



SUOMEN  
OLYMPIAKOMITEA



**DISCIPLINARY PROVISIONS of the  
sports sector pertaining to  
serious inappropriate behaviour**

**and severe ethical violations**

*Approved in the spring General Assembly on 25 May 2021*

*Unofficial translation of the original Finnish language document. In case of discrepancy, the Finnish language version shall prevail.*



## **DISCIPLINARY PROVISIONS OF THE SPORTS SECTOR PERTAINING TO SERIOUS INAPPROPRIATE BEHAVIOUR AND SEVERE ETHICAL VIOLATIONS**

### ***1 § General***

1. These disciplinary provisions stipulate the punishable actions, sanctions and disciplinary procedure in cases where a person or an entity involved in sport operations is suspected of being guilty of severe inappropriate behaviour or ethical violation against one or several persons, as defined in these provisions.
2. The purpose of these provisions is to pre-emptively prevent serious inappropriate behaviour and severe ethical violations and to allow intervening in such situations through a disciplinary procedure.

### ***2 § Restrictions on scope of applicability***

1. These provisions will not be applied to:
  - a) cases to which the official rules of a certain sport are applied and for which a certain sanction can be or is determined based on the rules of that sport
  - b) cases where the claimed violation is an isolated incident that has taken place during a competition and to which the most natural method of intervention is through the regulations of the entities defined in section 3; or
  - c) cases where the criteria for one or several actions determined in section 5 are met, but which are isolated incidents by nature and where the most purposeful method of solving the matter is with the regulations of entities defined in section 3.

### ***3 § People and entities within the scope of application***

1. These disciplinary provisions pertain to:
  - a) the Finnish Olympic Committee
  - b) those member organisations of the Finnish Olympic Committee that have committed to these disciplinary provisions in their statutes
  - c) members of the entities mentioned in section b) and their members, reaching all the way to individual members
  - d) entities practising competitive operations involved in the operations of entities determined in sections a)–c), or other entities under their authority
- a) members, workers, officials and athletes' support persons of boards and committees of the entities determined in sections a)–d) and the bodies established by these



- b) the people and entities who have committed to following these provisions in writing or who have claimed a competition licence/game pass or similar document binding them to these provisions, or who take part in practices or competition activities in any role
2. A member organisation of the Finnish Olympic Committee that has committed to these provisions in their own statutes must also commit the entities and persons involved in their operations, as defined in subsection 1, to these disciplinary provisions.

#### **4 § Conditions of punishment**

The following can be punished:

- a) a person targeting an action defined in section 5 to one or several persons or who participates in such action or facilitates it through their own behaviour, or who could have intervened in an action defined in section 5 carried out by another person based on their status as an employer or supervisor, their contractual position, their position of trust or a similar status.
- b) entities mentioned in section 3, sub-section 1, which should have intervened in the actions of a person determined in section 4, sub-section 1, item a) due to their supervisory or contractual position or similar position but who have neglected the measures for intervening in inappropriate behaviour.

#### **5 § Punishable actions**

1. Punishable actions are or can be:

- a) behaviour within the scope of sports that causes an athlete or another person involved in sports suffering or danger that is not necessary for the coaching or guidance of the person or that humiliates the person
- b) racism or discriminatory behaviour

Racism refers to all separation, exclusion or privilege based on race, skin colour, origin of birth or national or ethnic origin, the purpose or consequence of which is to invalidate or limit the equal recognition, possession or practise of human rights or fundamental freedom.

No one can be discriminated against based on their race, skin colour, gender, language, religion, political or other opinions, national or social origin, possessions, origin of birth or any other characteristic.

- c) sexual harassment or other harassment

Sexual harassment refers to at least all the actions that have been decreed as punishable in chapter 20 of the Criminal Code of Finland. Additionally, actions that are sexual in nature and are likely to violate the other person's right to sexual self-determination are considered sexual harassment.



Other harassment includes different forms of physical and mental harassment both in face-to-face interactions and interactions carried out via remote connections. Abuse of an authority position or a superior status is also counted as harassment. It may occur as inappropriate use of authority or power over another person.

- d) violating physical integrity and causing danger to a person's life or health

Harming another person's health by using violence or through other actions that are detrimental to health is prohibited. Physical contact determined in the rules of the sport or otherwise typical to the sport in question is not considered violence.

Abandoning a person in a helpless state or committing other actions or negligence that endanger the life or health of others are considered actions endangering the lives or health of others.

- e) inappropriate language, humiliating behaviour and bullying

Such derogatory and insulting language that is likely to cause suffering to others is considered inappropriate language.

Humiliating behaviour refers to actions in which inappropriate measures are used to insult the reputation of others or that aim to humiliate or embarrass the targeted person or otherwise put them in an awkward or subordinate position in the eyes of other people.

Bullying is verbal or non-verbal, aggressive behaviour within an entity or between two people, which the targeted person considers distressing or humiliating and which can be considered inappropriate, considering the conditions. Bullying can be physical or mental.

- f) privacy violations

The term privacy violation refers to unauthorised distribution of information related to a person's private life, actions that violate the confidentiality of their communications, domestic privacy or protection of personal data, or other similar actions violating a person's privacy.

Matters such as family relations, health and other personal characteristics and preferences are protected by privacy.

Filming or listening on people secretly violates a person's privacy when it happens in premises where filming others without permission is not allowed or where people cannot be prepared for being filmed.

- g) other inappropriate behaviour comparable to sections a)–f)

2. Punishable actions can occur:

- a) during competitions, games or practices or in coaching, training or marketing events or other sports-related events similar in nature as well as in actions closely related to the aforementioned events
- b) in face-to-face interactions between people and/or in interactions taking place via telecommunication devices and social media



## **6 § Aggravating factors of a penalty**

When assessing the severity of an action, the factors that should be considered aggravating factors of a punishable action are:

- a) the subject's status as a minor, their development stage or a subordinate position in relation to the offender
- b) recurrence and/or duration
- c) the extent of occurrences in various competition or practice environments or other operational environments
- d) targeting the actions at several people
- e) basing the actions on the subject's race, national or ethnic origin, language, gender, age, family relations, sexual orientation, heritage, disability or health, religion, political or professional actions or other factor comparable to these
- f) especially humiliating nature of actions, such as carrying them out in public or in the presence of outsiders

## **7 § Mitigating factors of a penalty**

Especially the following factors must be considered as mitigating factors to a punishment:

- a) the offender is under 18 years of age
- b) the offender has significantly contributed to their violations being solved
- c) the offender has committed the punishable action under pressure from another person or entity or with the assistance of the community

## **8 § Types of penalties**

1. For private persons,

the types of potential

penalties are:

- a) warning
- b) fine
- c) competition-specific or temporary competition ban
- d) game-specific or temporary game ban
- e) game or competition-specific or temporary ban from official operations
- f) temporary operating ban for

an entity:

- g) warning
- h) fine

2. The financial penalty sum is at least €100 and a maximum of €1,000 for a natural person and at least €1,000 and a maximum of €10,000 for an entity. The fine is paid onto the Finnish Olympic Committee's bank account.



3. The fine must be paid within 30 days after the service of notice, under the threat that a disciplinary board can ban a natural person from participating in competitions, games, operations or official actions.
4. By the decision of a disciplinary body defined later in section 12, the competition, game, official or operating ban can be extended to apply to other sports than that in which the offence was committed.
5. A person banned from competitions or games is not allowed to participate in competitions and/or games as an athlete in the extent defined by the disciplinary body.
6. A person banned from official operations cannot perform duties related to competitions and/or games, including competing and participating in games, in the extent defined by the disciplinary body.
7. A person banned from operations cannot take part in any competition, game, practice, coaching, training or marketing events or other sports-related events or operations comparable to them in the extent defined by the disciplinary body.
8. Different types of penalties can be decreed simultaneously.

#### ***9 § Priority of mediation***

1. Before the alleged offence is taken under investigation based on a report submitted, the subject of the alleged offence (injured party) must inform the party receiving the offence report:
  - a) whether attempts have been made to mediate the incident with the suspect, or
  - b) whether mediation is possible
2. If mediation is possible but has not been attempted yet, the party receiving the offence report will take the case to the appropriate mediation procedure.

#### ***10 § Initiation***

1. A matter processed in accordance with these provisions may be initiated either with the injured party's or other party's notification addressed to the Finnish Center for Integrity in Sports (hereinafter FINCIS) or based on FINCIS's own investigations even without a report being submitted.
2. After receiving a report of an offence or otherwise becoming aware of an alleged violation, FINCIS will first assess whether the limitations determined in section 2 of these provisions apply to the case. If it is assessed that they do, FINCIS will instruct the injured party to refer the case to the sports organisation in question.

#### ***11 § Investigation and decision on presenting the matter to the disciplinary body***

1. The party responsible for investigating the violation reports processed in accordance with these provisions is FINCIS. FINCIS will determine whether, in addition to the persons or entities mentioned in the violation report or in the suspected violation otherwise known to FINCIS, there are other parties referred to in section 4 who may be considered to have participated in the alleged violation or who were subjected to it.



2. If the suspect is a person who has allegedly violated more than one person, the investigations of these cases can be combined.
3. If, after the investigation, FINCIS comes to the decision that there are no grounds to suspect a violation as defined in these provisions, it will issue a decision that the case will not be taken forward to be processed by the disciplinary body mentioned in section 12.
4. If, based on the investigation carried out by FINCIS, it seems likely that section 5 of these provisions has been violated, FINCIS will issue a decision on taking the matter to be processed by the disciplinary body mentioned in section 12, with the injured party's consent.
5. FINCIS must notify the appropriate entity defined in section 3 about the ongoing investigation as early on as possible if the entity is not suspected of a violation.
6. Respectively, the entity must notify FINCIS if it becomes aware of a violation mentioned in section 5.
7. An entity mentioned in section 3 must facilitate FINCIS's investigations with all means available to it.

#### **12 § Disciplinary body**

1. With regard to the violations defined in these provisions, the disciplinary body exercising disciplinary authority is the sport community's disciplinary board of ethical violations (hereinafter disciplinary board).
2. The disciplinary board is elected by the General Assembly of the Finnish Olympic Committee.
3. The purpose, duty, authority, configuration, disciplinary procedure and other operational matters of the disciplinary board are regulated with the disciplinary board provisions approved by the General Assembly of the Finnish Olympic Committee.

#### **13 § Not initiating an investigation or non-imposition of a penalty due to the passage of time**

A case can be left without investigation, a penalty claim unrepresented, or a penalty undetermined if more than five years have passed since the alleged violation.

#### **14 § Status as a concerned party in a disciplinary procedure**

1. Concerned parties in a disciplinary procedure can be
  - a) FINCIS and injured party/parties as complainants
  - b) people or entities mentioned in section 3 as defendants



2. FINCIS will prepare the case for the disciplinary board and present the penalty claim.
3. When the matter is being processed in the disciplinary committee, an entity defined in section 3, when not a defendant, can participate in the processing to support the injured party, with the injured party's consent.

**15 § Processing the matter elsewhere and imposing a temporary game, competition, official or operational ban**

1. If the case is pending in a court of law or it is being processed by authorities, the disciplinary board may stay the proceedings until it is settled elsewhere.
2. If so presented by FINCIS, the disciplinary board may impose a temporary game, competition, official or operational ban on the suspect until the matter has been processed or the disciplinary committee has otherwise decided.

**16 § Right to appeal**

If unsatisfied with the decision of a disciplinary matter, FINCIS, the injured party or the defendant have the right to appeal the decision to the sports arbitration board within the conditions defined in its rules.

**17 § Enforcement of the penalty**

The imposed penalty will be enforced even if an appeal is lodged to the sports arbitration board. However, the disciplinary board or the sports arbitration board can decree that the enforcement of the penalty be stayed until the appeal has been processed.

**18 § Premature ending of the penalty**

For particularly compelling reasons, the disciplinary board may determine that the penalty be ended prematurely if at least two (2) years have passed since setting the ban on competing or taking part in games, official actions or operations.



