

## **INTRODUCTION**

- 1.1. As an international organisation, it is extremely important that Virtus, its committees, regional structures, member organisations, staff, officers, local organising committees, athletes and any support personnel operate to agreed standards of practice and behaviour.
- 1.2. Occasionally, where this does not happen, Virtus may need to consider further action to preserve the integrity of the Federation, ensure that the problem does not happen again, or – where the nature of the problem is more serious – consider disciplinary or intervention measures.
- 1.3. This policy explains how problems will be identified, investigated, and how remedial actions will be determined and managed.
- 1.4. The policy applies to all aspects of business taking place under Virtus’ jurisdiction including, but not limited to, the actions of volunteers and officers, member organisations, event organisers, regions and sub-committees, team staff, athletes and support personnel. Due to employment law requirements, a separate policy exists regarding the management of paid staff members.
- 1.5. The updated policy was agreed on 10<sup>th</sup> July 2021 at a meeting of the Governing Board.

## **IDENTIFYING A PROBLEM**

- 2.1. Occasionally, despite our best efforts, problems do occur. These may become known to us through an officer report, a complaint, a whistle-blower, because a project or activity is not achieving its set objectives or an officer is not achieving the requirements set out in their role description.
- 2.2. Examples of such circumstances include, but are not limited to, any person, group of individuals, member, officer or committee:
  - a) acting in a way that could harm the reputation of the organisation
  - b) acting illegally, in contravention of an agreed policy or in a way that is not consistent with the Virtus vision, values and policies
  - c) does not observe rules or acts in a way that may cause harm to the Federations reputation
  - d) not upholding the responsibilities set out in a contractual agreement or similar
  - e) wilfully misrepresents themselves (for example during the eligibility and classification process) or fails to observe the principles of fair sport (eg, competition, anti-doping etc)
  - f) fails to uphold open and democratic or does not operate in the best interests of athletes
  - g) allows a conflict of interest to arise and fails to ensure effective management of the conflict

- h) does not effectively achieve the requirements of their role or responsibilities
- i) failing to uphold or meet the requirements of a 3<sup>rd</sup> party decision by which Virtus is obligated, for example the World Anti-Doping Agency or the Court of Arbitration for Sport. (This currently includes Article 4 d) and e) of the Arbitral decision of the Court arbitral of sport - CAS ref 2020/O/6689 17/12/2020: World Anti-Doping Agency v. Russian Anti-Doping Agency).

## INVESTIGATION

- 3.1. Where a problem is identified or reported, it will be normal practice for Virtus to conduct an investigation to ascertain the facts. Normally, the investigation will be requested by the Governing Board, Chair of a Sub-Committee or by the Executive Director.
- 3.2. Where an investigation is requested, an individual or group of individuals will be asked to lead the investigation. This will normally be led by the Governing Board and delegated to the Executive Director and up to 2 members of the governing board or relevant sub-committee. In competition this will normally be done by the Official Representative and up to 2 independent representatives.
- 3.3. As far as is practical, all persons involved in the investigation will not give rise to a conflict of interest.
- 3.4. The people involved in the investigation will be informed at the earliest opportunity and all parties should be given the chance to provide their account. Where an investigation concerns a suspected protection or other illegal act, it may be determined that the person(s)/organisation upon which the investigation focuses is not informed.
- 3.5. Such notification will explain the purpose/reason for the investigation, who has requested it, who will conduct it, the anticipated timescales, and the actions that will follow the completion of the investigation.
- 3.6. At the discretion of the person leading investigation, the person(s) may be suspended from their post/activity until the investigation has been completed
- 3.7. Any person requested to contribute to an investigation may choose to be accompanied. The accompanying person may not speak unless acting as translator. Where an athlete is asked to contribute to an investigation, appropriate support should be arranged through an advocate. It is normally the responsibility of the Virtus member organisation to arrange this support.
- 3.8. Investigations should normally be completed within 1 month and may be conducted by face-to-face interview, email, video conference or other suitable means. In competitions, or where circumstances dictate a more urgent decision (for example an imminent threat or potential for harm) then the investigation will be done as quickly as possible.
- 3.9. The person leading the investigation should maintain detailed notes.

- 3.10. When complete, a report on the investigations findings together with recommended actions should be produced and submitted to the body that requested it.

#### **DISCIPLINARY PROCEDURES**

- 4.1. Upon completion and consideration of the report, the body that authorised the investigation should determine whether there are sufficient grounds for further actions.
- 4.2. Future situations may be avoided by an understanding of the circumstances that led to the problem, by training and education, or by the provision of greater support and peer guidance.
- 4.3. It may be necessary to complete an action plan which details a number of short-term targets in order to get the person or activity back on track.
- 4.4. Where the report identifies more serious failures, it may be necessary to impose sanctions or other interventions.
- 4.5. Sanctions may include any or a combination of (but are not limited to): *a written or verbal warning with a request for immediate correction*, disqualification from competition, disqualification of a team member from an event, a period of suspension or permanent expulsion, financial penalties (ie. a fine) or removal from duties/membership.
- 4.6. Any disciplinary action/measures should:
- a) Be consistent with international standards and practices in other organisations (for example sanctions for a doping control violation should be in line with those established by WADA)
  - b) Be proportionate to the offence
  - c) Be legal
- 4.7. Sanctions may be imposed against an individual or group of individuals, committee or organisation commensurate with the nature of the violation.
- 4.8. Virtus may publish or share the outcome of investigations and any disciplinary action with relevant organisations (including the police, in certain cases) depending upon the nature of the offence.
- 4.9. Disciplinary action/sanctions will be communicated in writing as soon as possible to the person(s)/concerned.

#### **DIRECT INTEVENTION**

- 5.1. Where it is deemed necessary, the Virtus Governing Board may take a failing part of the organisation – for example, a committee, project, event or region - under its direct control and management.
- 5.2. Examples of when this might happen include, but are not limited to:
- a) A sub-committee which is not operating in a way that is consistent with the Virtus Vision, or is substantially not achieving its aims and objectives

- b) An event organiser who is not achieving the requirements set out in the event delivery contract or where the success of the event is seriously compromised
  - c) An Virtus Region that is not operating fair and open practices, is not working in a way that is consistent with the Virtus Vision or is significantly failing to achieve its aims and objectives
- 5.3. Direct Intervention will be considered where it is felt that a part of the organisation cannot improve without considerable help or support.
- 5.4. Depending upon the severity and nature of the problem, the Governing Board may suspend or dismiss officials or committees and replace them with an Interim Committee until a longer-term solution can be found.
- 5.5. Where Direct Intervention is imposed, an action plan will be developed that overcomes the immediate problem and identifies a longer-term solution.

#### **APPEALS**

- 6.1. Appeal is the procedure by which the outcome of an investigation, disciplinary action or sanction can be challenged.
- 6.2. Where a person(s)/organisation wishes to challenge a decision, they may appeal the decision within 28 days. This should be done in writing to the body that imposed the decision (eg. Chair of the Governing Board, Chair of the Sub-Committee etc). In competition, the appeal should be made within 24 hours of the sanction being confirmed.
- 6.3. The application, together with any additional evidence will be sent to the original committee for further consideration.
- 6.4. Only the person(s) affected or a member organisation (acting with the consent of the person) has the right to submit an appeal.
- 6.5. A Notice of Appeal must:
- a) Specify the party who is requesting the appeal
  - b) Provide the name and member nation of the person(s)/organisation who is the subject of the appeal
  - c) Identify the decision being appealed, by attaching a copy of the decision (if written) or briefly summarising it
  - d) Specify the grounds for the appeal

#### **Managing Appeals**

- 7.1. Where an appeal concerns a disciplinary or sanction decision, Virtus will establish an appeal body.
- 7.2. The appeal body, all of whose members shall comply with and have signed a conflict of interest agreement, will comprise of no less than three individuals who have at no stage been involved with or informed of the dispute brought before the appeal body.



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- 7.3. In order to ensure a level of independence of decisions, a majority of the members of the appeal body should not have any other official responsibility within Virtus.
  - 7.4. After considering the facts of the case, the appeal body shall issue a written decision resolving any Appeal. The decision shall be provided to all parties.
  - 7.5. The appeal body shall either affirm the decision appealed from or overrule the decision. If the decision is overruled, the appeal body's written opinion shall specify the procedural error committed and shall direct the appropriate party to reconsider the decision in a manner consistent with appeal body's instructions.
  - 7.6. Appeal decisions are final and are not subject to any further appeal.
  - 7.7. Where possible, the appeal process should be concluded within 28 days of receipt of the Appeal. In competition, the appeal process will be concluded as quickly as possible.
  - 7.8. Appeal proceedings are confidential. The parties and the Appeal Body shall not disclose facts or other information relating to the dispute or the proceedings.

**FURTHER SUPPORT**

- 8.1. Where the decision of the Appeal Body is not accepted, the person(s)/organisation may refer the case to the Court for Arbitration in Sport (CAS).