



INTERNATIONAL BOBSLEIGH & SKELETON FEDERATION

Appeals Tribunal Code

I. Composition, Term, Chair, and Decisions

- A. The IBSF Appeals Tribunal shall consist of five members, who shall be elected at each Quadrennial Congress of the IBSF immediately following each Winter Olympics, which elections shall be conducted the same time and in the same manner as the election of IBSF officers.
- B. Members of the Tribunal shall serve four-year terms, and may serve more than one term if so elected.
- C. The Executive Committee shall appoint a new member to fill any vacancy occurring on the Tribunal between elections, which new member shall come from a country not already represented on the Tribunal, and any member so appointed shall serve until the next election.
- D. The members of the Tribunal shall choose among themselves a Chair and a Vice-Chair, who shall serve as temporary Chair in the absence of the Chair. The Chair shall be a member who has completed sufficient legal training to practice as a lawyer, but need not be a practicing lawyer. In the event that no member has such legal training, the Chair shall be elected from all the members of the Tribunal.

II. Decisions of the Tribunal

- A. No matter shall be decided without the participation of at least three members of the Tribunal, and all decisions shall be by a majority of votes. In the sole discretion of the Tribunal, a Petition may be heard by three or four members. In the event a Petition is heard by four members and the members are deadlocked, the Chair (or in his or her absence, the Vice-Chair) shall cast a fifth vote
- B. Decisions of the Tribunal shall be in writing.
- C. The Tribunal shall have the right to retain legal counsel at the expense of the IBSF only in those cases in which an important legal question beyond the expertise of the members of the Tribunal is necessary to a fair adjudication of the case. Such cost may be allocated to one or more of

the parties as part of the costs of the proceeding in accordance with the provisions below.

III. Compensation of Members of the Tribunal

No member of the Tribunal shall receive compensation for serving on the Tribunal. Members of the Tribunal may receive reimbursement of reasonable travel expenses related to Tribunal's and IBSF business. A member of the Tribunal shall not be deemed to be receiving compensation for serving on the Tribunal merely because the member receives compensation for serving as an employee of or consultant to a Member of IBSF or for some other person or entity conducting IBSF business, so long as the member of the Tribunal does not receive additional compensation for serving on the Tribunal.

IV. Jurisdiction

- A. The Tribunal shall hear all disputes in the first instance in the following cases:
 - i. All disputes between Members;
 - ii. All disputes between a Member and the Congress;
 - iii. All disputes between a Member and the IBSF;
 - iv. All actual disputes concerning the interpretation or enforcement of the IBSF Statutes, but no decision shall operate to change a prior ruling made in the field of play.
 - v. All disputes between or among athletes, officials, persons participating in IBSF activities, and/or Members concerning IBSF matters, except as excluded below.

- B. The Tribunal shall hear all appeals from the following decisions:
 - i. Decisions of the Executive Committee or any other standing committee in which the IBSF Statutes grant a right to appeal to the Tribunal;
 - ii. Any decision of the Executive Committee or any standing committee imposing sanctions on an athlete or Member.
 - iii. Any decision of the Executive Committee concerning the right of particular individuals to appear at the IBSF Congress as the

recognized representatives (or delegates) of any Member, except to the extent set out below.

C. The Tribunal is designated as the "Appeal Body" pursuant to Section 12.2 of the International Standards for Protests and Appeals promulgated by the International Paralympic Committee (February 2018). As such Appeal Body:

- i. The Tribunal shall have jurisdiction over appeals concerning alleged procedural errors made in respect of the allocation of a Sport Class and/or Sport Class Status as a consequence of which an Athlete has been allocated an incorrect Sport Class Status.
- ii. In its capacity as Appeal Body, the Tribunal shall have such additional and/or different jurisdiction and limitations as provided in the International Standards as they may be amended from time to time.
- iii. Pursuant to Section 13.4 of the International Standards, the Tribunal's decision on any appeal within its jurisdiction shall be final and not subject to appeal to the Court of Arbitration for Sport.
- iv. When acting as the Appeal Body, the Tribunal shall follow all applicable procedures and rules of the International Standards.

D. The Tribunal shall have no power to hear and shall not exercise jurisdiction over the following matters:

- i. Any matter involving allegations of violations of the IBSF Anti-Doping Code except as set out in such Code.
- ii. Any matter concerning a ruling within the discretion of IBSF officials or a jury that involves the "field of play" during (or related to) a bobsleigh or skeleton contest.
- iii. Any other matter over which the Executive Committee or another competent body is given exclusive jurisdiction by the IBSF Statutes.
- iv. Any dispute among individuals who belong to the same Member in those cases in which the Member provides a dispute resolution procedure.
- v. Any matter purely concerning the legality or propriety of the internal operation of any Member under the laws of the country under which that Member is organized, except that the Tribunal

shall have jurisdiction to hear any appeal from a decision of the Executive Committee concerning the right of particular individuals to appear at the IBSF Congress as the recognized representatives of any Member.

V. Procedure on Petitions

- A. Any person whose rights are affected by a matter within the jurisdiction of the Tribunal may file a Petition with the Tribunal through the Secretary General of the IBSF, who shall forthwith transmit the Petition to each member of the Tribunal with an advisory copy to the Vice President of Legal Affairs of the IBSF. The filing fee shall be CHF 500, and no matter shall be considered duly filed until IBSF receives both the Petition and the filing fee.
- B. Upon receipt of a Petition, the Tribunal shall decide within ten business days whether the Petition alleges a matter within the jurisdiction of the Tribunal, and if so, what additional parties are required for a complete and fair adjudication of the Petition. If the Tribunal accepts jurisdiction over the Petition, it shall direct the Secretary General of IBSF to serve the Petition on such additional parties as the Tribunal deems necessary, and the Tribunal shall specify a date certain by which such additional parties shall answer the Petition.
- C. The Tribunal shall thereafter impose such procedures for written submissions, the collection of documentary and testimonial evidence, and such other hearings as the Tribunal may deem just. A party shall not be denied the reasonable opportunity to present evidence, except that no party shall have the right to demand a telephonic or in-person hearing except upon the deposit of funds sufficient to cover the cost of such hearing, which deposit shall be set by the Tribunal.

VI. Conflicts of Interest

- A. No member of the Tribunal shall participate in the consideration or determination of any matter in which such member has a conflict of interest or reasonably may be perceived as having such conflict, even in the absence of an actual conflict. The fact that a member of the Tribunal is a resident of a country in which a party resides, organized, or does business shall not itself constitute an actual conflict or appearance of a conflict unless the member of the Tribunal has some additional relationship with the party at issue that creates an actual conflict or the appearance of a conflict.
- B. The Chair of the Tribunal serves as an *ex officio* member of the Ethics

Committee and is therefore necessarily involved to some degree in recommendations by the Ethics Committee to the Executive Committee. The Chair of the Tribunal shall not participate in considering or deciding any appeal from a decision of the Ethics Committee imposing sanctions (or declining to impose sanctions) on any person for the violation of the Code of Ethics where the Executive Committee received a recommendation for specific sanctions from the Ethics Committee. The Chair shall not be excluded from considering or deciding an appeal where the Ethics Committee made a general recommendation to the Executive Committee concerning an alleged violation of the Code of Ethics but did not recommend the imposition of specific sanctions.

VII. Expenses of Hearings

As part of any decision, the Tribunal may direct that one or more parties bear the expenses of proceedings before the Tribunal including the expenses of Tribunal members, administrative staff, and any expenses of the parties (excluding attorneys' fees). Nothing in this Code shall permit the Tribunal to order that one party must pay the attorneys' fees of any other party, but the Tribunal shall have the power to order that one party shall pay reasonable travel and other out-of-pocket costs of other parties to a case, including but not limited to the initial filing fee. In appropriate cases, the Tribunal may order that IBSF refund the filing fee to the party bringing the case.

VIII. Sanctions

The Tribunal shall have the power to impose the following sanctions for violations of IBSF Statutes:

- A. Warnings;
- B. Official Reprimands;
- C. Disqualification from IBSF office;
- D. Monetary Fines not exceeding CHF 5,000, except that the Tribunal may revise monetary fines imposed by the Executive Committee to the extent of the Executive Committee's authority.
- E. Suspension or disqualification from participation in IBSF-approved sports contests;
- F. The voiding of any action taken in violation of IBSF Statutes or other applicable law;

- G. Invalidation or modification of results and return of any award and/or prize from an IBSF sports contest.

IX. Rights of Parties

No sanctions shall be imposed on any person until and unless all relevant evidence concerning the violation or charge at issue has been disclosed and the person charged has been given an opportunity to present evidence and to contest any testimony offered by any other party. In any hearing at which the Tribunal permits testimony to be given in person or telephonically, the testimony shall not be taken unless the party charged is given the opportunity to listen to the testimony and to question the witness.

X. Appeals from Decisions of the Tribunal

Any decision of the Tribunal (except a decision of the Tribunal acting as Appeal Body under Section IV.C above) may be appealed to the Court for Sport (CAS) under the CAS Code of Sports-Related Arbitration within twenty-one calendar days of the issuance of the Order, except that the Tribunal may, where circumstances require, shorten or extend the time for appeal by written Order on the application of any party. In no event shall that time for appeal be shortened to fewer than five business days from the date that the Order is transmitted to the parties. CAS shall have exclusive jurisdiction over appeals from decisions of the Tribunal, and no other arbitration, court, or legal body under any jurisdiction shall have the authority to hear appeals.

XI. Amendment to Appeals Tribunal Code

This Appeals Tribunal Code may be amended in the same manner as the Statutes may be amended.