

# INTERNATIONAL SKATING UNION

## **Decision of the ISU Council on the KNSB Appeal**

The Council considered the Appeal of KNSB concerning the results in the 1000m race for men (Division A) in the World Cup competition held in Calgary (CAN) on 18 November, 2007 and adopted the following decision:

The appeal of KNSB against the results of the men's 1000m race held in Calgary (CAN) on November 18, 2007 is sustained. The decision of the referee Jim McClements by which the original official times and results of the race were changed is hereby cancelled and these original results as signed by the Referee, announced and presented during the victory ceremony, are restored. These restored results are: 1st Denny Morrison (CAN) 1:07.25, 2nd, Jeremy Wotherspoon (CAN) 1:07.31, 3rd Simon Kuipers (NED) 1:07.39, 4th Kyou-Hyuk Lee (KOR) 1:07.40, 5th Shani Davis (USA) 1:07.41.

There is no further appeal from this decision (Article 17 paragraph 2,a) of the ISU Constitution 2006.

The Council further decided to change with immediate effect Rule 251 paragraph 2 to read as follows:

“For the automatic timekeeping system two complete sets of photo cells may be installed between the lanes, as close as possible to the ice. Also photo finish equipment or a transponder system may be used to determine the time and the order of finish of Skaters or teams. If a transponder system is used, the definition (in Rule 260, paragraph 1) as to when a Skater is considered to have completed the race may need to be adjusted in order to be compatible with the actual implementation of the transponder system.

When both photo cells and photo finish equipment are in use, the times from the photo cells system may be displayed on the scoreboard, but the order of finish and the official protocol will be formed by the times recorded by the photo finish system. With the photo finish equipment in use, the times recorded by the photo cells system, or by transponder technology (if used) shall be checked against the times recorded by the photo finish system. If the times of the systems in use differ, the times and order of finish of Skaters or teams from the photo finish system determine the final results and form the official protocol.”

### Reasons

Rule 247 states that the 'The times are considered official when the Referee has signed the timekeeping protocol. The official times may not be questioned.' The timekeeping protocol for the Kuipers-Davis pair as well as for all other skaters was signed by the Referee, but the official times of the 9th pair, Kuipers-Davis, were thereafter questioned by the Referee and others, and changed at the Referee's direction. The questioning and setting-aside of those official times by the Referee is not authorized by Rule 247 and, accordingly, is hereby reversed. The official times for the 9th pair shown on the signed timekeeping protocol were recorded by the official 'photo finish' automatic timekeeping system (Rule 251) and accordingly are the valid times for the pair Kuipers-Davis. The results corresponding to these times are final.

## Facts

The Referee of the Men's Division A 1000m World Cup Speed Skating at Calgary on 18 November, 2007, Mr. Jim McClements, after the race was concluded, reviewed the results for "official verification". The Referee reported: "The 9th pair (Kuipers-Davis) did not agree with the scoreboard race by race postings." The Referee was informed that there was a mechanical problem with the electronic (photo cell beam) timing, and further reported that: "the results list was not signed until the FinishLynx photo finish image was reviewed which confirmed the revised times." The Referee then signed the "timekeeping protocol" in accordance with Rule 247, paragraph 4 establishing the FinishLynx photo finish times listed in that protocol as the "official times" for the 9th pair. Announcement of results and victory ceremony followed.

Thereafter, the Referee conducted a further review of the times, in cooperation with others including the NOS television service. He reported that: "The video indicates that Mr. Kuipers had reached the finish line before Mr. Davis but this does not necessarily mean his skate [sic] cut the beam." These comments indicate that the Referee considers the "photo cell beam" timing as the only official automatic timekeeping system. The Referee further reported that: "The evidence considered was while Mr. Kuipers skate had made contact with the ice before the finish line the clap mechanism was partially open when the skate went over the line and there was evidence of the skate scratching the ice only after it crossed the finish line.

After this second review, the Referee ruled that the "electronic result would stand and the results the Referee Men had originally signed would be revoked." This action by the Referee resulted in the KNSB appeal to the Council.

The second review of the race times, while apparently conducted in good faith, is not authorized by any Rule, and in fact is specifically prohibited by Rule 247. Use of commercial or private television to determine race winners and times is not authorized by any Rule. While the second review identified certain characteristics of the two official ISU automatic timing systems that may have academic interest, it could not result in a revocation of the official times established by the Referee's signature on the timekeeping protocol.

The Council determined that Rule 247, paragraph 4 clearly states "The times are considered official when the Referee has signed the timekeeping protocol. The official times may not be questioned." For the pair Kuipers-Davis, the Referee had signed the protocol and thereafter, contrary to Rule 247, paragraph 4 undertook to change the "official times" protocol he previously signed, and to substitute another. The Council found that the Referee's action in this regard was made in good faith, but is not permitted by Rule 247.

The Council determined that Rule 251, paragraph 2, establishes both "photo cells" and "photo finish" as "Automatic Timekeeping" equipment authorized for speed skating use, and in Calgary, for the pair Kuipers-Davis, with both procedures in use, the "official times" protocol signed by the Referee was based on the "photo finish" depiction of the finish of the race showing Kuipers as the first across the finish line.

The Council also took note of Rule 260, paragraph 1 which provides "A skater has completed a distance when the tip of a skate has touched or reached the finish line after the prescribed number of laps", and determined that the words "touched or reached" have significance with respect to the authorized automatic timing systems, and that the "photo cells" placed at a low elevation on the ice are not suitable to determine when a skate at an elevation above the "beam" of the photo cell reaches the finish line. In such a case the skate is obviously not

touching the ice at the finish line. The Council found, however, that the “photo finish” automatic timing system used by the Timekeepers in determining the “official times” of the Kuipers-Davis pair is suitable for such determination and correctly shows Kuipers as the winner of the pair.

Milano,  
January 16, 2008  
Lausanne,

**Ottavio Cinquanta**, President

**Fredi Schmid**, Director General