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# Code of the WDSF Disciplinary Council

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**Version 3.0**  
as accepted by the  
WDSF General Meeting  
on

**17 June 2012**

Gelöscht: 2

Formatiert: Hervorheben

Gelöscht: 9

Formatiert: Hervorheben

Gelöscht: 1

Formatiert: Hervorheben



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## 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 sportsmanlike 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.

Gelöscht: ¶

## 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 21 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.](#))

Gelöscht: 1)

**Kommentar [rwe1]:** Explanatory Note: Cosmetic change.

Gelöscht: 20

### 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 [including the relevant provisions of the Athletes'/Adjudicators' Code of Conduct and Standards of Ethics](#)
- Acts of harassment (whether sexual or otherwise)
- Violations of the WDSF Anti-Doping Code

**Gelöscht: 1)** Article amended by WDSF Annual General Meeting 19 June 2011¶

Gelöscht: 1)

**Kommentar [rwe2]:** Explanatory Note: This change reflects the fact that certain ethical principles and rules are now laid out in these documents.

**Gelöscht:** , as defined and elaborated by the WDSF Presidium and the Ethics Commission

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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.

**Gelöscht:** explicitly

**Kommentar [rwe3]:** Explanatory Note: Cosmetic change only.

Accordinging art. 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.

**Gelöscht:** 1) Article amended by WDSF Annual General Meeting 19 June 2011¶

## 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

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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**

Gelöscht: 1)

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.

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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 years. Should the Associate Member decide not to nominate a Vice President it may nominate a third Ordinary Member. Such members can be re-appointed by the respective Associate Member after three years.

Gelöscht: 1) Article amended by WDSF Annual General Meeting 19 June 2011¶

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

Gelöscht: 1)

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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.

**Gelöscht:** Article amended by WDSF Annual General Meeting 19 June 2011

**Formatiert:** Keine Aufzählungen oder Nummerierungen

## 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 (except to the extent such principles and rules are set out in the Athletes'/Adjudicators' Code of Conduct and Standards 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.

**Gelöscht:** , as defined in

**Kommentar [rwe4]:** Explanatory Note: Change to reflect the correct title of the relevant ethical codes and the fact that the Presidium will be responsible for imposing sanctions in respect of such codes in the first instance.

**Gelöscht:** the WDSF Code of Ethics

## Article 10 The Disciplinary Council as Second Instance

**Gelöscht:** ¶  
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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 (including, for the avoidance of doubt, the rules relating to Non-WDSF Events as set out in the Athletes'/Adjudicators' Code of Conduct and Standards of Ethics).
- Breach of ethical rules and principles contained in the Athletes'/Adjudicators' Code of Conduct and Standards of Ethics

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, the WDSF Presidium or an WDSF Presidium member (as the case may be), 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** or Second 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 30 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.

**Kommentar [rwe5]:** Explanatory Note: Change necessary to reflect the fact that the Disciplinary Council will function as a second instance body for appeals against the Presidium decision relating to the Athletes'/Adjudicators' Codes.

**Gelöscht:** , a formal complaint must have been submitted to

**Kommentar [rwe6]:** Explanatory Note: The Presidium may make decisions without a complaint in certain circumstances e.g. a referral of an alleged violation by the Sports Director under the Athletes'/Adjudicators' Codes.

**Gelöscht:** who

**Kommentar [rwe7]:** Explanatory Note: All decisions of the Disciplinary Council will be subject to a possible appeal to CAS.

**Kommentar [rwe8]:** Explanatory Note: For certainty for all parties to any dispute, a shorter appeal deadline is more appropriate. 30 days is still longer than the default deadline of 21 days provided for by the CAS Code (R49).

**Gelöscht:** 6

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



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← **Formatiert:** Absätze nicht trennen

### **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/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;

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- 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;

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- 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;
- Any sanction explicitly provided for in the Statutes or any applicable Rules and Regulations of WDSF;
- The various measures & sanctions may be combined.

**Kommentar [rwe9]:** Explanatory Note: This is a catch-all provision so that sanctions which are explicitly envisaged by the Statutes or Rules and Regulations can be imposed by the Disciplinary Council.

## 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 expenses.

## V. Documentation & Reporting

### Article 17 Log File



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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

Gelöscht: 1)

## Article 19 Acceptance by the WDSF General Meeting

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

Certain modifications to the WDSF Disciplinary Council Code were accepted by the WDSF General Meeting on 19 June 2011 in Luxembourg / Luxembourg (version 2.0).

Gelöscht: The actual and amended version 2.0 of

Gelöscht: has been

The current version 3.0 of the WDSF Disciplinary Council Code was accepted by the the WDSF General Meeting on 17 June 2012 in Berlin/Germany.

Kommentar [rwe10]: Explanatory Note: This change reflects the most recent update.

## Article 20 Entering into Force <sup>1)</sup>

Gelöscht: 1) Article amended by WDSF Annual General Meeting 19 June 2011¶

The amended DC Code enters into force with immediate effect after the General Meeting on 17 June 2012.

Formatiert: Hervorheben

Gelöscht: 9

Formatiert: Hervorheben

Gelöscht: 1

Formatiert: Hervorheben

Gelöscht: 1) Article amended by WDSF Annual General Meeting 19 June 2011¶

Gelöscht: 9

Gelöscht: 1

Luxembourg, 17 June 2012.

**World DanceSport Federation**

**WDSF Disciplinary Council**

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