

# INTERNATIONAL SKATING UNION

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Case No. 2018-06

18.06.2018

Panel:

Volker Waldeck (Chair)  
Dr. Allan Böhm  
Susan Petricevic

## **Final Decision in the matter of**

**International Skating Union,  
represented by ISU Legal Advisor, Dr. Béatrice Pfister**

**- Complainant –**

**against**

**Ms. CHEN Weiguang,  
CHINA**

**- Alleged Offender -**

**and**

**Chinese Skating Association,**

**- Interested ISU Member -**

**Regarding the Violations of the Duties of Judges and the ISU Code of Ethics**

## I. History of the Procedure

On April 3, 2018 the International Skating Union, represented by ISU Legal Advisor, Dr. Béatrice Pfister, filed a complaint including 18 exhibits against the Alleged Offender.

On April 4, 2018, the Alleged Offender and the Interested Member were invited by the ISU Disciplinary Commission to file a statement of reply within 21 days upon receipt of the complaint. By Order No. 1 the ISU Disciplinary Commission provisionally suspended the Alleged Offender from participating as a judge or referee in ISU Events and International Competitions until the final decision was rendered.

On April 24, 2018 the Alleged Offender filed a Statement of Defense together with 9 exhibits.

## II. Procedural Matters

The disciplinary/ethical offence the Alleged Offender is accused of preferential marking of a Chinese competitor while officiating as a Judge at the 2018 Winter Olympic in the Men's figure skating competition. The case is not subject to the jurisdiction of the International Olympic Committee (IOC) but to the jurisdiction of the ISU Disciplinary Commission.

Rule 126 of the ISU General Regulations 2016 states:

*1. Skating Competitions at the Olympic Winter Games  
The skating competitions in the Olympic Winter Games are International Competitions and not ISU Championships and are subject to the provisions of the Olympic Charter and its Bye-Laws and ISU Regulations governing such competitions.*

The relevant provisions of the Olympic Charter 2017 are Rule 26 and Rule 46:

*Rule 26 Mission and role of the International Federations (IFs) within the Olympic Movement*

*1. The mission and role of the IFs within the Olympic Movement are:*

*1.1 to establish and enforce, in accordance with the Olympic spirit, the rules concerning the practice of their respective sports and to ensure their application;*

*...*

*1.5 to assume the responsibility for the control and direction of their sports at the Olympic Games;*

*Rule 46 Role of the IFs in relation to the Olympic Games*

*1. Each IF is responsible for the control and direction of its sport at the Olympic Games. All elements of the competitions, including the schedule, field of play, training sites and all equipment must comply with its rules.*

*By-law to Rule 46*

*1. Rights and Responsibilities of the IFs at the Olympic Games:*

*The IFs have the following rights and responsibilities regarding the arrangements at the Olympic Games:*

*1.1 To establish the appropriate rules, regulations and requirements of their respective sports, disciplines and events.*

From this follows that the competent body to decide upon this case is the ISU and not the IOC.

Article 25 Paragraph 8 of the ISU Constitution 2016 states which cases are not subject to the jurisdiction of the Disciplinary Commission. Paragraph 8 letter c) rules:

*c) Performance evaluations of Officials, including Assessments, warnings, criticisms, letters of advice and other evaluations issued by the Technical Committees and the Council, and the appointment or removal of ISU Officials, are not disciplinary but technical decisions.*

*Accordingly, they are not subject to the jurisdiction of the DC. Complaints alleging incompetence, carelessness, lack of proper attention to duty, deficient performance, error or faulty judgment, are therefore not subject to the jurisdiction of the DC and shall be referred to the relevant ISU Official or body for performance evaluation and resolution.*

The Complaint is not aimed at a performance evaluation or an assessment of the marks the Alleged Offender has given, but at the deliberate preference of a competitor from her country over competitors from other countries in the Short and Free Programs of the Men's figure skating event at the Olympic Winter Games 2018. Therefore Article 25 Paragraph 8 c) does not exclude the jurisdiction of the Disciplinary Commission.

The Alleged Offender has signed the "Declaration for Competitors and Officials entering ISU Events" for the season 2017-2018 on September 15, 2017. In this Declaration the Alleged Offender confirmed,

*I/we, the undersigned,*

*I) accept the ISU Constitution, which establishes an ISU Disciplinary Commission (Article 25) and recognizes the Court of Arbitration for Sport (CAS), in Lausanne, Switzerland as the arbitration tribunal authorized to issue final and binding awards involving the ISU, its Members and all participants in ISU activities, excluding all recourse to ordinary courts (Articles 26 & 27);*

*VI) am familiar with the ISU Code of Ethics (ISU Communication 1717 or any update of the Communication)....*

The Complaint is subject to the jurisdiction of the ISU Disciplinary Commission.

The Complaint is admissible.

### **III. Facts**

The Alleged Offender is an ISU Judge from China in the Single and Pair Skating disciplines and an International Judge for Ice Dance as recorded in ISU Communication 2111 "List of Judges Season 2017-2018 for Single and Pair Skating and Ice Dance". She officiated at the Men's event of the Olympic Winter Games 2018 in the Short Program Event as judge No. 9 and in the Free Program Event as judge No. 7.

The following pages are copies of the official protocol of the men's skating event in the Short Program and Free Program at the Olympic Winter Games 2018. Only results for the first four men in the short program and the first five men in the free program are shown here. The protocols show the judges details per skater, specifying the "Grade of Execution" (GOE) for the Executed Elements and the marks for the 5 Program Components.

The marks given by the Alleged Offender are framed in red.

## Men Single Skating Short Program, Fri 16 February 2018

### Judges Details per Skater



**Gangneung Ice Arena**  
강릉 아이스 아레나  
Palais des glaces de Gangneung

**FRI 16 FEB 2018**

**Figure Skating**  
피겨 스케이팅 / Patinage artistique

**Men Single Skating**  
피겨 스케이팅 남자 싱글 / Patinage individuel hommes

**Short Program**  
쇼트 프로그램 / Programme court



### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
1	HANYU Yuzuru	JPN	25	111.68	63.18	48.50	0.00

#	Executed Elements	Info	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel		
1	4S		10.50	2.71	3	2	3	3	3	2	3	3	2		13.21		
2	FCSp4		3.20	1.00	2	2	2	2	2	2	2	3	2		4.20		
3	CSSp4		3.00	1.43	2	3	3	3	3	2	3	3	3		4.43		
4	3A		9.35	x 3.00	3	3	3	3	3	3	3	3	3		12.35		
5	4T+3T		16.06	x 2.57	3	2	2	3	2	2	3	3	3		18.63		
6	StSq4		3.90	2.10	2	3	3	3	3	3	3	3	3		6.00		
7	CCoSp3		3.00	1.36	2	3	2	3	3	3	2	3	3		4.36		
			<b>49.01</b>												<b>63.18</b>		
<b>Program Components</b>			<b>Factor</b>														
Skating Skills			1.00	10.00	9.75	10.00	9.75	9.75	9.50	9.50	9.50	9.75	9.50	9.75		9.71	
Transitions			1.00	9.00	9.50	9.75	9.50	9.50	9.25	8.75	9.75	9.50	9.50	9.75		9.43	
Performance			1.00	10.00	9.75	10.00	10.00	9.75	9.75	9.75	10.00	9.75	9.75	9.75		9.86	
Composition			1.00	9.50	10.00	9.75	9.75	9.75	9.75	9.50	10.00	9.75	9.75	9.75		9.75	
Interpretation of the Music			1.00	9.50	9.75	9.75	10.00	9.75	9.75	9.50	10.00	9.75	9.75	9.75		9.75	
<b>Judges Total Program Component Score (factored)</b>																	<b>48.50</b>

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
2	FERNANDEZ Javier	ESP	29	107.58	59.79	47.79	0.00

#	Executed Elements	Info	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel		
1	4T+3T		14.60	2.00	2	2	2	2	2	2	2	2	2		16.60		
2	4S		10.50	2.71	3	3	2	3	3	3	2	3	2		13.21		
3	FUSp4		2.90	0.50	2	1	2	1	0	2	0	1	0		3.40		
4	3A		9.35	x 2.43	3	3	2	3	2	2	2	3	2		11.78		
5	CSSp4		3.00	1.29	3	2	3	3	2	3	2	3	2		4.29		
6	StSq4		3.90	1.90	3	2	3	3	2	3	3	3	2		5.80		
7	CCoSp4		3.50	1.21	3	3	2	2	2	2	3	3	2		4.71		
			<b>47.75</b>												<b>59.79</b>		
<b>Program Components</b>			<b>Factor</b>														
Skating Skills			1.00	10.00	9.50	9.50	9.50	9.25	9.50	9.00	9.25	9.00	9.25	9.00		9.36	
Transitions			1.00	9.50	9.50	9.50	9.50	9.00	9.50	9.00	9.25	9.25	9.25	9.25		9.36	
Performance			1.00	10.00	9.75	10.00	10.00	9.25	9.50	9.50	9.75	9.50	9.75	9.50		9.71	
Composition			1.00	10.00	10.00	9.50	10.00	9.50	9.75	9.25	9.50	9.50	9.50	9.50		9.68	
Interpretation of the Music			1.00	10.00	9.75	10.00	9.75	9.50	9.75	9.50	9.50	9.25	9.25	9.25		9.68	
<b>Judges Total Program Component Score (factored)</b>																	<b>47.79</b>

Deductions:

0.00



Gangneung Ice Arena  
강릉 아이스 아레나  
Palais des glaces de Gangneung



FRI 16 FEB 2018

Figure Skating  
피겨 스케이팅 / Patinage artistique  
Men Single Skating  
피겨 스케이팅 남자 싱글 / Patinage individuel hommes  
Short Program  
쇼트 프로그램 / Programme court



### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
3	UNO Shoma	JPN	28	104.17	58.13	46.04	0.00

#	Executed Elements	Info	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel	
1	4F		12.30	1.43	0	1	2	2	1	1	2	2	1		13.73	
2	FCSp4		3.20	0.93	1	2	2	2	2	1	2	2	2		4.13	
3	StSq3		3.30	1.07	2	2	3	3	2	1	2	2	2		4.37	
4	4T+3T		16.06	x 1.14	1	1	2	2	1	1	1	1	1		17.20	
5	3A		9.35	x 0.71	0	1	2	1	0	1	1	1	-1		10.06	
6	CSSp4		3.00	1.00	2	2	3	2	2	2	0	2	2		4.00	
7	CCoSp4		3.50	1.14	3	2	2	2	3	2	2	3	2		4.64	
			<b>50.71</b>												<b>58.13</b>	
<b>Program Components</b>				<b>Factor</b>												
Skating Skills				1.00	9.00	9.25	10.00	9.25	9.50	9.25	9.25	9.25	9.25	9.25		9.29
Transitions				1.00	8.75	8.75	9.50	9.25	9.25	9.00	9.00	8.75	9.00	9.00		9.00
Performance				1.00	9.00	9.00	9.75	9.50	9.25	9.25	9.25	9.25	9.25	9.25		9.25
Composition				1.00	9.00	9.00	9.50	9.50	9.50	9.25	9.25	9.25	9.25	9.25		9.29
Interpretation of the Music				1.00	8.75	8.75	10.00	9.50	9.25	9.50	9.25	9.25	9.00	9.00		9.21
<b>Judges Total Program Component Score (factored)</b>															<b>46.04</b>	

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
4	JIN Boyang	CHN	30	103.32	60.27	43.05	0.00

#	Executed Elements	Info	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel	
1	4Lz+3T		17.90	1.86	3	1	2	2	1	1	2	2	3		19.76	
2	4T		10.30	1.14	-1	1	1	2	0	1	2	1	2		11.44	
3	FCSp4		3.20	0.79	1	2	2	2	1	1	1	2	3		3.99	
4	3A		9.35	x 2.14	2	2	3	2	2	1	2	2	3		11.49	
5	CSSp4		3.00	0.79	1	2	2	2	2	1	1	1	3		3.79	
6	CCoSp4		3.50	1.00	2	2	3	2	1	1	2	2	3		4.50	
7	StSq4		3.90	1.40	2	2	3	3	1	1	2	1	3		5.30	
			<b>51.15</b>												<b>60.27</b>	
<b>Program Components</b>				<b>Factor</b>												
Skating Skills				1.00	8.25	8.75	9.00	8.75	9.00	8.50	9.00	8.50	9.25	9.25		8.79
Transitions				1.00	7.75	8.00	8.50	8.75	8.50	8.00	8.50	7.75	9.25	9.25		8.29
Performance				1.00	8.00	8.50	9.00	9.00	9.00	8.50	8.75	9.00	9.50	9.50		8.82
Composition				1.00	8.00	8.25	8.75	8.75	9.00	8.50	8.50	7.75	9.50	9.50		8.54
Interpretation of the Music				1.00	7.75	8.50	8.75	9.25	8.75	8.50	8.75	7.75	9.50	9.50		8.61
<b>Judges Total Program Component Score (factored)</b>															<b>43.05</b>	

Deductions:

0.00

## Men Single Skating Free Program, Sat 17 February 2018 Judges Details per Skater



**Gangneung Ice Arena**  
강릉 아이스 아레나  
Palais des glaces de Gangneung

SAT 17 FEB 2018

**Figure Skating**  
피겨 스케이팅 / Patinage artistique

**Men Single Skating**  
피겨 스케이팅 남자 싱글 / Patinage individuel hommes

**Free Skating**  
프리 스케이팅 / Programme libre



### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
1	CHEN Nathan	USA	9	215.08	127.64	87.44	0.00

  

#	Executed Elements	Info	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel
1	4Lz		13.60	1.57	2	2	1	2	1	1	1	2	2		15.17
2	4F+2T		13.60	1.29	2	2	2	1	1	1	1	1	1		14.89
3	4F		12.30	-2.23	-1	-2	-2	-2	-2	-2	-2	-2	-1		10.07
4	CCSp4		3.20	0.57	2	1	1	2	1	1	1	1	1		3.77
5	StSq4		3.90	1.10	2	2	2	2	1	1	1	1	2		5.00
6	4T+3T		16.06	x 1.57	2	3	2	1	2	1	1	2	1		17.63
7	4T		11.33	x 1.71	1	2	2	1	2	2	2	2	1		13.04
8	4S		11.55	x 1.86	2	2	2	2	2	1	1	2	2		13.41
9	3A		9.35	x 1.00	1	1	1	1	1	0	1	1	1		10.35
10	3F+1Lo+3S		11.22	x 0.90	0	2	2	1	1	1	2	1	1		12.12
11	ChSq1		2.00	1.40	2	2	2	2	2	2	2	1	2		3.40
12	FCCoSp4		3.50	0.93	1	2	2	2	2	2	2	1	2		4.43
13	CCoSp4		3.50	0.86	1	3	2	2	2	1	2	1	2		4.36
			<b>115.11</b>												<b>127.64</b>
<b>Program Components</b>				<b>Factor</b>											
Skating Skills			2.00	9.00	9.25	8.75	9.00	8.50	8.75	8.75	8.50	9.00			8.82
Transitions			2.00	8.50	9.00	8.50	8.25	8.00	8.00	8.50	8.25	8.25			8.32
Performance			2.00	9.00	9.75	9.25	9.50	9.00	8.25	8.75	8.75	9.00			9.04
Composition			2.00	9.00	9.50	9.00	8.75	8.75	8.50	8.75	8.75	8.50			8.79
Interpretation of the Music			2.00	9.00	9.25	8.75	9.25	8.75	8.50	8.50	8.50	8.50			8.75
<b>Judges Total Program Component Score (factored)</b>															<b>87.44</b>
<b>Deductions:</b>															<b>0.00</b>



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SAT 17 FEB 2018

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### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
2	HANYU Yuzuru	JPN	22	206.17	109.55	96.62	0.00

  

#	Executed Elements	IE	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel
1	4S		10.50	3.00	3	2	3	3	3	3	3	3	3		13.50
2	4T		10.30	3.00	3	2	3	3	3	3	3	3	3		13.30
3	3F		5.30	1.60	3	2	3	3	2	2	2	2	2		6.90
4	FCCoSp4		3.50	1.00	2	2	2	2	2	2	2	2	1		4.50
5	SiSq3		3.30	1.43	3	2	3	3	3	2	3	3	3		4.73
6	4S+3T		16.28	x 2.71	3	1	3	3	2	2	3	3	3		18.99
7	4T+REP		7.93	x -2.06	-1	-2	-2	-2	-2	-1	-2	-2	-1		5.87
8	3A+1Lo+3S		14.74	x 2.14	3	1	2	3	2	2	3	2	1		16.88
9	3Lo		5.61	x 1.20	3	1	2	2	1	2	2	2	1		6.81
10	3Lz		6.60	x -1.10	-1	-2	-2	-1	-2	-2	-1	-2	-1		5.50
11	FCSSp4		3.00	0.93	2	2	2	2	1	1	2	3	2		3.93
12	ChSq1		2.00	2.00	3	2	3	3	3	2	3	3	3		4.00
13	CCoSp4		3.50	1.14	3	2	2	3	2	2	3	2	2		4.64
			<b>92.56</b>												<b>109.55</b>
<b>Program Components</b>			<b>Factor</b>												
	Skating Skills		2.00	9.75	9.50	9.75	9.75	9.50	9.75	9.75	9.75	9.75	9.75		9.71
	Transitions		2.00	9.50	9.25	9.75	9.75	9.25	9.50	9.50	9.50	9.50	9.50		9.50
	Performance		2.00	9.75	9.50	9.75	9.75	9.00	9.50	9.75	9.75	9.75	9.50		9.64
	Composition		2.00	9.75	9.50	9.75	10.00	9.50	9.75	9.50	10.00	9.75	9.75		9.71
	Interpretation of the Music		2.00	10.00	9.50	9.75	9.75	9.75	9.75	9.75	9.75	9.75	9.75		9.75
	<b>Judges Total Program Component Score (factored)</b>														<b>96.62</b>
<b>Deductions:</b>															<b>0.00</b>



Gangneung Ice Arena  
강릉 아이스 아레나  
Palais des glaces de Gangneung



SAT 17 FEB 2018

Figure Skating  
피겨 스케이팅 / Patinage artistique  
Men Single Skating  
피겨 스케이팅 남자 싱글 / Patinage individuel hommes  
Free Skating  
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### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
3	UNO Shoma	JPN	24	202.73	111.01	92.72	-1.00

  

#	Executed Elements	IE	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel
1	4Lo		12.00	-4.00	-3	-3	-3	-3	-3	-3	-3	-3	-3		8.00
2	4F		12.30	1.57	2	2	2	1	1	1	1	2	2		13.87
3	3Lo		5.10	1.20	3	1	2	1	1	2	2	2	2		6.30
4	FCSp4		3.20	0.93	2	2	2	2	2	2	1	1	2		4.13
5	FCCoSp4		3.50	0.93	3	2	2	2	2	2	1	1	2		4.43
6	StSq3		3.30	1.07	3	3	3	2	2	1	1	2	2		4.37
7	3A		9.35	x 1.86	2	2	2	2	2	1	2	2	2		11.21
8	4T+2T		12.76	x -1.54	-1	-1	-1	-2	-1	-1	-2	-2	-1		11.22
9	4T		11.33	x 1.29	1	1	2	1	1	2	1	1	2		12.62
10	3A+1Lo+3F		15.73	x 1.29	2	1	1	1	1	2	1	1	2		17.02
11	3S+3T		9.57	x 0.70	2	0	1	1	1	1	1	1	1		10.27
12	ChSq1		2.00	1.50	3	1	3	3	3	2	1	1	2		3.50
13	CCoSp3		3.00	1.07	2	3	2	3	2	2	1	1	3		4.07
			<b>103.14</b>												<b>111.01</b>
<b>Program Components</b>				<b>Factor</b>											
Skating Skills				2.00	9.25	9.25	9.25	9.50	9.25	9.50	8.75	9.50	9.50		9.36
Transitions				2.00	9.00	9.25	9.00	9.25	9.25	9.00	8.50	9.00	9.00		9.07
Performance				2.00	9.00	9.50	9.50	9.25	9.00	9.25	8.50	9.50	9.25		9.25
Composition				2.00	9.25	9.25	9.50	9.50	9.25	9.25	8.75	9.25	9.50		9.32
Interpretation of the Music				2.00	9.25	9.50	9.50	9.50	9.50	9.50	8.75	9.25	9.00		9.36
<b>Judges Total Program Component Score (factored)</b>															<b>92.72</b>
<b>Deductions:</b> Falls															<b>-1.00</b>



Gangneung Ice Arena  
강릉 아이스 아레나  
Palais des glaces de Gangneung

SAT 17 FEB 2018

Figure Skating  
피겨 스케이팅 / Patinage artistique  
Men Single Skating  
피겨 스케이팅 남자 싱글 / Patinage individuel hommes  
Free Skating  
프리 스케이팅 / Programme libre



### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
4	FERNANDEZ Javier	ESP	23	197.66	101.52	96.14	0.00

  

#	Executed Elements	IE	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel
1	4T		10.30	2.14	3	2	3	3	1	2	1	2	2		12.44
2	4S+2T		11.80	1.43	2	2	1	2	1	1	-1	1	2		13.23
3	3A+3T		12.80	0.86	1	1	1	1	0	1	0	1	1		13.66
4	ChSq1		2.00	1.90	3	3	3	2	3	2	2	3	3		3.90
5	CSSp3		2.60	1.07	3	2	2	2	2	2	2	3	2		3.67
6	2S		1.43	x 0.17	3	1	1	2	0	1	0	0	1		1.60
7	3Lo		5.61	x 1.50	3	2	2	2	2	2	1	3	2		7.11
8	3A		9.35	x 1.86	3	2	2	1	2	2	1	2	2		11.21
9	3F+1Lo+3S		11.22	x 1.30	2	2	3	1	2	2	1	2	2		12.52
10	3Lz		6.60	x 1.40	3	2	3	2	2	2	1	1	2		8.00
11	FCCoSp4		3.50	0.57	2	2	1	0	1	1	1	1	1		4.07
12	StSq4		3.90	2.00	3	3	3	3	3	2	2	3	3		5.90
13	CCoSp3		3.00	1.21	3	3	2	3	2	2	2	2	3		4.21
			<b>84.11</b>												<b>101.52</b>
<b>Program Components</b>				<b>Factor</b>											
	Skating Skills		2.00	9.50	9.25	9.50	9.50	9.50	9.50	8.75	9.50	9.75		9.46	
	Transitions		2.00	9.50	9.50	9.25	9.50	9.25	9.50	8.75	9.50	9.50		9.43	
	Performance		2.00	9.75	9.75	9.75	9.25	9.75	9.50	9.00	9.75	9.75		9.64	
	Composition		2.00	10.00	9.75	9.75	9.75	9.75	9.75	9.25	9.75	10.00		9.79	
	Interpretation of the Music		2.00	9.75	9.75	9.75	9.50	10.00	9.75	9.00	9.75	10.00		9.75	
	<b>Judges Total Program Component Score (factored)</b>													<b>96.14</b>	
<b>Deductions:</b>														<b>0.00</b>	



Gangneung Ice Arena  
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SAT 17 FEB 2018

Figure Skating  
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Free Skating  
프리 스케이팅 / Programme libre



### Judges Details per Skater

선수별 심판 세부채점 정보 / Notation détaillée des juges par patineur

Rank	Name	NOC Code	Starting Number	Total Segment Score	Total Element Score	Total Program Component Score (factored)	Total Deductions
5	JIN Boyang	CHN	20	194.45	109.69	85.76	-1.00

#	Executed Elements	IE	Base Value	GOE	J1	J2	J3	J4	J5	J6	J7	J8	J9	Ref.	Scores of Panel
1	4Lz		13.60	1.71	2	2	1	2	1	2	3	1	2		15.31
2	4S		10.50	1.00	2	1	1	1	1	0	3	1	0		11.50
3	3A+1Lo+3S		13.40	1.43	2	1	2	2	1	1	3	1	1		14.83
4	FCSp4		3.20	0.50	2	0	1	1	1	0	2	1	1		3.70
5	ChSq1		2.00	1.40	3	2	2	1	2	2	3	1	2		3.40
6	4T	x	11.33	-4.00	-3	-3	-3	-3	-3	-3	-3	-3	-3		7.33
7	4T+2T	x	12.76	0.57	1	0	1	1	1	0	2	0	0		13.33
8	3A	x	9.35	1.57	2	1	2	2	2	1	3	1	1		10.92
9	3Lz+3T	x	11.33	0.50	1	1	1	1	0	0	3	0	1		11.83
10	3F	x	5.83	0.90	3	0	2	1	1	0	3	1	1		6.73
11	CSSp4		3.00	0.64	2	1	2	1	1	1	3	1	0		3.64
12	StSq2		2.60	0.50	1	0	2	1	1	0	3	1	1		3.10
13	CCoSp4		3.50	0.57	0	1	2	1	1	1	3	1	1		4.07
<b>102.40</b>															<b>109.69</b>

#### Program Components

Program Components	Factor	J1	J2	J3	J4	J5	J6	J7	J8	J9	Scores of Panel
Skating Skills	2.00	9.00	8.25	8.75	8.75	8.50	8.50	9.50	8.75	8.75	8.71
Transitions	2.00	8.50	7.50	8.50	7.75	8.00	8.00	9.25	8.50	8.25	8.21
Performance	2.00	8.75	8.50	8.75	8.75	8.25	8.50	9.50	8.75	8.50	8.64
Composition	2.00	9.00	7.75	9.00	8.50	8.50	8.75	9.50	8.75	8.25	8.68
Interpretation of the Music	2.00	9.00	8.00	9.00	8.25	8.50	8.50	9.50	8.75	8.50	8.64
<b>Judges Total Program Component Score (factored)</b>											<b>85.76</b>

Deductions: Falls -1.00 -1.00

### Analysis of the Short Program:

In the following tables the Grades of Execution (GOE) for 7 elements in the Short Program are added up.

The 5 scores for the Program Components in the Short Program are also added up.

#### OWG 2018 Men Short Program Grade of Execution (GOE)

Judge	1	2	3	4	5	6	7	8	9
HANYU Yuzuru (JPN)	17	18	18	20	19	18	19	21	19
FERNANDEZ Javier (ESP)	19	16	16	17	13	17	14	18	12
UNO Shoma (JPN)	9	11	16	14	11	9	10	13	9
JIN Boyang (CHN)	10	12	16	15	8	7	12	11	20

#### OWG 2018 Men Short Program Components

Judge	1	2	3	4	5	6	7	8	9
HANYU Yuzuru (JPN)	48,00	48,75	49,25	49,00	48,50	48,00	47,00	49,50	48,25
FERNANDEZ Javier (ESP)	49,50	48,50	48,50	48,75	46,50	48,00	46,25	47,25	46,50
UNO Shoma (JPN)	44,50	44,75	48,75	47,00	46,75	46,25	46,00	45,75	45,75
JIN Boyang (CHN)	39,75	42,00	44,00	44,50	44,25	42,00	43,50	40,75	47,00

The Alleged Offender has given for the Chinese skater Boyang in the Short Program 20 points for the GOE in total. She scored 6 elements with a +3, what none of her fellow judges did.

The second part of the judges' marks is related to evaluation of the Program Components. In the Short Program the Alleged Offender has given 47,00 points out of a maximum of 50 points to the Chinese skater Boyang. She awarded for 3 components scores of 9,50. The other judges awarded the components with 8,5 on average.

The Complainant has analyzed the Judges Details in the Short Program as follows:

*In the Short Program the Alleged Offender was the only judge to award the highest total GOE points to Jin, while all other judges had 2-11 points(!) more for Hanyu and between 0 and 10 points more for Fernandez. For Uno her total GOE points were 11 lower than for Jin, while the maximum difference in favor of Jin among all other judges was 2 points. In her component marks the Alleged Offender, like all other judges, was higher for Hanyu than for Jin, but with a much smaller difference between the two skaters. While all other judges awarded between 3.5 and 8.75 total component points more to Hanyu than to Jin the Alleged Offender gave Hanyu only 1.25 points more. Further, she was the only judge awarding fewer component points to Fernandez and to Uno than to Jin, while all other judges had between 2.75 and 9.75 more component mark points for Fernandez and between 2.25 and 5 for Uno.*

**Analysis of the Free Program:****OWG 2018 Men Free Program Grade of Execution (GOE)**

Judge	1	2	3	4	5	6	7	8	9
CHEN Nathan (USA)	17	22	19	17	16	12	15	14	17
HANYU Yuzuru (JPN)	29	15	24	27	20	20	22	24	22
UNO Shoma (JPN)	21	14	20	14	13	15	7	10	18
FERNANDEZ Javier (ESP)	34	27	27	24	21	22	13	24	26
JIN Boyang (CHN)	18	7	16	12	10	5	31	7	8

**OWG 2018 Men Free Program Components**

Judge	1	2	3	4	5	6	7	8	9
CHEN Nathan (USA)	44,50	46,75	44,25	44,75	43,00	42,00	43,25	42,75	43,25
HANYU Yuzuru (JPN)	48,75	47,25	48,75	49,00	47,00	48,25	48,25	48,75	48,25
UNO Shoma (JPN)	45,75	46,75	46,75	47,00	46,25	46,50	43,25	46,50	46,25
FERNANDEZ Javier (ESP)	48,50	48,00	48,00	47,50	48,25	48,00	44,75	48,25	49,00
JIN Boyang (CHN)	44,25	40,00	44,00	42,00	41,75	42,25	47,25	43,50	42,25

In the Free Program the Alleged Offender awarded 31 GOE points for the Chinese skater whereas the fellow judges gave between 7 and 18 points for the Grade of Execution. The Alleged Offender awarded 11 elements with the highest possible mark of 3 points. Only for the fall of the quadruple Toeloop she gave a minus 3, which is obligatory according the judges rules.

For the Free Program Components the Alleged Offender gave 47,25 points to the Chinese skater, whereas the other judges awarded between 40 and 44,25 points. In her own ranking she placed Boyang on the second rank, only Hanyu received 1 point more.

The Complainant has analyzed the Judges Details in the Free Program as follows:

*As the Judges Details per Skater reveals, the Alleged Offender awarded Jin for 10 out of his 13 elements a GOE of +3. From all other judges Jin received only two +3 GOEs in total! A +3 requires a flawless element. Yet, as can easily be seen from the video recording, most of Jin's elements were far from flawless - which is well reflected by the GOEs of all other judges, the vast majority of which were +1 and +2. While all other judges awarded a total of GOE points between 5 and 18 to Jin, the total of the Alleged Offender was 31 (!) points. All other judges had between 8 and 17 more GOE points for Hanyu than for Jin; the Alleged Offender awarded to Jin 9 points more than to Hanyu! And while the total GOE points of all other judges for Fernandez were between 11 and 20 and for Uno between 2 and 10 more than for Jin, the Alleged Offender had a difference of 18 respectively 24 points(!) in favor of Jin.*

*Components Free Skating: The Alleged Offender was the only judge of the panel who awarded to Jin marks of 9.25 or more for all five components, while all other judges had average component marks of less than 9.0. As in Short Program she had a higher total of component marks for Hanyu, but with a difference of only one point between him and Jin. All other judges gave between 4.5 and 7.25 points more for Hanyu. The Alleged Offender was the only judge who had higher component marks for Jin than for Fernandez and Uno, with a difference of 2.5 respectively 4 points, while the other judges had a difference of between 4 and 8 points in favor of Fernandez and between 1.5 and 6.75 in favor of Uno.*

The ISU Official Assessment Commission (OAC) has examined the marks of the Alleged Offender and reported as follows:

Short Program:

*National Bias S9 Not Possible:*

1. *Jin (China) 2nd in PC, after Hanyu*
2. *Jin higher than Fernandez and Chan in Skating Skills*
3. *Jin Outstanding in SS, TR, C and IN*
4. *Judge S9 was 4 points higher in PC than the panel and 3 points higher than*

Free Program:

*Judge S7 was too generous with GOEs for this skater. It clearly looks like National Bias, as S7 either rewarded for bullets, which were not there and/or did not make the necessary reductions.*

In his statement of reply the Alleged Offender challenges the data samples provided by the Complainant. The Complainant would have selected the sample data without guidance of the ISU rules and regulations, especially without guidance of the ISU Communication No. 2098. Complainant did not convert the scales of value to the actual and final points according to ISU Communication No. 2098 corresponding to the element of each skater. Then, Complainant simply added up all scales of value together and compared and ignored the actual scores. This method is wrong.

Based on the research of the Respondent, there is no “National Bias” in current and valid ISU Constitution and General Regulations 2016, ISU Special Regulations Single and Pair and Ice Dance 2016 and the ISU Code of Ethics. Because there is no provision about “National Bias” in currently valid ISU regulations, penalty on Respondent by Complainant violates “nulla poena sine lege” principle, thus any penalty has no legal basis.

Further the Alleged Offender pleaded the principle of “field of play”, which prohibits officials in international Sport organization from “second-guessing” the decision of judges.

#### **IV. Motions**

The Complainant moves:

1. To find the Alleged Offender guilty of violations of the Duties of Judges according to Rule 430 paragraph 2 of the ISU Special Regulations & Technical Rules Single & Pair Skating and Ice Dance and the ISU Code of Ethics.
2. To impose on the Alleged Offender a sanction in accordance with Article 25 paragraph 9.a) of the ISU Constitution.
3. To exclude the Alleged Offender from officiating at the occasion of the next Olympic Winter Games 2022 in Beijing.

The Alleged Offender moves:

1. Affirm that there is no legal basis to impose penalty on Respondent
2. Dismiss all charges against Respondent
3. Request Complainant to eliminate adverse impacts suffered by Respondent
4. Order Complainant to pay all costs of Respondent incurred in defending the charges, including legal fees.

## V. Law

As stated above the complaint is admissible.

The proceedings against the Alleged Offender do not violate the “field of play doctrine”. The “field of play doctrine” is defined in consistent practice of the Court of Arbitration for Sports (CAS) *for example* in its award of August 21, 2016, CAS OG 16/28:

*35. CAS jurisprudence has consistently reaffirmed that CAS Arbitrators do not overturn the decisions made on the playing field by judges, referees, umpires or other officials charged with applying the rules of the game unless there is some evidence that the rule was applied in arbitrarily or in bad faith....*

*36. The rationale for the "field of play" doctrine is self-evident. CAS Arbitrators are not specifically trained in the rules of any or all sports and do not have the advantage of being present to observe the events. It would be unfair to a decision-maker as well as to athletes to interfere with decisions made by match officials, who are the technical experts, in these circumstances. Other practical reasons for the "field of play" doctrine include the prevention of constant interruptions of the game by appeals to a judge or an arbitrator. There are practical reasons for match officials not to have their decisions during games visited retrospectively.*

*37. Furthermore, for a CAS Panel to overturn a field of play decision, there must be evidence, which generally must be direct evidence, of bad faith. In other words, "there must be some evidence of preference for, or prejudice against, a particular team or individual.*

The “field of play doctrine” is the reason behind Article 25 Paragraph 8 c) ISU Constitution which states that performance evaluations of Officials and Assessments are not subject to the jurisdiction of the Disciplinary Commission. But in the case at hand there is evidence of preference for the Chinese skater and prejudice against his strongest competitors. Therefore, the panel can overturn the “field of play decision” of the Alleged Offender.

The Respondent challenges the legal basis to impose a penalty. Currently valid ISU Regulations do not have any provision regarding “National Bias”. The expression “National Bias” was present in past ISU Rules, but not in the current ones. Because there is no provision specifically for “National Bias” in the currently valid ISU regulations, a penalty on Respondent would violate the legal principle “*nulla poena sine lege*”.

The Panel agrees that the term “National Bias” does not occur in the current rules. However, Rule 430 General f) ISU Special Regulations for Single and Pair Skating 2016 states:

*f) Officials must*

*- not show bias for or against any Competitor on any grounds;*

The term “bias” comprises any kind of bias, personal bias as well as bias due to the same origin or nationality.

The legal basis for a sanction against the Alleged Offender is:

Rule 430 General e) and f) ISU Special Regulations for Single and Pair Skating 2016:

*e) Officials must adhere fully to the Code of Ethics.*

*f) Officials must*

*- not show bias for or against any Competitor on any grounds;*

*- be completely impartial and neutral at all times.*

ISU Code of Ethics 2017 (published in Communication No. 2104)

*4 a) I agree to give particular attention to all provisions respecting fair, impartial sport competition measures.*

*4 h) I agree to*

*(3) absolute independence on my part which excludes any violation of the Olympic Movement Code on the Prevention of Manipulation of Competition, in particular any kind of corruption, any misuse of inside information, favoritism for, or prejudice against, any ISU Member, Coach, Skater or his/her family member, ISU Office Holder or country;*

The Panel finds, that the Alleged Offender has violated Rule 430 ISU Special Regulations for Single and Pair Skating 2016 and the Code of Ethics 2017.

#### In the Short Program Men

The GOE scores for the Chinese skater Boyang (6 elements with a +3 score) show a clear tendency towards national bias. None of her other colleagues have supported this result.

The same applies to the Program Component scores. She is the only judge who awarded 9,25 for two components and 9,50 for three components. The fellow judges scored between 7,75 and 9,00, at an average of 8,25 for the components of Boyng in the Short Program.

#### In the Free Skating Pairs

The marks of the Alleged Offender for the Free Program show the same approach as in her judging of the Short Program. In general, she awarded the Chinese skater the highest GOE score (+3) on each element, with the exception that she applied a -3 for a fall and a +2 for a mediocre element. Whereas the other judges awarded GOE points between 0 and 2, the Alleged Offender used the maximum score of + 3 for 11 out of 13 elements.

Regarding the marks for the 5 components the Alleged Offender was the only judge of the panel who awarded to Boyang marks of 9.50 for four components, while all other judges had average component marks of less than 9.0.

There is no doubt that she preferred the Chinese skater over the other competitors and this fulfills the elements of national bias.

The Respondent challenges the evaluation method of the complaint. The correct evaluation method should be evaluating deviation points from judges in accordance with ISU Communication 2098. The scales of values should be converted to actual points according to ISU Communication 2098 First Part. The Respondent presents the following charts for the Short Program.

*Hanyu's sixth element was "StSq4" and scale of value awarded by Judge 1(Spain) was 2, while based on the conversion chart in ISU Communication No.2098, the actual score was 1.4.*

Scales of Value	+3	+2	+1	Base	V	VI	-1	-2	-3
Element StSq4	2.1	1.4	0.7	3.9			-0.7	-1.4	-2.1

*Therefore, Total GOE scores from Respondent in short program [See Respondent Exhibit 1] are in the 2nd column below; (Complainant's Exhibit 5), Complainant calculated in the above-described Short Program total GOE scores from Respondent by adding up scale of values, in the 3rd column:*

<i>Skater</i>	<i>Respondent's Figures</i>	<i>Complainant's Figures</i>
<i>Yuzuru Hanyu</i>	<i>14.1</i>	<i>19</i>
<i>Javier Fernandez</i>	<i>9.4</i>	<i>12</i>
<i>Shoma Uno</i>	<i>5</i>	<i>9</i>
<i>Boyang Jin</i>	<i>14.6</i>	<i>20</i>

*The results are totally different from Respondent's correct and converted scores above. Complainant's evaluation was wrong since Complainant neither converted the scale of values to actual points nor evaluated the actual performance of the skaters in the game. The data provided could not reflect the actual deviation, thus it could not be used as fact.*

But even the calculation method of the Respondent shows the same preferences for the Chinese skater. In the Short Program the Respondent calculates a GOE Result of 14,6 for the skater Boyang, which is the highest result of the whole competition and even higher than Respondent's figure of 14,1 for Hanyu who has won the Short Program.

The Panel finds that the calculation method of the Complainant as well as the method of the Respondent both prove the preference of the Chinese skater and the alleged "National Bias".

The Panel did not review the video footage of the men's event, which the Complainant and the Respondent offered as evidence. According to the "field of play doctrine" the Panel refrained from evaluating the performances of the skaters and the marks the judges had given. The Panel has established the decision only in reference to the Official Protocol and the marks of the Alleged Offender.

Thus, the Alleged Offender has violated Rule 430 of the Special Regulations for Single and Pair Skating 2016 and the Code of Ethics 2017.

The Panel imposes a sanction on the Alleged Offender in accordance with Article 25 paragraph 9.a) iii) of the ISU Constitution 2016. The Panel takes into consideration that the Alleged Offender has awarded marks for the Chinese skater which were not congruent with the real performance of the skater. Her marks were completely unrealistic and obviously aimed to prefer the Chinese skater and to put him on first place. By showing obvious and systematic national bias the Alleged Offender has committed one of the most serious ethical offences a judge can be accused of. The seriousness of her misconduct is aggravated by the fact that it was committed at the Olympic Winter Games, the doubtlessly most important and prestigious competition that exists in Figure Skating. Therefore, the Panel suspends the Alleged Offender not only for two years from now on but also excludes her from officiating at the occasion of the next Olympic Winter Games 2022 in Beijing.

**VI. Decision**

1. Ms. CHEN Weiguang has violated Rule 430 General e) and f) of ISU Special Regulations & Technical Rules Single and Pair Skating and Ice Dance 2016 and the Code of Ethics 2017.
2. Ms. CHEN Weiguang is suspended in her function as ISU Judge for Single & Pair Skating and International Judge for Ice Dance for two years, starting on the date of this decision.
3. Ms. CHEN Weiguang is excluded from officiating as Judge in Figure Skating Events at the occasion of the next Olympic Winter Games 2022 in Beijing.
4. All parties bear their own costs.
5. All other motions are dismissed.



Volker Waldeck



Dr. Allan Böhm



Susan Petricevic

The present decision is subject to appeal to the Court of Arbitration for Sport, Avenue de Beaumont 2, CH-1012 Lausanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 25 Paragraph 12 and Article 26 of the ISU Constitution 2016.