisionmaking body
8.2.1 The WDSF Disciplinary Council conducts Arbitration Enquiries and is obliged to do so if the requirements stated in this Code are met. Requests to initiate an Arbitration Enquiry have to be directed to the Chairperson of the WDSF Disciplinary Council.
8.2.2 Before an Arbitration Enquiry may be initiated, the person alleged to have violated the WDSF Anti-Doping Code must have been informed of the investigation by the WDSF Anti-Doping Commission according to Article 7 of the WDSF Anti-Doping Code.

8.3 Accuser
8.3.1 In order to initiate an Arbitration Enquiry, the Chairperson or Co-Chairperson of the WDSF Anti-Doping Commission refers its investigations to the WDSF Disciplinary Council by e-mail and notifies the person charged of having violated the WDSF Anti-Doping Code of this referral.
8.3.2 During the Arbitration Enquiry, the WDSF administration is represented by its Anti-Doping Commission and the WDSF Anti-Doping Commission is represented by its Chairperson(s). A representation of the Anti-Doping Commission by the Presidium or one of its Members is excluded.
8.3.3 As an exception to Articles 8.3.1 and 8.3.2 above, the WDSF Vice-President for Sport may address the WDSF Disciplinary Council and represent the WDSF as a Party in cases of alleged violations of periods of ineligibility (Article 8.1.2 above).

8.4 Accused
8.4.1 The person or legal entity whose acts were examined by the WDSF Anti-Doping Commission in the investigation referred to the WDSF Disciplinary Council is regarded as Accused.
8.4.2 Acts of the following Persons or legal entities can be subject of an Arbitration Enquiry:
- WDSF Member Bodies or recognized Continental Associations, each including their representatives,
- WDSF Officials, including Members of WDSF Commissions and WDSF Employees,
- Athletes with a WDSF Athletes’ ID Card,
- Adjudicators licensed by WDSF or employed in a WDSF competition,
- Trainers and Coaches licensed by WDSF or employed in a WDSF event,
- Organisers of WDSF competitions, if a competition is not hosted in the name of a WDSF Member Body,
- any other person or legal entity who expressly agreed to comply with the WDSF Anti-Doping Code or the WADA World Anti-Doping Code.
8.4.3 WDSF Member Bodies and Continental Associations are only regarded as Accused, if none of their representatives can be personally held responsible of an alleged violation of the **WDSF Anti-Doping Code**, but not if one of their Athletes, Coaches, Officials or other persons they are representing is charged of contraventions of the **WDSF Anti-Doping Code**.

8.5 **Parties in the Arbitration Enquiry**

Only the Accuser and the Accused are parties in the Arbitration Enquiry.

8.6 **Time limit**

The Chairperson of the WDSF Anti-Doping Commission must send his or her request to initiate an Arbitration Enquiry to the Disciplinary Council within four (4) months after the date of the alleged violation of the **WDSF Anti-Doping Code** or the date on which s/he was made aware of the relevant incident (whichever is later), provided always that the absolute limitation period shall be ten (10) years after the date of the alleged violation.

8.7 **Investigation**

8.7.1 The **Chamber in Charge** conducts the Arbitration Enquiry based on the files of a case and on its own perception in cases in which personal hearings are held.

8.7.2 The **Chamber in Charge** may solicit and consider further evidence, statements and information from third parties, it may require the Accused and the Accuser to file more evidence within a certain time limit and it may request the Accused to participate in an oral hearing. Notwithstanding Article 8.3.2 above, the Chairperson(s) of the WDSF Anti-Doping Commission may delegate the response to inquiries of the **Chamber in Charge** according to this Article to other Members of the Anti-Doping Commission.

8.7.3 The Accused must not implicate himself or herself, according to the principle *nemo tenetur se ipsum accusare*, but the drawing of adverse inferences based on Article 3.2.5 of the **WDSF Anti-Doping Code** remains reserved.

8.8 **Right to be heard**

8.8.1 The Chamber Chair informs the Accused about the pending case at the WDSF Disciplinary Council within 14 days after the case has been submitted to the **Chamber in Charge** by forwarding the received documentation of the case to the Accused. The Chamber Chair invites the Accused to make a statement about the charge within 30 days.

8.8.2 Together with the invitation to make a statement according to Article 8.8.1 above, the Chamber Chair must inform the Accused of his or her right to ask for a personal hearing according to Article 8 of the **WDSF Anti-Doping Code**. The language in such hearings is English. Translators have to be paid by the Accused. The Accused may waive his or her right for a personal hearing. Such waivers are final.

8.8.3 If the Accused does not waive the right for a hearing according to Article 8.8.2 above, the hearing shall be scheduled promptly in cases in which a provisional suspension has been imposed by the WDSF Anti-Doping Commission. The WDSF Disciplinary Council informs organisations and persons who may attend the personal hearing as observers according to Article 8.1.4 of the **WDSF Anti-Doping Code**.
8.8.4 Provisional hearings according to Article 7.9.3 of the WDSF Anti-Doping Code are conducted in the same way as hearings according to Article 8.8.2.

8.8.5 If the Accused filed a statement according to Article 8.8.1 above, the Chamber Chair forwards a copy of the statement to the Accuser. The Chamber Chair may decide to initiate a second exchange of submissions if necessary. The Accused has the right to have access to all files of the case before a decision is taken by the Chamber in Charge and to file a final statement if the investigation is not yet closed after the Accused made his or her statement according to Article 8.8.1 above.

8.9 Provisional suspensions

8.9.1 Provisional suspensions are imposed by the WDSF Anti-Doping Commission according to Articles 7.9.1 and 7.9.2 of the WDSF Anti-Doping Code. However, the Chamber in Charge has the right to impose or to lift provisional suspensions as a result of a provisional hearing according to Article 7.9.3.2 of the WDSF Anti-Doping Code. Notifications of such provisional suspensions are done by the WDSF Disciplinary Council based on Article 7.11 of the WDSF Anti-Doping Code.

8.9.2 The term of a provisional suspension shall be set off against a period of ineligibility imposed in a formal decision according to Article 10.11.3 of the WDSF Anti-Doping Code.

8.10 Formal decisions

8.10.1 The Chamber in Charge decides whether or not the Accused violated the WDSF Anti-Doping Code in a formal, written and reasoned decision, containing the elements listed in Article 2.11.2 above. Copies of the decision must be sent to the Accused and to the organisations entitled to file an Appeal according to Article 13.2.3 of the WDSF Anti-Doping Code.

8.10.2 The Chamber in Charge decides in writing whether or not to impose a sanction to the Accused – Articles 8.10.8 and 8.10.9 below remain reserved. The burden of proof that the requirements for imposing a sanction are met rests on the Chamber in Charge. As a result of an Arbitration Enquiry, only the following sanctions may be imposed:

- Reprimands,
- Revocation of titles, annulment of results and ranking points, as well as the return of awards and prize money,
- Periods of Ineligibility according to Articles 10.2 and 10.3 of the WDSF Anti-Doping Code,
- Fines in cases of Article 10.10 (b) of the WDSF Anti-Doping Code.

The above mentioned sanctions may be combined.

8.10.3 The period of ineligibility starts as provided in Article 10.11 of the WDSF Anti-Doping Code.

8.10.4 If the Chamber in Charge decides to reduce or suspend standardised periods of ineligibility as provided in the WDSF Anti-Doping Code based on Articles 10.4 to 10.6 of the WDSF Anti-Doping Code, the reasons in the formal decision must include explanations for such a reduction (Article 8.2.1 of the WDSF Anti-Doping Code).

8.10.5 If a violation of the WDSF Anti-Doping Code is determined based on an In-Competition Test, the decision must include the disqualification of the result in that specific competition, including a return of prize money, awards, titles and ranking points. Further consequences according to Article 10.1 of the WDSF Anti-Doping Code regarding the event in which the competition took place remain reserved.
8.10.6 If a decision of the Chamber in Charge determines that the Accused violated the WDSF Anti-Doping Code, competition results obtained by the Accused between the time of a positive sample collection or another violation of the WDSF Anti-Doping Code and the start of a provisional suspension or period of ineligibility must be disqualified, including a return of prize money, awards, titles and ranking points, unless fairness requires otherwise (Article 10.8 of the WDSF Anti-Doping Code).

8.10.7 The WDSF Presidium and the WDSF Member Body an Accused belongs to decide on the withholding of financial support and benefits based on final decisions of the WDSF Disciplinary Council according to Article 10.12.4 of the WDSF Anti-Doping Code.

8.10.8 If WDSF Officials who are not elected by the Annual General Meeting, WDSF employees or persons or legal entities who or which are linked to WDSF directly or indirectly by a contract are found guilty of having violated the WDSF Anti-Doping Code, the Chamber in Charge may, instead or in complement of sanctions which could be issued directly by the Chamber in Charge, give the Presidium the binding instruction or recommendation to take appropriate actions, including without limitation dismissal from office, filing of civil or criminal actions against WDSF employees and/or suspension of cooperation.

8.10.9 WDSF Member Bodies or WDSF Officials who are elected by the Annual General Meeting cannot be sanctioned by the Chamber in Charge. If such Officials or WDSF Member Bodies are found guilty of having violated the WDSF Anti-Doping Code, the Chamber in Charge may advise the Annual General Meeting to remove the Official from office or to expel the regarding WDSF Member Body.

8.11 Appeal

8.11.1 Formal decisions taken by the Disciplinary Council as a result of an Arbitration Enquiry may be submitted exclusively by way of appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, according to Article 13 of the WDSF Anti-Doping Code. The CAS will issue a final ruling in accordance with the Code of sports-related Arbitration.

8.11.2 Provisional suspensions imposed by a Chamber in Charge as well as decisions by a Chamber in Charge to suspend a part of the period of ineligibility, regarding the reinstatement of suspended periods of ineligibility and regarding the violation of periods of ineligibility are subject to an appeal to CAS just as formal decisions in Article 8.11.1 above. Regarding provisional suspensions, the last paragraph of Article 13.2.3 of the WDSF Anti-Doping Code applies.

8.11.3 Decisions of the Chamber in Charge to adjourn or dismiss an Arbitration Enquiry are subject to an appeal to CAS based on Article 13.2 of the WDSF Anti-Doping Code.

8.11.4 Appeals according to Article 8.11 of this Code may be brought to CAS within twenty-one (21) days as from the date of receipt of the decision by the WDSF Disciplinary Council. Article 13.7.1 of the WDSF Anti-Doping Code applies to organisations that did not participate in the procedure of the WDSF Disciplinary Council.

8.11.5 Filing an appeal according to Article 8.11 of this Code does not suspend or affect the decision of the Chamber in Charge, which remains in full force until the CAS has taken its respective decision.
9. Final clauses

9.1 This Code is a Rule according to Articles 21 (1) and 21 (4) of the WDSF Statutes. The WDSF Continental Associations and Associate Members are required to abide by this Code as a term of their respective Membership Agreements.

9.2 This Code has been accepted by the WDSF General Meeting on the occasion of its Annual General Meeting on 12 June 2016 in Rome, Italy. It enters into force on the day after this General Meeting. It applies to all violations of WDSF’s Governing Documents committed on or after that day.

This Code was adopted by the WDSF Annual General Meeting on 12 June 2016 in Rome, Italy (Version 1.0), and amended on the occasion of the WDSF Annual General Meeting on 12 June 2017 in Singapore (Version 1.1).