Session 6
Educating Officials and correct application of the rules
### Session 6 – Educating Officials and correct application of the rules

Panel comprising

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Coombs</td>
<td>Endurance Temporary Committee - Chair</td>
</tr>
<tr>
<td>Mark Samuel</td>
<td>FEI Vice President, FEI Group IV - Chair</td>
</tr>
<tr>
<td>Tim Parkin</td>
<td>Endurance Temporary Committee – Member</td>
</tr>
<tr>
<td>Frank Spadinger</td>
<td>FEI Education and Officials - Director</td>
</tr>
<tr>
<td>Pieter Wiersinga</td>
<td>Endurance Temporary Committee – Member</td>
</tr>
<tr>
<td>Manuel Bandeira de Mello</td>
<td>FEI Endurance and Driving - Director</td>
</tr>
<tr>
<td>Mikael Rentsch</td>
<td>FEI Legal - Director</td>
</tr>
</tbody>
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FEI SPORTS FORUM

Officials Working Group

Mark Samuel
The 15 Recommendations

R1 - Introduction of a single Code of Conduct for all FEI Officials
Implemented and published

R2 - Introduction of job descriptions with checklists for all FEI Officials
Job descriptions are written and under review by the Legal Department

R3 - Develop a competency-based evaluation system with the goal of replacing the age limit
First priority for 2019
R4 - To have an FEI controlled rolling education calendar

<table>
<thead>
<tr>
<th>COURSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Venue</td>
</tr>
<tr>
<td>Denver</td>
</tr>
<tr>
<td>Denver</td>
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</tbody>
</table>

R5 - To improve the quality of education material and course delivery

The Education & Officials Department constantly adds content to Campus. The Endurance Foundation Course is now ready. Other Online Courses will follow shortly.
R6 – FEI to establish a new course director education programme and funding
Concept in the making, Budget approved

R7 – All Disciplines should make extensive use of the new e-Learning platform FEI Campus
Education tool and knowledge base

R8 – Compulsory NF recommendation only upon entering first level of FEI qualification
Recommendation accepted and education systems to be adapted accordingly
R9 - FEI to establish a common fund, to support developing Officials in getting more officiating experience

Fund successfully implemented and utilised

R10 - FEI to introduce “rotation” for FEI Officials at FEI events

Partly implemented, will be relaunched in conjunction with the online schedule

Recommendations from the ETC:
- The rotation must be enforced next year
- The Officials who are mainly concerned are the key Officials: PGJ / FVD / President and Members of Veterinary Commission
R11 - FEI to create a “Development Pool” for FEI Officials
Linked to R10 and the Online Calendar

R12 - FEI to extend the number of FEI Officials appointed to FEI Events in all disciplines (incl. Mentoring)
Application of the rules for Championships

Recommendation from the ETC:
• High profile 3* rides should have the same rules as the Championships regarding appointment
• This could be applied to high profile 3* rides, such as those with significant prize money
R13 – FEI to create a top layer of FEI Officials for the professional sport
Need to be evaluated by each Department together with the Technical Committees

R14 – Establish a new management position within the FEI – Head of Officials System
Appointed

R15 – Develop a harmonised approach to Officials’ per diems etc. across geography and discipline
Need to be evaluated by each Department together with the Technical Committees
New Endurance Education System (pending approval)

Frank Spadinger
The principles of the Education System

- Organisation of Education
- Officials’ Career Pathways
- Criteria for Transfer and Maintenance

Internal Documents
- Course Content – Course Curriculum
- Course Director
Organisation of Education

The organisation of education lists the course level and the category of events the Officials are permitted to officiate.

It will as well give an estimated time the Official has to invest to gain this level and the syllabus will describe the main tasks the Official has to fulfil.
## Organisation of Education e.g. Judge Level 1

<table>
<thead>
<tr>
<th>Level</th>
<th>Category of Events</th>
<th>Duration of Course Online / In Person</th>
<th>Key subjects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>Ground Jury Member at 1*, 2* and 3* Events</td>
<td>8 h online</td>
<td>• FEI Endurance Rules</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• FEI Legal System</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• The Course, Field of play, Control points, Road crossing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Veterinary control, Treatment and Anti-Doping Control</td>
</tr>
</tbody>
</table>
Officials’ Career Pathways Endurance

FEI Steward Level 3

FEI Judge Level 4

FEI Judge Level 3

FEI Judge Level 2

FEI Judge Level 1

FEI TD Level 4

FEI TD Level 3

FEI TD Level 2

FEI General Vet Course + PTV

Veterinary Treatment Official 2

Veterinary Treatment Official 3

Veterinary Treatment Official 4

FEI Steward Level 1

National Judge Steward

FEI Steward Level 2

FEI Foundation Course
Criteria for Transfer and Maintenance

For each Level the transfer up, maintenance and transfer down criteria are defined

- Theoretical Assessments (written entry and final exam, oral exam)
- Practical assessments (shadow judging, 1:1 Tutoring and sit-ins)
- Officiating experience (number of events related to time)
## Criteria for Transfer and Maintenance e.g. Judge Level 1

<table>
<thead>
<tr>
<th>Level</th>
<th>Transfer Up</th>
<th>Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>• Have qualified at the FEI Foundation Course during the current or preceding year (Successful online exam: x%)&lt;br&gt;• Have qualified at an “FEI Level 1 Course for Endurance Judges” within 3 years preceding the application (Successful onsite exam: x%)&lt;br&gt;• Speak and understand English (A2)</td>
<td>• Attend an online course every year (Successful online exam: x%)&lt;br&gt;• Have acted as Judge 2* at least 3 times within 3 years</td>
</tr>
</tbody>
</table>

If one of the maintenance criteria is not fulfilled the Official will be transferred down
Integrity and Leadership

Pieter Wiersinga
Integrity is choosing courage over comfort; choosing what is right over what is fun, fast, or easy; and choosing to practice our values rather than simply professing them.

Brené Brown
Integrity and Leadership

• We will suggest rule changes so that appointment and rotation of Officials actually happen;

• Stakeholders have told us that Officials feel that their reports are not read and that, as officials, they are not supported by the FEI;

• Some Officials don’t report things because they feel that they won’t be appointed again if they report what they see.
Integrity and Leadership

• The Judges and the Veterinarians need to have independence;

• Officials need to be better trained. The current system is too easy to achieve;

• Key Officials have to be appointed by the FEI and not by the OC;

• Rotations, at least the President of the Veterinary Commission, the Foreign Veterinary Delegate and the President of the Ground Jury should be appointed and paid by the FEI for Championships and test Events.
Integrity and Leadership

• We have to apply the official process to tackle corruption and improve the level of Officials;

• High profile 3* rides should have the same rules as the Championships regarding appointment. This could be applied to high profile 3* rides, such as those with significant prize money;

• Tighten up the use of Independent Governance Advisors including recruiting additional Independent Governance Advisors in order to evaluate FEI Officials during event.
Integrity and Leadership

• Make a table of evaluation from the Independent Governance Advisors to cross reference it more effectively online and report on the Officials database;

• The FEI should give a stronger follow up to the Officials who sent reports. The FEI Officials that returned incomplete reports should be notified when they failed to complete reports fully;

• The President of the Ground Jury should send a report about the quality of the Judges, Technical Delegates, Stewards and Foreign Veterinary Delegate alongside the results.
Integrity and Leadership

• The Foreign Veterinary Delegate’s report should include feedback about the President of the Ground Jury since their roles are closely linked;

• The FEI should create a pool of experienced Endurance Veterinarians that spend a percentage of their professional time in equine clinical practice. Those individuals would be listed according to their CV within the FEI and appointed for President of the Veterinary Commission and Foreign Veterinary Delegate and for the Veterinary Commission at Championships;

It could include recently retired equine clinicians but not those retained by an individual trainer.
Appointment of Officials

Manuel Bandeira de Mello
Appointment of Officials

• How has it been done until now?
  – Organising Committee proposes to the Endurance Technical Committee
  – Endurance Technical Committee approves

• Under what criteria are those Officials approved?
  – No criteria so far

• Problem?
  – Panels with no connection

• Result?
  – Weak performances
Appointment of Officials

• How is it going to be done?
• Following Art. 825 of the Endurance Rules for the different roles
  – “…appointed by the FEI in consultation with the FEI Endurance Committee and the OC”;

• The new Director for Education & Officials is now involved in the process;

• Internal criteria set:
  – Integrity;
  – Competence;
  – English language skills.

• A pool of Officials was created, the level is more accurate between all Officials;

• The Endurance Technical Committee approves the panel and send to OC for feedback.
Appointment of Officials

• What to expect?
  – A better understanding between Officials
  – A better performance officiating
  – A better assessment of the Horse and Athlete

• Consequently:
  – A fair competition
  – A more comprehensive judgement
  – A better level of horsemanship
Appointment of Officials

- Full support and supervision from the FEI
Appointment of Officials

• How can FEI supervise?
Appointment of Officials

- Athletes
- Trainers
- Crews
- Organising Committees
- FEI Officials
- National Federations

FEI Endurance
Officials’ Reports

- Who reports?
  - Technical Delegate
  - Chief Steward
  - Foreign Veterinary Delegate
  - Independent Governance Advisors
  - President of the Ground Jury
Officials’ Reports

• The Endurance Department receives the reports

• The Endurance Department reviews the reports
  • The Endurance Department asks for clarification from relevant Officials, Athletes, NFs and OCs

• Following each situation the Endurance Department can administer a warning letter, suspension, transfer down or permanent removal from the lists
Officials’ Reports

• What happens if the Official does not report?

• Art. 164 of the GRs.

“Failure to return the Report(s) to the FEI shall be sanctioned by the FEI, first with a Warning and then by a Suspension until the outstanding Report(s) has been provided to the FEI. If the report is not delivered then the suspension is applied”.
Officials’ Reports

Number of Suspensions
Number of Officials still suspended

2015: 16
2016: 5
2017: 2
2018: 3
Officials’ Reports

• What is the plan for the future?

• To create a way for Officials to report with confidence;

• To create a process where Officials know that reports will be followed up;

• This process should motivate Officials to report more accurately;

• Inaccurate reports do not create improvement in our sport but create lack of credibility and promote wrong doing;

• Accurate reports can make Endurance move forward.
Increase sanctions

Mikael Rentsch
Endurance – Some statistics and overview of the current sanction mechanism
Equine Anti-Doping and Controlled Medication Cases
Equine Anti-Doping and Controlled Medication Cases by Discipline
Equine Anti-Doping Cases (Banned Substances only)
Other Endurance Cases

- Horse Abuse cases decided by the FEI Tribunal
- FEI Officials suspended
- National Federation Suspended
- Horse Abuse Cases (pending and to be decided by the FEI Tribunal)
Sanctions
**Sanctions**

Equine Anti-Doping & Controlled Medication

<table>
<thead>
<tr>
<th>Controlled Medication (1\textsuperscript{st} Offence), unless eligible for a Fast Track</th>
<th>Controlled Medication (2\textsuperscript{nd} Offence)</th>
<th>Controlled Medication (3\textsuperscript{rd} Offence)</th>
<th>Controlled Medication (4\textsuperscript{th} Offence)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Months Suspension (Athlete)</td>
<td>1 Year Suspension (Athlete)</td>
<td>4 Years Suspension (Athlete)</td>
<td>Lifetime Suspension (Athlete)</td>
</tr>
<tr>
<td>-</td>
<td>1 Year Suspension (Trainer)</td>
<td>4 Years (Trainer)</td>
<td>Lifetime Suspension (Trainer)</td>
</tr>
<tr>
<td>Fine CHF 5’000</td>
<td>Fine CHF 10’000</td>
<td>Fine CHF 15’000</td>
<td>Fine CHF 15’000</td>
</tr>
<tr>
<td>Disqualification</td>
<td>Disqualification</td>
<td>Disqualification</td>
<td>Disqualification</td>
</tr>
</tbody>
</table>

* Horses may be suspended for a longer period than 2 months according to the current Rules
# Sanctions
Equine Anti-Doping & Controlled Medication

<table>
<thead>
<tr>
<th>Banned Substance (1st Offence)</th>
<th>Banned Substance (2nd Offence)</th>
<th>Banned Substance (3rd Offence)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Years Suspension (Athlete and Trainer)</td>
<td>4 Years Suspension (Athlete and Trainer)</td>
<td>Lifetime Suspension (Athlete and trainer)</td>
</tr>
<tr>
<td>2 Month Provisional Suspension (Horse)</td>
<td>2 Month Provisional Suspension (Horse)</td>
<td>2 Month Provisional Suspension (Horse)</td>
</tr>
<tr>
<td>Fine CHF 15’000</td>
<td>Fine CHF 15’000</td>
<td>Fine CHF 15’000</td>
</tr>
<tr>
<td>Disqualification</td>
<td>Disqualification</td>
<td>Disqualification</td>
</tr>
</tbody>
</table>

* Horses may be suspended for a longer period than 2 months according to the current Rules
## Sanctions Horse Abuse & Hyposensitivity Control System Examination

<table>
<thead>
<tr>
<th>Horse Abuse Case</th>
<th>Hyposensitivity Control System Examination</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Suspension of a minimum of 3 Months up to Life</td>
<td>Disqualification</td>
</tr>
<tr>
<td>Fine up to CHF 15’000</td>
<td>Mandatory Rest Period of 4 weeks (CEI and CEN Events)</td>
</tr>
<tr>
<td>Disqualification</td>
<td>Horse is sampled</td>
</tr>
<tr>
<td></td>
<td>Yellow Warning Card</td>
</tr>
<tr>
<td></td>
<td>Horse must successfully pass a Hyposensitivity Control System Examination prior to being entitled to compete again</td>
</tr>
</tbody>
</table>
Increased Sanctions?

General Legal Principles

The FEI can only impose restrictions and sanctions that (i) are designed to pursue a legitimate imperative; (ii) are necessary in order to achieve that objective; and (iii) are proportionate.
Provisionally suspending not only the Trainer but also all of the Horses s/he trains may be intended to achieve legitimate objectives (deterring Trainers from bad acts, protecting the sport from potentially tainted actors), but it goes further than is necessary to achieve those objectives.
It would lead to the exclusion of a lot of Horses (to the detriment of their owners and riders, and to the sport generally) even though there may be **no suspicion whatsoever that they are tainted** in any way by their association with the Trainer.

Some Endurance Trainers are responsible for a large number of Horses and many **will not have been connected in any way to the issue** that prompted provisional suspension of the Trainer.
Suspending a Trainer and all his/her Horses

What if at the same event one Horse registered with a Trainer tested positive for a Banned Substance but another Horse registered with that Trainer tested clean?

The owner of the second Horse would clearly have a case if the Horse was suspended along with the Trainer notwithstanding its clean test.
Suspending a Trainer and all his/her horses

But even if there were other Horses at the event also registered with that Trainer who were not tested, and so did not have a chance to show they were clean, it still seems too much of a leap to exclude them because they are associated with a trainer who has another horse that tested positive.
In addition, under current FEI policy, even a Horse that has been found to have a Banned Substance in its system is only provisionally suspended for two months.

Why then would it be necessary to exclude other Horses registered to the same Trainer out for longer than that even though they never even tested positive?
Other Legal considerations

The Court of Arbitration for Sport (CAS) has accepted that anti-doping sports sanctions must respect the principle of proportionality.

The same applies with the international human rights principles.
Other Legal considerations

Strict sanctions must not be *automatic* and they must be adjustable depending on the circumstances.

The modularity of sanctions originates in the consideration of several circumstances: the nature of the prohibited substance, the gravity of the individual fault or negligence, behaviour during the procedure (“prompt admission”), or even age (minors).
Q & A
THANK YOU