



International Ski
Mountaineering
Federation

ISMF Disciplinary Rules ___/___/___ by MC

International Ski Mountaineering Federation

ISMF Disciplinary Rules



CONTENTS

Article 1: Foreword	3
Article 2: Obligations of member federations and associations.....	3
CHAPTER I: PROVISIONS RELATIVE TO THE INTERNATIONAL DISCIPLINARY COMMISSION.....	3
Article 3: Appointment and obligations of members.....	3
Article 4: Functioning of the International Disciplinary Commission	4
Article 5: Right to public hearings	4
Article 6: Incompatibility of a mandate.....	4
Article 7: Confidentiality.....	4
Article 8: Language used in proceedings and hearings	4
Article 9: Competency of the commission.....	5
Article 10: Initiation of investigations and instigation of proceedings	5
Article 11: Notice of hearing	5
Article 12: Investigation period	6
Article 13: Course of proceedings	6
Article 14: Postponing a hearing.....	6
Article 15: The hearing	7
Article 16: Deliberations of the Commission.....	7
Article 17: Time limit of decision.....	7
CHAPTER II: APPEAL PROCEDURE BEFORE THE COURT OF ARBITRATION FOR SPORT (CAS).....	7
Article 18: Appeal procedure	7
Article 19: Sanctions.....	8
Article 20: Date of effect of sanctions	8
Article 21: Suspended sanctions	8

Introduction and Foreword

Article 1: Foreword

Upon adoption by the ISMF plenary assembly, these rules, drafted and approved in accordance with articles 12 and 14 of ISMF statutes, abrogate and replace all previous provisions relative to the implementation of disciplinary proceedings by UIAA-ISMC.

These rules were approved by the plenary assembly of ISMF at Champéry, Switzerland on **27th February 2008**.

These rules do not apply to disciplinary proceedings relative to anti-doping, which are described separately in the ISMF anti-doping rules, in compliance with the requirements of the World Anti-Doping Agency (WADA-AMA).

Article 2: Obligations of member federations and associations

All member associations and federations must approve and execute their own disciplinary proceedings, to deal with both first instance cases and appeals, and be able to instigate disciplinary proceedings against their athletes and other respondents at both levels.

The disciplinary bodies and proceedings of member associations/federations and ISMF are entirely independent, any sanctions taken by either party may therefore be cumulative.

Disciplinary bodies and proceedings

CHAPTER I: Provisions relative to the International Disciplinary Commission

Article 3: Appointment and obligations of members

ISMF has instituted a disciplinary body which implements disciplinary proceedings against member associations of ISMF, members of member associations of ISMF, ISMF license holders, and any other person falling under the authority of ISMF's disciplinary rules.

This body is called the *International Disciplinary Commission*.

The International Disciplinary Commission is composed of five members who are appointed on the grounds of their competence in legal and deontological matters.

A majority of members are not members of the Management Committee of ISMF.

Members are appointed for four years. In all cases, this mandate terminates simultaneously with the mandate of the Management Committee. Members of the International Disciplinary Commission and the chair are appointed by the Management Committee. One of the members of the Executive Board must be member of the International

Disciplinary Commission. He/she is appointed at the beginning of the mandate by the president of ISMF. In the absence of this member, he/she is replaced by another member of the Executive Board appointed by the president of ISMF.

The president of ISMF may not be a member of the International Disciplinary Commission.

Members of the International Disciplinary Commission must not be under contract with ISMF in any way apart from the contracts that commonly apply when joining the federation or to ISMF license holders.

Substitutes are appointed for each member. The conditions of their appointment are the same as for the members.

In the absence of the chair, the oldest member present chairs the session.

In the event of a permanent impediment of a member, a new member is appointed in the same conditions as his/her predecessor and for the duration of the remaining mandate. In cases of utmost urgency, the Executive Board appoints a temporary member. This appointment must be approved at the following meeting of the Management Committee.

The Management Committee takes note of an impediment. In cases of utmost urgency, this function is ensured by the Executive Board. This may occur particularly if ISMF receives resignation in writing of a member, if the member no longer fills the conditions for appointment, in the event of unjustified absence at three consecutive hearings or death.

Article 4: Functioning of the International Disciplinary Commission

The International Disciplinary Commission meets upon call of its chair or the person appointed for this purpose. Deliberations are valid only if at least three of its members are present.

Depending on the circumstances, the post of secretary of the audience is assumed by a person appointed either by the commission or by the management committee upon proposal by the chair.

The chair has a casting vote in the event of a tie.

Article 5: Right to public hearings

The hearings of the International Disciplinary Commission are open to the public. Nevertheless, on request of one of the parties or automatically, the chair may prohibit public access to the hearing during all or part of the proceedings, in the interest of law and order or when the right to privacy justifies this action.

Article 6: Incompatibility of a mandate

Members of the International Disciplinary Commission may not sit or take part in hearing if they have any direct or indirect interest in the outcome.

Article 7: Confidentiality

Members of the International Disciplinary Commission and secretaries of audiences are strictly compelled to confidentiality concerning all facts, acts and information of which they have knowledge in the scope of their office.

Any infringement to these provisions will incur exclusion of the concerned member from the International Disciplinary Commission by decision of the Management Committee upon proposal by the president of ISMF.

Article 8: Language used in proceedings and hearings

For each case, the chair of the International Disciplinary Commission decides which language is to be used for both proceedings and hearings. Languages will be either French or English, or another language in exceptional circumstances.

Any expenses relevant to translating the documents either provided or requested by the respondent are to be met by the respondent.

If during hearings, the respondent does not speak or understand sufficiently the language used, he/she may be assisted by a person able to translate the debate. Expenses associated with this person are to be met by the respondent.

Article 9: Competency of the commission

The International Disciplinary Commission is competent in:

- sanctions for reprehensible acts committed in the scope any of the activities covered by the international federation;
- sanctions for infringement of the statutes and regulations of ISMF;
- sanctions against any unsporting behaviour, breaches to the moral and ethics rules of sports or any act liable to undermine the image and interests of ISMF and its bodies.

Article 10: Initiation of investigations and instigation of proceedings

Disciplinary proceedings are instigated according to the procedure described in this article.

All requests to initiate disciplinary proceedings must be sent to the headquarters of ISMF for the attention of the president.

Upon receipt of a request to initiate disciplinary proceedings, the president of ISMF will decide without appeal which action to take in the best interest of ISMF. On this account, he/she may decide:

- not to initiate disciplinary proceedings;
- to initiate disciplinary proceedings;
- to pass on the case to a member national federation for further action if he/she esteems that the case does not come under the remit of ISMF.

The president of ISMF may also, even in the absence of a request to initiate proceedings, initiate disciplinary proceedings if facts concerning an infringement to disciplinary rules come to his/her knowledge. He/she can use this power without any time limit in the best interest of the federation.

For each case, the president of ISMF appoints one or more people in charge of investigations among ISMF license holders or employees. These individuals must not be members of the International Disciplinary Commission nor have a direct or indirect interest in the outcome of the case.

They are strictly compelled to confidentiality concerning all facts, acts and information of which they have knowledge in the scope of their office. Any infringement to these provisions will be sanctioned by the Executive Board and will lead to suspension from office for a given period.

They will act on the authority of the president of ISMF for all correspondence related to the investigation.

They will conduct the investigation for both incriminating and exculpatory evidence.

Article 11: Notice of hearing

The ISMF representative in charge of the investigation notifies in writing the respondent and, if necessary, the person with parental rights, that disciplinary proceedings have been instigated in a letter stating the grievances held against the respondent. This document must be either sent by registered post with notification of receipt, delivered by a bailiff, hand-delivered against receipt or using any other means proving that the respondent

has received the document. At the same time, the respondent is informed that he/she can request a copy of the supporting documents of the investigation by addressing a registered letter with notification of receipt to the ISMF representative in charge of the investigation.

Article 12: Investigation period

In view of supporting evidence, the ISMF representative in charge of the investigation will draw up a report as quickly as possible for the International Disciplinary Commission. He/she is not competent to drop a case. When, after consideration, the ISMF representative in charge of the investigation deems that the case does not call for a disciplinary hearing, he/she informs the chair of the International Disciplinary Commission of this opinion. The chair may then decide to drop the case by acquittal or hold a hearing. The president of ISMF is informed immediately if the case is dropped. The president may then cancel this decision within a period of 10 days and impose a hearing.

Article 13: Course of proceedings

The respondent, and if necessary the person with parental rights, are summoned in writing to appear before the International Disciplinary Commission by its chair, in the conditions defined in article 10, at least two weeks before the date of the hearing .

If disciplinary proceedings are instigated against a legal entity, its statutory representative is summoned in the same conditions.

The respondent cannot be represented by legal counsel alone. He/she may be assisted by one or more people of his/her choice.

The respondent or his/her counsel may consult, at the place of the hearing and before the hearing, the report and the entire case file. He/she may request to be heard by people of his/her choice. For this he/she must communicate the names of these people at least eight days before the meeting of the International Disciplinary Commission. The chair of the latter may refuse hearing requests which appear improper.

Expenses related to the travel arrangements of the respondent, his/her counsel and people that he/she has requested for the hearing shall be met by the respondent.

The notification letter mentioned in the first paragraph of this article will inform the respondent of his/her rights as defined in the present article. The letter shall also state the language in which the hearing will take place and the respondent's right to be assisted, at his/her own expense, by a person capable of translating the debates.

The 15 day notification period mentioned in the first paragraph of this article may be reduced to eight days in cases of urgency and on request of the ISMF representative in charge of the case.

Exceptionally, this time limit may be reduced to less than eight days on request of the license holder or the chair of the International Disciplinary Commission in duly justified emergency situations.

In the cases of urgency provided for in the previous two paragraphs, no time limit is set for the respondent's request to be heard by people of his/her choice.

Article 14: Postponing a hearing

Requests to postpone a hearing will not be granted in the cases of urgency provided for in article 13, except in cases of absolute necessity.

In all other cases, postponement can be requested only once, at least forty-eight hours prior to the hearing, except in cases of absolute necessity. Postponement must not exceed 20 days.

Article 15: The hearing

During the hearing the ISMF representative in charge of the case reads his/her report.

The chair of the International Disciplinary Commission can call any person whose testimony is deemed useful to give evidence before the Commission. If such persons are to be heard, the chair informs the respondent of this before the hearing.

The respondent and, if applicable, his/her counsel are invited to speak last.

Article 16: Deliberations of the Commission

The deliberations of the International Disciplinary Commission shall take place in private and in secret. The respondent, his/her counsel, any people who give evidence at the hearing and the ISMF representative in charge of the case are not present during the deliberations. The Commission pronounces a decision and the reason for this decision.

The decision is signed by the chair and the secretary of the hearing.

Notice of the decision is given in writing as soon as possible after the hearing in the conditions defined in article 11. The notification letter gives information about appeal procedures and deadlines.

The president of ISMF is informed of the decision. Once the decision is final, the president of the respondent's member federation and any other person whose support is deemed necessary by the International Disciplinary Commission for the proper fulfilment of the decision are also informed.

Subject to the appeal procedure provided for in article 18, the decision of the International Disciplinary Commission is published in the official report of ISMF. The International Disciplinary Commission decides how the decision is published (totality, extracts, summary, anonymously or not).

The published decision must not specify any names or information which might undermine the right to privacy or constitute a breach of medical confidentiality.

Article 17: Time limit of decision

Except in exceptional circumstances, the International Disciplinary Commission must pronounce its decision within five months after instigation of disciplinary proceedings.

If a hearing is postponed as provided for in article 14, the time limit stated in the previous paragraph is extended by a number of days equal to the postponement.

Proceedings are considered terminated by failure to render a decision within this time limit.

CHAPTER II: Appeal procedure before the Court of Arbitration for Sport (CAS)

Article 18: Appeal procedure

A right to further appeal against a decision pronounced by the International Disciplinary Commission can be filed before the Court of Arbitration for Sport in Lausanne, Switzerland, which will deal with subject to the rules of that Court. The deadline for filing appeal is twenty one days after receipt of notice of the decision.

The respondent and the president of ISMF have the right to appeal against a decision of the International Disciplinary Commission.

Disciplinary sanctions

Article 19: Sanctions

Without prejudice to possible precautionary measures taken by the president of ISMF in accordance with the general principles of law and rights, sanctions include:

- 1) penalties such as:
 - disqualification,
 - relegation,
 - cancellation of a record.

- 2) disciplinary sanctions selected among the following measures:
 - a) warning;
 - b) reprimand;
 - c) ineligibility from events or office: ineligibility from events or office is a sanction that temporarily deprives the person of the right to take part in events or activities either organised or approved by ISMF or to hold one or more specific offices. The rights and duties associated with being an international federation license holder that are not concerned by the ineligibility decision are upheld unchanged during the duration of ineligibility,
 - d) financial penalties. Failure to pay these penalties incurs:
 - prohibition of the athlete from holding an ISMF license,
 - banning from office for sports executives and administrators.
 - e) temporary withdrawal of the license: temporary withdrawal of the license is a sanction that temporarily deprives the person of all prerogatives associated with the license. During temporary withdrawal, the party concerned must not take advantage of the benefits of the ISMF license, hold any ISMF related office, take part in any of the bodies of ISMF or any activities organised by ISMF.
 - f) banning.

- 3) Ineligibility for a given period in any of ISMF's executive bodies in the case of serious offences related to sports deontology and/or ethics.

In the event of a first violation and with the respondent's consent (and if necessary that of the parental authority), ineligibility from events may be replaced or complemented by community work over a given period to the advantage of ISMF, a member federation or an international sports association.

Article 20: Date of effect of sanctions

The International Disciplinary Commission sets the date of effect of any sanctions and the mode of enforcement.

Article 21: Suspended sanctions

In the event of a first violation the sanctions provided for in article 19, other than warnings, reprimands and banning, may be applied as suspended sanctions.

A suspended sanction becomes void if the respondent is not subject to another sanction provided for in article 19 within three years of the decision. Any additional sanction during this period will result in revocation of the suspended sanction regardless of the reasons.