

INTERNATIONAL SKATING UNION

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Disciplinary Commission

Case No. 2017-01

11.03.2017

Decision of the ISU Disciplinary Commission

Panel:
- Volker Waldeck, Chair
- Albert Hazelhoff
- Jean-François Monette.

In the matter of

ISU Technical Committee Single & Pair Skating,
represented by ISU Legal Advisor, Prof. Dr. Michael Geistlinger,

- Complainant –

against

Mr. Alexandre Gorodanov,
Belarus

- Alleged Offender -

and

Skating Union of Belarus

- Interested ISU Member -

Regarding the Violation of the Duties of the Referee and the ISU Code of Ethics

I. History of the Procedure

On January 12, 2017, the ISU Technical Committee Single & Pair Skating, represented by ISU Legal Advisor, Prof. Dr. Michael Geistlinger, filed a complaint against the Alleged Offender together with 11 exhibits. On January 13, 2017, the Alleged Offender and the Interested ISU 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 in his function as referee and judge in ISU events and International Competitions pending the final decision in this case.

On January 25, 2017, the Skating Union of Belarus demurred the provisional suspension of the Alleged Offender by the Chair of the ISU Disciplinary Commission. By Order No. 2 the full panel of the ISU Disciplinary Commission has reconsidered the provisional suspension and concludes that it deems appropriate to uphold the provisional suspension until the final decision would be rendered.

On January 27, 2017, the Alleged Offender filed a statement of reply.

The ISU Disciplinary Commission submitted the response of the Alleged Offender to the five witnesses on January 29, and asked them to comment on the reply of the Alleged Offender.

II. Procedural Matters

According to Article 25, Paragraph 1 of the ISU Constitution 2016 the Disciplinary Commission serves as a first instance authority to hear and decide all charges referred to it by an ISU authority against an Alleged Offender accused of a disciplinary or ethical offence.

In the “Declaration for Competitors and Officials entering ISU Events” the Alleged Offender confirmed on June 29, 2016,

I/we, the undersigned,

I) accept the ISU Constitution, which establishes an ISU Disciplinary Commission (Article 24) 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 25 & 26);

The disciplinary/ethical offences the Alleged Offender is accused of are about his behavior as Referee in the Pairs Free Skating at the occasion of the International Figure Skating Competition “24nd Ondrej Nepela Memorial 2016”, held in Bratislava, Slovak Republic, from September 29 to October 1, 2016.

On October 12, 2016, Complainant received a “Report of irregularity” from the Technical Controller in the Men and Pairs events at the 2016 Ondrej Nepela Memorial. Therein he claimed that four members of the Pairs Free Skating Judges panel had complained about a misbehavior of the Alleged Offender in his function as Referee.

On November 21, 2016, the ISU Secretariat addressed the four concerned judges directly and requested them to inform whether they in fact made respective observations at the occasion of the Ondrej Nepela Memorial and, if so, what exactly they observed. The respective reports were received by the ISU Secretariat on November, 25, 26, 28 and December 12, 2016. Complainant has learned of the facts which constitute a disciplinary and ethical offense upon receipt of these reports. The present statement of complaint respects the 60 days’ time limit according to Article 25 Paragraph 6 of the ISU Constitution.

The ISU Disciplinary Commission has jurisdiction to decide this case.

The Complaint is admissible.

III Facts

The Alleged Offender is listed as International Referee and ISU Judge for Single and Pair Skating, and ISU Referee and ISU Judge for Ice Dance from Belarus for the season 2016/2017 (ISU Communication No. 2027). He acted in this function in the Pair Skating event at the 2016 Ondrej Nepela Memorial.

The panel of judges of the Pairs Event consisted of

Judge No. 1	RUS
Judge No. 2	LTU
Judge No. 3	CAN
Judge No. 4	GBR
Judge No. 5	USA
Judge No. 6	GER
Judge No. 7	SVK
Technical Controller	NED

During the Pairs Free Skating Event, when the British team had missed a lift, judge No. 1 and judge No. 2 started talking loudly with each other.

Judge No. 3 reported:

“J1 and J2 talked amongst themselves during the event. They were not speaking in English. This began during the program of the team that was third to skate and continued throughout the second warm up and subsequent performances.... After the conclusion of the event, J4 and J5 and J6 expressed their anger about how distracting the talking was during the event. Due to the proximity of the seating on the panel, even the judges seated as far as those positions could hear the talking.”

Judge No. 4 stated:

“Subsequent to the Pairs Team from Great Britain skating there appeared to be a lot of conversation between Judge 1 and Judge 2 seated on the judging panel. The competition resumed and the conversation continued between the 2 judges. At the conclusion of the event Judge 3 (Canada), Judge 4 (myself GB), Judge 5 (USA) and Judge 6 (Germany) reported to the Technical Controller our concerns and he advised that we raise the issue in the RTD scheduled for later that day.”

Judge No. 5 reported:

“During the Pairs FS, judge 1 and judge 2 began talking quite loudly after the British team missed a lift. Judges 3 - 6 looked at that direction, nearly in unison, as the distraction was so severe. After the skaters finished their program the referee walked behind us and spoke to judge 7 in Russian, making him laugh. Judges 1 and 2 continued to talk.”

Judge No.6 referred:

“During the program of Wilkinson / Boyadij I heard a conversation between judge 1 and judge 2. I could not understand what they talked about because it was not in English. I was irritated and it disturbed me. The referee joined the conversation after a few seconds. I could not understand anything because they talked also not in English. I was irritated about these 2 things because normally for me there is no reason to talk during the competition.”

After the conclusion of the event the above mentioned four judges addressed their concerns to the Technical Controller of the event. He recommended to raise the issue during the concluding Round Table Discussion.

Judge No. 3 described the conversation during the Round Table Discussion as follows:

During the Round Table Discussion, J 4, J 5 and myself each asked the Referee at different points in the meeting to address the issue of the talking during the event as it was so distracting. The Referee did not acknowledge the question the first and second time it was posed. We asked it later in the meeting for a third time at which point the Technical Controller also prompted the Referee to answer the question. The Referee’s explanation deviated on a tangent that did not address nor answer the question and concluded with a statement that he could only include items of technical nature in his report.”

Judge No. 5 summarized the Round Table Discussion:

“Two judges asked about the distraction during the discussion and the referee changed the subject. I finally came out and asked point-blank about it, and the referee went into a 20-minute dissertation on how difficult it was to judge under the 6.0 system. At this point we were simply ready to leave.”

The Technical Controller of the event confirmed the atmosphere of the Round Table Discussion as follows:

“At several points during the RTD the four Judges did raise the subject of the talking, and the walking around during the event by the Referee. The Referee did not answer these questions directly and only made reference to “technical issues”. At the third attempt one of the four Judges raised the subject, to which the Referee ignored the question again totally, I felt obliged to step in and prompted the Referee if he could please answer the question of that Judge. Even at that point, there was no clear answer given by the Referee. I can confirm the relevant parts of the statements by the Judges in Exhibits 6, 7, 8 and 9 as correct transcripts of what took place during the RTD. After the third attempt and my interference in the RTD to have the subject discussed, I gave up further attempts on it and decided there was no other choice than to report the Irregularity as I have done.”

In his report of October 11, 2016, the referee described the organization of the event as “acceptable” and added: *“There were no problems during Competition.”*

The referee reported the course of the Round Table Discussion:

“All judges participated in discussion. ... During the RTD the atmosphere was very good and friendly.”

In his report the referee neither mentioned the talking of Judge No. 1 and Judge No. 2 during the competition nor did he refer to the questions and concerns of the Judges No. 3 to 6 and of the Technical Controller during the Round Table Discussion.

In his statement of reply of January 27, 2017, the Alleged Offender answered:

“Paragraph 1.4.2 During the warm-up after 1st group of event, concluded by a British Pair Free Program, I surveyed all of the judges to clarify the correct operation of the PC and to identify any other (!) problems. No one (!) from the judges did inform me of any other problems, but problems with the PC.

Paragraph 2.2. Based on the physical possibilities of man, I doubt that in such situation Judges 3-6 could hear conversation between Judge 1 and 2, or clearly

identify the source of a talks (technical panel, staff, spectators). I also doubt that in that situation Judge 3 could identify language of conversations, and Judge 6 could hear conversation between referee and Judge 1 and 2 on an incomprehensible language (Judges 3-5 were sitting closer to referee and Judges 1 and 2, than Judge 6, and didn't observe it).

None (!) of the judges did report about violations of ISU Rules, ISU Code of Ethics during breaks in execution of programs, warm-up, before and during RTD.

I deny the fact of conversations between judges 1 and 2 during the execution of programs, breaks between execution of programs, and the warm-up, and therefore the necessity for my actions on the matter. I deny the fact of referee talking with the judges in non-English language.

Paragraph 3.3. I deny the fact of receiving and ignoring judges 3-5 questions at the RTD about the violation of the ISU Rules by Judges 1 and 2, and, therefore the necessity for my actions on this issue.

I deny the fact of talks at the RTD on topics not related to the RTD.”

IV. Law

According to Rule 125 No. 4 ISU General Regulations 2016, officials participating in any ISU activity shall comply with any applicable statutes, position descriptions, ethical declarations and codes of conduct prescribed by the Council. Failure to comply may result in sanctions imposed by the Disciplinary Commission in accordance with Article 25 of the Constitution.

The duties of a referee are regulated by Rule 430 No. 1 Special Regulations & Technical Rules Single & Pair Skating and Ice Dance 2016:

1. Duties and powers of the Referee

- *manages the panel of Judges (including ensuring that they do not, while on the Judges stand, ... communicate with one another, ...*
- *removes Judges from the panel, if necessary and based on important and valid reasons, ...*
- *decides any matter concerning breaches of the ISU Constitution or Regulations.*

The Disciplinary Commission is convinced that Judge No. 1 and Judge No. 2 started an enduring talk during and after the performance of the British couple. Their conversation has disturbed not only the nearby Judge No. 3 but also the following Judges No. 4 till 6. The referee must know that judges on the stand are not allowed to converse with another judge whilst judging (see Rule 430 No.2). It would have been the duty of the referee to disable the conversation between Judge No. 1 and 2. Instead the Alleged Offender participated in this conversation and started another conversation with Judge No. 7. The remaining Judges No. 3 till 6 were disturbed at evaluating and judging the performances of the skaters. The panel takes into consideration the importance of the role of the Referee in maintaining the order of the Judges' Panel. Making sure that no judges communicate between themselves is not an obligation of mean, it is an obligation of results. In his

position, the Referee is sort of the guardian of the credibility of the judging system. Any failure to its duties may raise concerns from the athletes, coaches and public and can lead up a general breach of trust.

The report of the referee did not fulfill the requirements of Rule 433 No.1. The summary of the Round Table discussion did not reflect the questions of the Judges No. 3 till 6 regarding the conversation of Judge No. 1 and 2. By ignoring the request of four judges to discuss the disturbances which had occurred during the competition and by falsely stating in the Referee's report that all Judges worked as one team, that the atmosphere during the Round Table Discussion was very good and friendly the Alleged Offender issued a false report. Thus, he violated his duty under Article 4 f) of the ISU Code of Ethics to show respect towards the judges and to exemplify the highest standard of honesty and truth.

The Disciplinary Commission is convinced that the testimonies of the Judges No. 3 till 6 and of the Technical Controller are true and credible. The Judges No. 3 till 6 and the Technical Controller have provided the Complainant with their testimonies. On request of the Disciplinary Commission the witnesses have confirmed their testimonies. The panel therefore cannot follow the reply of the Alleged Offender and doesn't see any circumstances in the way the Judges No 3 till 6 and the Technical Controller reported the incident, which could raise doubts as to their credibility.

The violation of the duties of a referee and of the Code of Ethics is proven and has to be sanctioned.

V. Decision

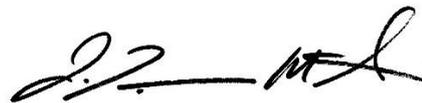
1. Mr. Alexandre Gorojdanov has violated the duties of a referee and the ISU Code of Ethics.
2. Mr. Alexandre Gorojdanov is suspended in his function as International Referee and ISU Judge for Single and Pair Skating, and ISU Referee and ISU Judge for Ice Dance from January 13, 2017 (date of the provisional suspension) till June 30, 2017.
3. All parties shall bear their own costs.



Volker Waldeck



Albert Hazelhoff



Jean-François Monette

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.