



Dated: March 2022

WCF DISCIPLINARY & APPEALS POLICY

PURPOSE

This policy has been adopted by the World Curling Federation (WCF) Board of Directors, to provide a framework and process for all disciplinary matters or grievances at Championships, events and activities organised by (or managed by) the WCF (collectively referred in this policy by the term “WCF event”), should they be required. Sanctions referred to in this policy can be applied to individuals, teams or Member Associations and can equally be applied, if appropriate, outside of a WCF event where there is an alleged violation or breach of a WCF policy. Where the disciplinary matter needs to be escalated or the outcome is appealed, parties involved will adhere to Section 7 in this policy.

1. INTRODUCTION AND APPLICATION OF THIS POLICY

1.1. This Policy was created by the WCF with the aim of ensuring how disciplinary action can be managed in accordance with the Rules of Curling and Rules of Competition

1.2. This Policy applies to all Member Associations, Players or Official

1.3. The WCF will appoint a Disciplinary Panel (DP) responsible for adjudicating disciplinary matters or grievances arising during WCF events, (in accordance with item 4.1) with the same being applicable if a breach of policy occurs outside of a WCF event

1.4. The term “Official” in this policy shall refer to a person who is accredited, listed, or acts as an accompanying person at WCF events (e.g., trainer, coach, doctor, umpire, technical official, delegate, representative, team manager, organiser, staff)

2. DISCIPLINARY MATTERS

2.1. Any person subject to the disciplinary jurisdiction of the WCF by virtue of item 1.2 shall be liable to disciplinary action if their conduct is considered to be inappropriate, incorrect, improper, unlawful, or unsporting and/or has the potential to bring the sport of curling or the WCF into disrepute with their actions being reported to the WCF.

Breaches which constitute criminal conduct may also result in criminal prosecution. If the breach

includes a violation of the law, the matter may be referred to the appropriate law enforcement authority.

2.2. Penalties imposed on Member Associations, Players or Officials must follow these disciplinary regulations. The severity of the penalty imposed depends on the nature of the offence and is at the discretion of the DP.

3. PENALTIES

3.1. The following penalties may be imposed:

- verbal / written reprimand
- fine
- suspension
- disqualification
- removal of ranking points
- return of awarded prizes
- ban from competition
- ban from performing a function
- exclusion from the WCF
- other action deemed suitable by the DP

A combination of the above penalties, including a combination with a fine, is allowed.

A repeat offender may be punished more severely.

3.2. Penalties may be suspended. The Disciplinary Panel shall define the period for which any penalty may be suspended as well as any conditions the offender may need to meet during that period. If the offender breaches the conditions within the period identified by the DP, the original penalty will take effect and a new penalty may be issued. When deciding on a new penalty, it shall be considered that a previous penalty was already set. Penalties may be cumulative.

4. DISCIPLINARY PANEL (DP)

4.1. Upon receipt of a written submission (requirements provided for in item 5.2) to the Chief Umpire or Event Organiser or to the WCF (if the breach occurs outside of a WCF event), the WCF Secretary General will appoint a DP that shall normally consist of no fewer than three individuals. These individuals shall be selected by the WCF Secretary General from a list of suitably qualified persons identified by the Board. The individuals selected shall have no connection to any person involved in the matter, and should they become aware of any conflict that could be seen to have an impact on their judgement, they shall inform the WCF representative and withdraw from the process.

4.2. The DP has the power to impose the penalties in 3.1. following an offence.

5. DISCIPLINARY PROCEDURE

5.1. The disciplinary procedure shall be based on the procedural rules of the CAS – Court of Arbitration for Sports in every aspect not specifically covered in this procedure.

5.2. The disciplinary procedure starts with a written submission by any interested party (submitter). This submission must state the name of the respondent, the nature of the alleged offence and available evidence.

5.3. The DP will make its decision based only on the written reports and evidence, as well as any submission from the respondent. A decision may be taken outside of an official meeting using any formal means of communication between the DP members.

5.4. When the respondent attends a disciplinary meeting, they are entitled to be accompanied by a representative and an interpreter, if required, as the official language of the WCF is English. The role of the representative is to ensure that the hearing is fair and managed effectively.

5.5. If an applicant or respondent is under 18 at the date of the alleged disciplinary matter:

5.5.1. The Secretary General shall appoint someone to act as a Child Protection Officer to ensure his or her interests are protected. The DP shall consult with the person nominated so they may exercise and act in the best interest of the respondent

5.5.2. Any written communication will be copied to their parent or carer

5.5.3. If the respondent or witness is under 18 at the date of the alleged disciplinary matter, they may be accompanied by a parent or carer at any meeting or proceedings

5.5.4. When considering any sanction, the DP shall consider the age of a respondent under 18 at the date the disciplinary matter is alleged to have occurred

5.6. The disciplinary meeting shall take place as quickly as is practicable, but no later than one month following the respondent's submission

5.7. The venue of the meeting will be decided by the DP and communicated to the respondent. This meeting could take place via a video conference, Zoom or Microsoft Teams, if deemed necessary

5.8. Any expenses incurred by the respondent must be paid by the respondent or the respondent's Member Association

5.9. The meeting will follow these principles:

5.9.1. The DP will chair the meeting

5.9.2. The only people who may be present are the submitter and their representative(s) and the respondent and their representative(s)

5.9.3. The meeting shall start with introductions of those present and their roles and then follow the format below

5.9.4. The DP will explain to the respondent that they must tell the truth and that there is no requirement for the DP to answer any questions

5.9.5. Presentation of evidence

5.9.6. Additional evidence may be presented

5.9.7. Summary of points from each party with the respondent having the opportunity of being heard last

5.10. The DP's decision will be made with no other person present. The decision will be announced as soon as is practical to do so and in a timely manner

5.11. The decision will be confirmed, in writing, within seven days of the meeting to the respondent, the applicant and any other athlete, connected person or associate body involved. The letter will explain the appeal process (including the timeframe) and how to pay for the appeal. Further detail on the Appeals Policy can be found under Section 7

5.12. The disciplinary proceedings are confidential. However, the WCF may make a public statement relating to the outcome of the proceedings and any penalty issued

6. RECORD KEEPING

6.1. The chair of the DP shall provide minutes of each hearing which shall contain a record of the procedural business of the meeting and a record of each hearing (which shall be contained in a separate document) is taken. The chair of the DP shall also provide written reasons for any findings made by the DP including the sanction, if any, and the factors that were taken into consideration when imposing such a sanction

6.2. Records relating to a disciplinary matter shall be kept for two years, or in accordance with Swiss law whichever is longer, after any investigation, proceedings and sanction imposed are all completed

7. APPEALS

Any policy which has been enforced or sanction which has been applied is open to an appeal

7.1. The respondent or the respondent's Member Association shall have the right to appeal against the DP's decision. A valid appeal may delay the imposed penalty, except for any administration fines and suspension

7.2. The Appeal Process:

7.2.1. Complaints, escalations, or appeals will be made in writing to the Secretary General, who, in conjunction with the WCF Board, will appoint a panel of suitably qualified individuals to hear the appeal within 14 days of receipt of the appeal. Individuals may be appointed from outside the membership or WCF Board based on the requirement for a certain level of expertise depending on the appeal/escalation

7.2.2. Any individual or body sanctioned for a breach of WCF Policy has the right to appeal against the decision unless the policy states the decision is final

7.2.3. No person will sit on both the original decision-making panel and the appeal panel

7.2.4. The Secretary General or their appointee shall act as facilitator to the hearing panel but holds no vote in the final decision

7.2.5. All panels will be made up of no less than three members and will always be an odd number so a tie in the decision process is not possible. It shall also not exceed seven members

7.2.6. The cost to bring an escalation/appeal will be \$100 USD. Should the party lose the decision and the original decision stands then the applicant shall forfeit the fee. Should the party win the escalation/appeal then the fee shall be returned

7.2.7. Unless otherwise stated decisions may be appealed to the Court of Arbitration for Sport (CAS) but only once all internal WCF processes have been exhausted