

FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE



# **FIG Policy and Procedures for Compliance**

Version 1.0 – December 2018

# PART 1

## FIG POLICY for Compliance

### 1. INTRODUCTION

The FIG requires all members of its authorities and its FIG member federations, herein referred to as National Federations (NFs) and other participants in FIG Gymnastics Activity to comply with FIG Rules including FIG Statutes, Codes, Regulations, Policies. NFs are responsible for the behaviour of their members, gymnasts, judges and officials as well as for any other person assigned by them to officiate during a competition. NFs must ensure NF participants understand and comply with the standards of behaviour set out in the FIG Code of Conduct whilst representing the NFs in FIG Gymnastics Activity.

The FIG has incorporated the Gymnastics Ethics Foundation to provide an independent decision-making body to deal with alleged breaches of FIG Rules in accordance with the FIG Code of Discipline and, in particular, to manage disciplinary proceedings in accordance with FIG Rules.

This policy and procedure sets out the action that will be taken by the Gymnastics Ethics Foundation in response to any breaches of FIG Rules, subject to the provisions of the Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics.

### 2. CURRENT CONTEXT

The Gymnastics Ethics Foundation has a Compliance Section that is notably responsible for overseeing good governance within the FIG Authorities and a Disciplinary Section which is made up of a Disciplinary Commission and an Appeal Tribunal.

The Disciplinary Section of the Foundation is responsible for all activities previously carried out by the FIG Disciplinary Commission and FIG Appeal Tribunal in accordance with the Statutes and Code of Discipline of the FIG. In addition, the Compliance section is responsible to perform an initial compliance analysis of all complaints brought to its attention that may amount to a breach of FIG Rules and determining what, if any action is required to bring the matter to resolution. The FIG and the NFs are responsible for applying any sanction imposed on a participant under the FIG Code of Discipline.

The FIG Code of Discipline provides for the following FIG Authorities to have limited disciplinary authority as outlined below:

- FIG Technical Committees for sanctions apply to judges/coaches and other officials and competitors taking part in FIG events as outlined in the General Judges' Rules, the Specific Judges' Rules and respective Code of Points.
- The FIG Secretary General for administrative measurement as outlined in the FIG Accreditation Rules and sanctions as defined in the Code of Auto discipline.
- The FIG Council or the FIG Congress subject to specific rules provided for in the FIG Statutes.

Any disciplinary sanctions taken by an FIG Authority against an NF or individual can be appealed to the Gymnastics Ethics Foundation (Disciplinary Section) in accordance with the FIG Code of Discipline.

### **3. DEFINITIONS/TERMINOLOGY**

The terms used in this policy shall be interpreted as follows:

“FIG Rules” - shall mean any FIG requirements to which participants must comply and include but are not limited to the FIG Statutes, FIG Code of Ethics, FIG Regulations, FIG Anti-Doping Rules, FIG Policies, FIG Code of Conduct and FIG Code of Points, the IOC Code of Ethics, including its implementing provisions, as well as the World Anti-Doping Code, including its international standards.

“FIG Gymnastics Activity” – shall mean any activities under the direct jurisdiction of the FIG. It shall not include FIG sanctioned events run by NFs.

Any capitalized terms not defined herein shall have the meaning assigned to them in the Statutes and/or the Operational Rules of the Gymnastics Ethics Foundation or in the FIG Rules.

### **4. PURPOSE**

The overall purpose of the policy is to ensure breaches of FIG Rules are dealt with fairly, transparently, consistently, timely, proportionately and without bias and to provide an independent process by which NFs and individuals who have been subject to a sanction by an FIG Authority can appeal against this decision.

### **5. SCOPE**

This policy and procedures applies to any alleged breaches of FIG Rules by member federations and their representative gymnasts (athletes), members of the athlete entourage, coaches, judges, medical personnel participating in FIG activities, as well as FIG authorities and all other persons including officers, directors, employees, agents, honorary members, officials, registered participants and volunteers acting on behalf of FIG (all referred to as a “participant”).

The reference to FIG employees in this Policy only applies to those who are involved in the delivery of FIG Gymnastics Activity.

The policy also applies to appeals by any of the above participants against disciplinary sanctions imposed by an FIG Authority.

This policy does not apply to any allegations of harassment and abuse as defined in the Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics.

### **6. MONITORING AND REVIEWING**

The policy will be regularly reviewed to ensure it adequately meets the FIG’s responsibilities and as part of an overall case review and information analysis.

This Policy has been approved by the Executive Committee at its meeting in Baku (AZE) on 1<sup>st</sup> December 2018.

## **PART 2**

### **PROCEDURE**

#### **COMPLIANCE PROCEDURE**

The Compliance Section of the Gymnastics Ethics Foundation is responsible for responding to matters referred to it under the Compliance Policy in accordance with these procedures.

Where a participant representing an NF in FIG Gymnastics Activity has allegedly behaved in a way that is in breach of both FIG Rules and the NF Code of Conduct, the incident shall be dealt with by such NF, provided that the FIG is satisfied that the NF will deal with the matter appropriately in accordance with NF procedures.

If, in the opinion of the FIG, the NF does not have appropriate policy and procedures in place or has failed to take appropriate action, any breaches of the FIG Rules matter may be referred to the Gymnastics Ethics Foundation for action under these procedures.

These procedures do not provide a route of appeal for decisions made by NF except in cases where it is alleged that the NF has failed to apply appropriate procedures. In this case, the FIG may direct the matter to the Gymnastics Ethics Foundation.

The Compliance Section of the Gymnastics Ethics Foundation is also responsible to:

- monitor good governance and ethical principles of the FIG. (Art. 2 of the Gymnastics Ethics Foundation Constitution)
- supervise the compliance of the FIG's authorities and its members with the FIG Statutes, the Code of Ethics, and all other FIG Rules, the IOC Code of Ethics, including its implementing provisions, as well as the World Anti-Doping Code, including its international standards;

#### **1. ASSESSMENT**

##### **Initial review**

The Gymnastics Ethics Foundation Compliance Section will assess all matters referred to it under these procedures and may:

- Refer the matter to the FIG or NF with instructions, advice or guidance;
- Refer the matter to another organisation e.g. the police;
- Formally investigate;
- Dismiss the matter as unfounded or as insufficiently serious to require any further action; or
- Where suspicions deems founded, refer the matter for consideration to the Director of the Gymnastics Ethics Foundation for further action.

The Gymnastics Ethics Foundation Compliance Section may decide to temporarily suspend a participant or the activities of an FIG authority.

##### **Investigations**

Where an investigation is required, the Compliance Section shall assign an individual who shall be responsible for carrying out the investigation, in accordance with these procedures and to an appropriate timeline agreed by the Foundation. Where relevant, the investigator may request information from the FIG, NFs and other relevant organisations.

The investigator may require written or oral representations from relevant parties. Failure to cooperate with a request to provide relevant information may itself be considered misconduct.

## **Review of evidence**

The investigator shall prepare a report and include all relevant evidence. Based on the findings as set out in this report, the Director of the Gymnastics Ethics Foundation may determine that:

- Disciplinary proceedings are to be opened;
- Further investigations are instigated;
- Instructions, advice or guidance is provided to the relevant participants and/or Authorities; or
- No further action is taken.

## **2. DISCIPLINE AND APPEALS**

Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the FIG Code of Discipline. The standard of proof is as per the determination in the FIG Code of Discipline.

The Gymnastics Ethics Foundation will provide appropriate support and guidance to ensure participants involved in this process understand the disciplinary and appeal procedures, especially if children are involved.

## **3. CONFIDENTIALITY AND INFORMATION SHARING**

Any information pertaining to a complaint shall be regarded as confidential.

The Gymnastics Ethics Foundation may disclose confidential information to appropriate individuals, authorities or other organizations where it is deemed necessary to comply with these procedures.

The FIG and any applicable NF will be kept informed by the Gymnastics Ethics Foundation of any relevant decisions and where appropriate will be responsible for implementing the judgements of the Disciplinary Commission or Appeal Tribunal.

Where the FIG or an NF has been instructed to implement judgements or to make improvements to their governance they will be responsible for providing information to the Gymnastics Ethics Foundation that is sufficient to confirm the required actions have been taken.

Any affected parties will be notified by the FIG of the outcome of any disciplinary or appeal panel decisions. The publication of decisions of the Disciplinary Commission and Appeal Tribunal are set out in the FIG Code of Discipline.

## **4. RETENTION OF RECORDS**

Any records within the scope of this policy may be retained by the Gymnastics Ethics Foundation in accordance with Swiss law and until expiry of the limitation periods set out in the FIG Code of Discipline or otherwise as determined by the Disciplinary Commission or Appeals Tribunal.

These Procedures have been approved by the Executive Committee at its meeting in Baku (AZE) on 1<sup>st</sup> December 2018.

## **4. INTERPRETATION**

In case of any discrepancy between (i) the provisions as set out in this Policy and (ii) the Articles of Incorporation and/or the Operational rules of the Gymnastics Ethics Foundation, the latter shall prevail.