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## **IDSF LEGAL COMMISSION**

### **2011 ANNUAL GENERAL MEETING**

**LUXEMBOURG, JUNE 19, 2011**

### ***Presidium's Motion to Amend the Code of the IDSF Disciplinary Council***

- 1. *MOVED*, that the *Code of the IDSF Disciplinary Council* be amended as shown below with underlining, except where for the proposed changes to "World DanceSport Federation" and "WDSF":**



# Code of the

# **WDSF**

# Disciplinary Council

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**Version 2.0**  
as accepted by the  
**WDSF** General Meeting  
on  
June 19, 2011

## Preamble

Consistent with the ideals of DanceSport and Ethics, the **World DanceSport Federation (WDSF)** expects its Member **Bodies**, its athletes and adjudicators as well as its other responsible officials to comply with the appropriate standards of ethics, moral and good behaviour and to conduct themselves in a sportmanlike manner. In accordance with these principles, the WDSF does not tolerate any discrimination based on political, religious or racial grounds or the grounds of sexual orientation, nor any other violations of human rights.

The purpose of this Code and the **WDSF** Disciplinary Council shall thereof be to ensure the maintenance of these standards and principles in order to further strengthen and develop DanceSport around the globe.

## I. General Terms

### Article 1 Integral Part of the Statutes

The Code of the **WDSF** Disciplinary Council (“DC Code”) is an integral part of the **WDSF** Statutes (*according to article 20 of the **WDSF** Statutes*).

**Furthermore, the DC Code forms a part of the rules and regulations of the WDSF Associate Members based on the Associate Membership Agreement in force (articles 3.4.3.2. and 3.4.3.4.)**

### Article 2 Scope of the **WDSF** Disciplinary Council

The **WDSF** Disciplinary Council shall be the sole judicial organ of the **WDSF**.

It shall be responsible and entitled to render formal judgement on the following issues:

- Breach of the **WDSF** Statutes by a Member **Body**, athlete or official
- Breach of **WDSF**'s rules, regulations, policies and principles
- Breach of ethical principles and rules, as defined and elaborated by the **WDSF** Presidium and the Ethics Commission
- Acts of harassment (whether sexual or otherwise)
- Violations of the **WDSF** Anti-Doping Code

The scope of the **WDSF** Disciplinary Council shall not include issues and circumstances with regard to disputes between **WDSF** Member **Bodies** and their members and athletes, unless the **WDSF** Member Body has explicitly decided to designate the **WDSF** Disciplinary Council as instance of appeal for **such** matters and the **WDSF** Disciplinary Council has agreed to take on this role.

**According to Article 3.4.4 of the Associate Membership Agreements, the WDSF Disciplinary Council shall act as the sole arbitration body to solve disputes and disagreements inside the respective Associate Members by applying the DC Code.**

In case of any disputes it is in the power of the **WDSF** Disciplinary Council to decide whether or not it considers itself as competent according to this Code.

### **Article 3    Governing Law**

Following the **WDSF** Statutes, all procedures of the Disciplinary Council are governed by Swiss Law.

## Article 4 Language

The language in which the Disciplinary Council is acting shall be English. Any document submitted to the Disciplinary Council and any communication must be in English.

## Article 5 Legitimation / Standing

### 5.1 Active Legitimation or Standing

The following persons are eligible to **actively** approach the **WDSF** Disciplinary Council to submit a formal complaint

- The **WDSF** Member Bodies
- The **WDSF** Competitors/Athletes\*
- The **WDSF** Chairmen
- The **WDSF** Adjudicators
- The **WDSF** Competition Organisers
- The **WDSF** Anti-Doping Representative

In order to be actively legitimated to submit a formal case, the respective person must be directly affected by the respective activity in question. A WDSF Member Body is **also** deemed to be “directly affected”, if one of its licensed competitors or athletes is directly affected.

### 5.2 Passive Legitimation or Standing

Any eligible person according to art. 5.1 may submit a formal complaint against the following persons:

- The **WDSF** Presidium or any individual member thereof

- Any **WDSF** Member Body
- Any **WDSF** Competitor/Athlete
- Any **WDSF** Chairman
- Any **WDSF** Adjudicator or any adjudicator being engaged in any **WDSF** Competition
- Any **WDSF** Competition Organiser
- The **WDSF** Anti-Doping Representative
- Any formal **WDSF** official

*\*) As long as there is no formal WDSF licensing process for the competitors/athletes, the persons/athletes having either entered WDSF Championships and/or Competitions are considered to be "WDSF Competitors/Athletes for the purpose of this Code.*

## **II. The Disciplinary Council**

### **Article 6 Composition and election of the Disciplinary Council**

The Disciplinary Council shall consist of nine (9) **WDSF** members:

- 1 Chair (or President)
- 2 Vice-Presidents
- 6 Ordinary Members

The members of the Disciplinary Council are elected by secret ballot by the **WDSF** Annual General Meeting for a period of three years. They can be re-elected.

**In addition, each Associate Member of the WDSF has the right to nominate up to one (1) Vice President and two (2) Ordinary Members to the Disciplinary Council for a period of three (3) years. If an Associate Member decides not to nominate a Vice President it may nominate a third Ordinary Member. Such nominees may be re-appointed by the Associate Member after a term of appointment expires.**

## **Article 7 Profile of the Disciplinary Council Members**

The Chair and the Vice Presidents shall have formal legal trainings and be eligible to practice law in their respective countries. The Chair of the Disciplinary Council shall be a holder of a Swiss [law degree](#).

The Ordinary Members must be of good standing and have a good reputation within the **WDSF**, [the respective Associate Member](#) and in their countries of origin.

The members of the Disciplinary Council shall be from different countries and they all must have a clear understanding of the English language and be able to speak and write fluently in English. They cannot be a member of the **WDSF** Presidium [nor a member of the presidium of an Associate Member](#).

## **Article 8 Chamber in Charge**

Each case submitted to the Disciplinary Council will be attributed by the Chair to a “**Chamber in Charge**”, which will consist of an appointed “Chamber Chair” (being either the President or one of the Vice Presidents of the Disciplinary Council) as well as two Ordinary Members.

## **Article 9 The Disciplinary Council as First Instance**

The Disciplinary Council shall act as the First Instance in the following subject areas:

- Breach of ethical principles and rules, as defined in the WDSF Code of Ethics;
- Acts of harassment (whether sexual or otherwise);
- Violations of the WDSF Ant-Doping Code

It investigates and decides upon any allegation of misconduct referred to it by any of the affected persons entitled to do so.

In First Instance, the Disciplinary Council may take up its investigations based upon its own perception or based on complaints of a complainant.

## **Article 10 The Disciplinary Council as Second Instance**

The Disciplinary Council shall act as Second Instance in the following subject areas:

- Breach of the WDSF Statutes by a Member Body, athlete or official
- Breach of sports rules, regulations and principles

It hears and decides upon appeals against any decision of the **WDSF** Presidium (in globo) or any **WDSF** Presidium member (acting individually according to its power) against a person as defined under article 5.1.

Before any issues and formal complaints with regard to these subject areas may be submitted to the Disciplinary Council for appeal, a formal complaint must have been submitted to the **WDSF** Presidium or an **WDSF** Presidium member (as the case may be) who must have decided on the issue as a first instance or – should there be no formal decision – has not taken any required actions and/or measures.

## **Article 11 Appeal**

Any formal decision taken by the Disciplinary Council in its role as **First Instance** may be submitted exclusively by way of appeal to the Court of Arbitration of Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-related Arbitration. The period allotted for an appeal – if any – shall be 60 days after the receipt of the decision of the Disciplinary Council. However, filing an appeal for such a decision does not suspend or affect the Disciplinary Council’s decision, which shall remain in full force until the Court of Arbitration has taken its respective decision.



Decisions taken by the Disciplinary Council in its role as **Second Instance** are final and binding and not subject to any further appeal.

### **III. Procedures**

#### **Article 12 The Complaint / Minimum Requirements**

Any complaint to be submitted to the Disciplinary Council by the complainant must be in writing.

The complaint must include at least the following information/details:

- Full name, address and contact details of the complainant;
- Explanatory statement setting out why the complainant considers himself to be actively legitimated to submit the complaint;
- Clear designation of the defendant;
- Cause of action;
- Description of the facts of the case;
- Detailed designation of the rule(s), code(s), etc. alleged to be breached (if in first instance), **or**
- Description of the decision or sanction imposed on the complainant (if in second instance);
- The complaint has to be submitted to the Chair of the Disciplinary Council electronically (e.g. by means of Email and/or a data processing medium);
- In order that a complaint may be successfully submitted to the Disciplinary Council, an advance payment of **CHF 200.00** towards the costs must be transferred into the account of the WDSF in favour of the Disciplinary Council.

### **Art. 13 Time Limit**

Any complaint submitted to the Disciplinary Council must be made within a time limit of four weeks (28 days) since the alleged misconduct/misbehaviour has taken place or since the complainant has been made aware of the relevant incident.

The absolute limitation period shall be 12 months (one year).

### **Art. 14 Procedures of the Disciplinary Council**

The Disciplinary Council works according to the following general principles:

- The Disciplinary Council normally communicates via Email and conveys decisions in writing, purely based on documentation evidence;
- Within 14 days after the filing of the complaint, the Chair designates a so-called “Chamber in Charge”, handing over the full documentation to the Chamber Chair;
- The responsible Chamber Chair officially informs the defendant and the two designated members of the Chamber in Charge about the complaint by forwarding the full documentation received and allows the defendant 14 days to submit a formal statement of defence in writing;
- After having received the statement of defence, the complainant will be attributed 14 days to draft and file a Reply, if any;
- Should the complainant file a Reply, the defendant will be allowed further 14 days to draft and file a Rejoinder, if any;
- Having received and reviewed the complaint, the defence in writing as well as the Reply and the Rejoinder, if any, including the respective documentation and evidence the Chamber in Charge will render a formal decision;
- The Chamber in Charge is however eligible to obtain further evidence, statements and/or information from third parties;
- The formal judgement/decision includes a provision regarding the costs of the proceedings;

- Up and until the formal judgement is rendered by the Chamber in Charge, the Disciplinary Council treats the complaint as confidential;
- In exceptional cases, the Chamber in Charge may meet in person and discuss the case face to face;
- The Chamber in Charge decides by majority;
- After having rendered the formal judgement, the Chair of the Chamber in Charge is responsible that the reasons for the decision are noted in writing and officially pronounced;
- Any rendered judgement of the Disciplinary Council will be officially published on the **WDSF** webpage;
- In order to protect the privacy of the involved parties, the Disciplinary Council may decide not to disclose the names of the involved parties.

## **IV. Measures & Sanctions and Costs & Expenses**

### **Article 15 Measures & Sanctions**

Based on the impact of the misconduct and the degree of the individual fault and responsibility, the Disciplinary Council is entitled to impose the following measures & sanctions:

- Reprimand;
- Ban of a person or persons from participating in any **WDSF** competition for a certain period of time;
- Ban of a person from organizing any **WDSF** competition for a certain period of time;
- Revocation of any licence or permit issued by the **WDSF** for a certain period of time;
- Revocation of any licence or permit issued by the **WDSF**, by granting the possibility to reacquire the respective licence/permit at a later stage in time;

- Final revocation of any licence issued by the **WDSF**;
- Final revocation of all **WDSF** licences;
- Prohibition to accept any formal position within the **WDSF** for a certain period of time or forever;
- Administrative fine up to an amount of CHF 5'000.00, which will be allocated to a special fund supporting the **WDSF** competitors and athletes in need;
- The various measures & sanctions may be combined.

## **Article 16 Costs & Expenses**

In addition to the imposed measures & sanctions according to article [15](#), the Disciplinary Council is entitled to assign the related costs of the proceedings.

As a general rule, in the proceedings before the Disciplinary Council the party, which is not the prevailing party, will have to bear the costs of the proceedings.

The minimum costs for any proceedings in front of the Disciplinary Council are as follows:

- CHF 100.00 where the Disciplinary Council was reprimanding someone;
- CHF 200.00 in all other cases

In addition the Disciplinary Council will attribute all related and necessary expense

## **V. Documentation & Reporting**

### **Article 17 Log File**

The Chair of the Disciplinary Council is responsible that all cases and complaints submitted to the Disciplinary Council are kept and documented in a log file.

### **Article 18 Reporting**

The Chair of the Disciplinary Council will present once a year a report to the **WDSF** Annual General Meeting, outlining the activities of the Disciplinary Council including the measures & sanctions imposed during the past year.

## **VI. Final Clauses**

### **Article 19 Acceptance by the **WDSF** General Meeting**

The Code of the IDSF Disciplinary Council ~~has been~~ was accepted by the IDSF General Meeting on the occasion of its Annual Meeting on June 11, 2006 in Wels, Austria.

The ~~actual current~~ and amended version 2.0 of the DC Code ~~has been~~ was approved by the WDSF General Meeting on June 19, 2011 in Luxembourg, Luxembourg.

### **Article 20 Entering into Force**

The amended DC Code enters into force with immediate effect after the General Meeting on June 19, 2011.

Luxembourg, [June 19, 2011](#).

**World DanceSport Federation (WDSF)**

**WDSF Disciplinary Council**

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Carlos Freitag, President

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Erich Staeldi, Chairman

**REASONS:**

- 1. to make the DC Code conform to the new rights given to Associate Members under our new Associate Member Agreement;***
- 2. to make small improvements in language.***