

THE FIVB DISCIPLINARY PANEL

composed by

Mr. Tomohiro Tohyama (JPN)	Chairperson
Ms. Margaret Ann Fleming (SCO)	Member
Mr. Mounir Ben Slimane (TUN)	Member

Case DP 2016-01

I. PARTIES

1. **[Name]**¹ (hereinafter “Player 1” or “[name]”) is a volleyball player having the Volleyball Federation [of a specific country, hereafter the Player’s Country] as his Federation of Origin.
2. **[Name]** (hereinafter “Player 2” or “[name]”) is a volleyball player having the [Player’s Country] Volleyball Federation as his Federation of Origin.
3. **[Name]** (hereinafter “Player 3” or “[name]”) is a volleyball player having the [Player’s Country] Volleyball Federation as his Federation of Origin.
4. **[Name]** (hereinafter “Player 4” or “[name]”) is a volleyball player having the [Player’s Country] Volleyball Federation as his Federation of Origin.
5. **[Name]** (hereinafter “Player 5” or “[name]”) is a volleyball player having the [Player’s Country] Volleyball Federation as his Federation of Origin.
6. **[Name]** (hereinafter “Player 6” or “[name]”) is a volleyball player having the [Player’s Country] Volleyball Federation as his Federation of Origin.
7. The individuals identified in para 1 to 6 ([Player 1]; [Player 2]; [Player 3]; [Player 4]; [Player 5]; and [Player 6]) will be collectively referred to as the “Players” or the “Respondents”.

II. FACTUAL BACKGROUND

¹ In the interest of the protection of privacy, this is a redacted version of the decision. Any reductions are marked with bold brackets.

8. During the weekend of the [date], Pool 12 of the [year] edition of the [international event] took place in [city where the international event took place, hereafter the "Place"], [country where the international event took place, hereafter the "Host Country"] (hereinafter the "Event"). National federations participating in the Event were the [Host Country] Volleyball Association (host), the Volleyball Federation of [Country 3], Volleyball [Country 4] and the [Player's Country] Volleyball Federation.
9. The Players were all members of the [Player's Country] delegation representing the [Player's Country] Federation in the Event.
10. On [date], the FIVB Supervisor of the Event informed the FIVB that the law enforcement authorities of [Host Country] were investigating a certain number of members of the [Player's Country] delegation in relation with an alleged case of aggravated rape / sexual assault (Chapter 20 paragraph 2° of [Host Country] Criminal Code). The alleged criminal offences had taken place at the hotel of the team delegation. The report of the FIVB Supervisor can be summarized as follows (hereinafter the "Report"):
 - The law enforcement authorities of [Host Country] arrested three (3) members of the [Player's Country] delegation in relation with the allegations above before the match between the [Host Country] Volleyball Association and the [Player's Country] Volleyball Federation ([date]).
 - The law enforcement authorities of [Host Country] conducted DNA tests on a certain number of members of the [Player's Country] delegation after the match referred to above.
 - The law enforcement authorities of [Host Country] arrested an additional member of the [Player's Country] delegation before the match between the [Player's Country] Volleyball Federation and the Volleyball Federation of [Country 3] ([date]).
 - The law enforcement authorities of [Host Country] arrested four (4) additional members of the [Player's Country] delegation after the match between the [Player's Country] Volleyball Federation and the Volleyball Federation of [Country 3].
11. In total, the law enforcement authorities of [Host Country] arrested eight (8) members of the [Player's Country] delegation, i.e. the Players and two (2) additional members of the [Player's Country] delegation.

12. On [date], the [local] District Court in [Place], [Host Country] (hereinafter the “District Court”) ordered the detention of the Players until the [date], pending the conclusion of an investigation by the law enforcement authorities of [Host Country]. The two (2) additional members of the [Player’s Country] delegation were cleared by the District Court from any wrongdoings and were authorized to return to [Player’s Country].
13. On the same day, the [Player’s Country] Olympic Committee addressed a letter to the FIVB expressing its concerns about the alleged actions by the Players and their potential implications for the [Player’s Country] sports movement and the sport of Volleyball in particular.
14. On [date], the FIVB Disciplinary Panel Secretariat notified the Players – via the [Player’s Country] Volleyball Federation – of the opening of disciplinary proceedings. The deadline to provide the FIVB Disciplinary Panel with a response was [date] (12:00 am CET).
15. On the same day, the [Player’s Country] Volleyball Federation informed the FIVB Disciplinary Panel Secretariat that no communication with the Players was possible at the time and requested the disciplinary proceedings be put on hold until the conclusion of the criminal proceedings by the relevant authorities in [Host Country].
16. On [date], the FIVB acknowledged receipt of the letter by the [Player’s Country] Olympic Committee and informed the [Player’s Country] Olympic Committee of the opening of disciplinary proceedings against the Players.
17. On [date], the FIVB Disciplinary Panel informed the Players of composition of the FIVB Disciplinary Panel in the present case, namely:
 - Mr. Wanderley Rebello (BRA), Chairperson;
 - Mr. Mounir Ben Slimane (TUN); and Mr. Tomohiro Tohyama (JPN), Members,and provisionally suspended the Players from all Volleyball activities with immediate effect pending the decision of the FIVB Disciplinary Panel (hereinafter the “Provisional Suspension”). The FIVB Disciplinary Panel appointed Mr. Mounir Ben Slimane (TUN) as

Rapporteur and decided to withhold any decision on the merits until receipt of the report by Mr. Mounir Ben Slimane (TUN).

18. On [date], Mr. Mounir Ben Slimane (TUN) provided the FIVB Disciplinary Panel with his report. The report can be summarized as follows:

- The FIVB Disciplinary Panel to liaise with the [Player's Country] Volleyball Federation and request the [Player's Country] Volleyball Federation to provide the FIVB Disciplinary Panel with a concise report on the events which took place during the Event (e.g. by providing the FIVB Disciplinary Panel with a statement by the team officials or the two members of the [Player's Country] delegation cleared by the law enforcement authorities).
- The FIVB Disciplinary Panel to study the possibility (and opportunity) for the FIVB to become a party to the criminal proceedings in [Host Country] in order to access the relevant case file.
- The FIVB Disciplinary Panel to study the possibility to request the assistance of [a person from the Host Country] , Member of the FIVB Legal Commission, to defend the rights of the FIVB with regards to the criminal proceedings in [Host Country].

19. On [date], the Players were indicted on the account of aggravated rape.

20. On [date], the District Court held the following with regards to the Case No. R 16/4498 (hereinafter the "District Court Decision"):

- Player 1; Player 2; Player 3; Player 4; and Player 5 were found guilty of aggravated rape on the person of Ms. [letter](hereinafter "Ms. [letter]" or the "Victim"). Player 1; Player 2; Player 3; Player 4 were sentenced to a five (5) years period of imprisonment and Player 5 to a three (3) and half years period of imprisonment; whereas
- Player 6 was exonerated from all charges. In this regard, the District Court held that the "*aspects in favour of [Player 6] guilt are based on [Player 5] testimony on what [Player 6] told him by message*" (District Court Decision, p. 31), i.e. [Player 6] "*had unprotected sex with [[the Victim]]*" and "*had not ejaculated inside the girl but on a tissue, which he had thrown in the bin*" (District Court Decision, p. 26). The District Court found however that [Player 6] did not have intercourse with [the Victim] but

“without doubt assisted the defendants [i.e. Player 1; Player 2; Player 3; Player 4; and Player 5] in covering up the traces” of their actions (District Court Decision, p. 31).

21. Player 1; Player 2; Player 3; Player 4; and Player 5 appealed the District Court Decision within the applicable deadline.
22. On [date], the [local]Court of Appeal (hereinafter the “Court of Appeal”) established the following facts with regards to the case at hand (hereinafter the “Court of Appeal Decision”):
 - Player 1 and [the Victim] had engaged in consensual intercourse at first (Court of Appeal Decision, p. 6). Player 3 had subsequently penetrated the Victim without her consent (Court of Appeal Decision, p. 8).
 - Player 1 and Player 3 had then forced collectively the Victim *“to have intercourse with them repeatedly by holding her in place – in other words using violence – and by taking advantage of the state of fear that they had brought in on her and her otherwise helpless condition, in which she was unable to defend herself. The intercourse had taken the form of vaginal penetrations, in addition to which they had penetrated [[the Victim]]’s mouth simultaneously with their sexual organs. Furthermore, they had forced A into intercourse in which one them had had vaginal intercourse with her while the other had been engaged in simultaneous oral intercourse. Taking account of the manner in which the act attributed to the defendant [i.e. Player 1 and Player 3] was committed and the fact that photographs were taken without [[the Victim]]’s consent, the act was committed in an especially degrading manner”* (Court of Appeal Decision, p. 10).
 - Player 2 and Player 4 were aware that Player 1 and Player 3 had sexual intercourse with [the Victim] but it could *“not be proven that they were aware that this had happened against [[the Victim]]’s will, and it [could] not be considered that they would have regarded this as highly likely”* (Court of Appeal Decision, p. 10). The Court of Appeal established the following facts with regards to Player 2 and Player 4 as follows:
 - i. Player 2 placed himself on top the Victim. In this regard, the Court of Appeal established that the Victim *“had said nothing to him. He had smelled alcohol on her breath. Under the aforementioned circumstances, [Player 2] must have regarded it as very likely that the female in the room, whom he did not know from before and whose consent in engaging in sex he had not ensured before*

placing himself on top of her, would have taken a negative attitude to this. In a few minutes, after [Player 2] had tried to remove the woman's knickers, her negative attitude had become apparent to him as [[the Victim]] had begun to talk loudly, and [Player 2] had got up from top of her" (Court of Appeal Decision, p. 10). Player 2 did not have intercourse with the Victim (Court of Appeal Decision, p. 11); and

- ii. Player 4 admitted to have intercourse with the Victim. In this regard, the Court of Appeal established that the Player 4 took *"advantage of the state of fear cause to her and of her other helpless state in which she [i.e. the Victim] had been unable to defend herself"* (Court of Appeal Decision, p. 11).
- Player 5 *"had taken a negative view on the vents in room 923 and had not wanted to participate in them. [Player 5] had had no legal obligation to try to stop the events in room 923. [Player 5] had gone to his own room, to which [Player 6] had brought [[the Victim]]. In terms of time, [[the Victim]] spent the longest time in room 921"* (Court of Appeal Decision, p. 12). The Court of Appeal held that [the Victim] *"testimony that she had been raped while she was in room 921 must be considered credible. At the Court of Appeal, [[the Victim]] had given an account that was different from the one she had given in the pre-trial investigation. In connection to this, she had been unable to identify the perpetrator. Considering the memory gaps referred to in [[the Victim]]'s testimony, the facts stated of the reason behind such gaps and their significance, and the erroneous identification that [[the Victim]] had made in the early stage of the pre-trial investigation, reasonable doubt remains that she may have confused one person with someone else at a later stage of the matter"* (Court of Appeal Decision, p. 12). The Court of Appeal further held that *"[n]o forensic evidence was found in room 921 pointed to [Player 5] having had intercourse with [[the Victim]]. Among other things, DNA samples were obtained from the room. The lack of evidence supports [Player 5] testimony. The reason given by [Player 5] for leaving room 923 quite swiftly is plausible as such. From the beginning, he has consistently denied his guilt in the events in room 921. In his retrospective messages with [Player 6], he has not been the party taking the initiative; rather, he had mostly responded to messages that [Player 5] had sent. His testimony in the pre-trial investigation had largely been based on a retrospective assumption, based, on other things, on the messages that he had received of the events that, in his opinion, must have taken place. Following the*

messages that [Player 5] sent him, he had only folded up the towels, but had not otherwise cleaned the room. What he did in order to clean the room does not support his guilt, taking into consideration of the fact of how and offender is generally expected to act in such a situation” (Court of Appeal Decision, p. 12).

Accordingly, the Court of Appeal held the following with regards to the consequences of the facts established above:

- Player 1 and Player 3 were found guilty of aggravated rape on the person of [the Victim] [Player 1] and [Player 3] were sentenced to a four (4) years and a three (3) years and six (6) months period of imprisonment respectively. Player 4 was found guilty of rape on the person of [the Victim] [Player 4] was sentenced to a two (2) years and six (6) months period of imprisonment. Player 2 was found guilty of sexual coercion. [Player 2] was sentenced to a one (1) year and three (3) months period of imprisonment; whereas
- Player 5 was exonerated from all charges. In this regard, the Court of Appeal found credible the testimony by the Victim that she had been raped in the room of [Player 5] and [Player 5]. The Court of Appeal found however that the testimony of [the Victim] alone was not sufficient to establish that [Player 5] had sexual intercourse with the Victim in the absence of forensic evidence. The Court of Appeal found finally that Player 5 had no obligation to stop the action by Player 1; Player 2; Player 3; and Player 4.

23. On [date], the Court of Appeal Decision with regards to Player 1; Player 2; Player 3; and Player 4 became vested with *res judicata*.

24. On [date], the Players were invited by the FIVB Disciplinary Panel to file a statement of defense by no later than [date]. The documents provided to the Players included, among others, a certified copy of the Court of Appeal Decision.

25. The correspondence between the Players and the FIVB Disciplinary Panel with regards to the above can be summarized as follows:

- Player 1 did not file an answer within the applicable deadline (i.e. [date]). On [date], the FIVB Disciplinary Panel provided Player 1 with a last opportunity to file a statement of defense by no later than [date]. On the same day, the [Player’s Country]

Volleyball Federation informed the FIVB Disciplinary Panel that the non-responsiveness of Player 1 was due to the fact that Player 1 remained in prison in [Host Country]. On [date], the FIVB Disciplinary Panel received however a communication by Player 1. In this communication, Player 1 apologized for his past conduct.

- On [date], Player 2 called to the attention of the FIVB Disciplinary Panel that the Court of Appeal had requalified his offence to sexual coercion from aggravated rape and, accordingly, his sentence had been reduced to a period of one (1) year and three (3) months imprisonment. Player 2 informed the FIVB Disciplinary Panel that he had been released from prison and was now back in [Player's Country].
- On [date], Player 3 stated that the Court of Appeal cleared him of all charges brought against him. Player 3 informed the FIVB Disciplinary Panel that the [Player's Country] Volleyball Federation was no longer considering Player 3 a national team player. Consequently, Player 3 requested the FIVB to consider him a "FIVB Umbrella player" for transfer purposes. On [date], Player 3 made an unsolicited submission to the FIVB Disciplinary Panel. Player 3 claimed that his *"conviction was dropped off and I was finally free from prison"*. In this communication, Player 3 apologized for his past conduct and informed the FIVB Disciplinary Panel he was now married and wanted to start a new life.
- On [date], Player 4 filed a statement similar to Player 3 with regards to the findings of the Court of Appeal and the position of the [Player's Country] Volleyball Federation towards him. Player 4 requested the FIVB to consider him a "FIVB Umbrella player" for transfer purposes.
- On [date], Player 5 called to the attention of the FIVB Disciplinary Panel that the Court of Appeal cleared him from all charges brought against him. Player 5 further stated that the Government of [Host Country] compensated him for the time served in prison.
- On [date], Player 6 called to the attention of the FIVB Disciplinary Panel that the District Court cleared him from all charges brought against him. Player 6 distanced himself from the actions of his teammates and highlighted his willingness to represent the [Player's Country] Volleyball Federation in future competitions.

26. On [date], the FIVB Disciplinary Panel Secretariat informed the Players of the new composition of the FIVB Disciplinary Panel in the present case due to the renewal of the membership to the FIVB Disciplinary Panel for the period 2017-2020, namely:

- Mr. Tomohiro Tohyama (JPN), Chairperson;
- Mr. Mounir Ben Slimane (TUN); and Ms. Margaret Ann Fleming (SCO),
Members;

and that the case would be decided based on the submission by the parties.

27. In [year], the FIVB Disciplinary Panel proceeded to review – upon a personal request by each of the Players – the scope of the Provisional Suspension. The FIVB Disciplinary Panel decided to limit the scope of the Provisional Suspension to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) from all Volleyball activities (see para 17). In other words, the Players were authorized to participate in club competitions at home or abroad but not at international level.

III. COMPETENCE

28. The FIVB Disciplinary Panel is competent to hear this case as per Article 26.5 of the FIVB Disciplinary Regulations 2018 (Article 17.5 of the FIVB Disciplinary Regulations 2016 at the time of the opening of the disciplinary proceedings).

29. The FIVB Disciplinary Panel further notes that the Respondents did not challenge the competence of the FIVB Disciplinary Panel to hear the present case.

IV. APPLICABLE LAW

30. The FIVB Disciplinary Panel notes that the FIVB Constitution and Regulations apply to this case. Since FIVB has its seat in Switzerland, Swiss law may apply subsidiarily.

31. The FIVB Disciplinary Panel further notes that two sets of FIVB Disciplinary Regulations may apply to the resolution of the case at hand:

- The FIVB Disciplinary Regulations 2016, which were approved by the FIVB Board of Administration on 7 April 2016 and entered into force on [date] (hereinafter “FIVB DR 2016”); and

- The FIVB Disciplinary Regulations 2018, which were approved by the FIVB Board of Administration on 4 May 2018 and entered into force on [date] (hereinafter “FIVB DR 2018”).
32. The behavior attributed to the Players in the Report, the District Court Decision and the Court of Appeal Decision occurred during the Event. The FIVB Disciplinary Panel notes that the FIVB DR 2018 were not in force at that time. Consequently, the FIVB Disciplinary Panel finds that the conduct of the Players is to be reviewed under the FIVB DR 2016. The FIVB Disciplinary Panel finds however that the FIVB DR 2018 apply to the present case insofar as they concern the procedure governing these proceedings.
33. In the Charge Letter dated [date], the FIVB Disciplinary Panel qualified the alleged violations of the FIVB DR 2016 by the Players as follows:
- *“Assault of a woman during the night of the [date]. The assault took place at the location where the delegation was staying while participating in the [Event]–”.*
- The substantives rules which are relevant for the resolution of this dispute are quoted in the following paragraphs.
34. Article 1.1 of the FIVB Disciplinary Regulations 2016 (hereinafter “FIVB DR 2016”) provided the following regarding the persons subject to the jurisdiction of the FIVB:
- “For the purpose of these Regulations, the following natural and legal persons (hereinafter in these Regulations the “Parties”) are subject to the jurisdiction of the FIVB under the terms herein established:*
- [...]
 - *National leagues, clubs, teams and their administrators, team managers, players, coaches, technical and athlete support personnel, and referees affiliated to a NF;*
 - [...]” (emphasis added).
35. Articles 11.1 and 11.2 of the FIVB DR 2016 provided the following regarding violent conduct:
- “11.1 Any action, attitude or public statement displaying an improper use of physical or emotional force in order to injure, intimidate or defame the FIVB, its guests*

or any of the persons listed in Article 1 herein is considered a violent conduct which shall be sanctioned in accordance with the seriousness of the violation.

11.2 Violent conduct in connection with a competition or in general a Volleyball activity shall be sanctioned as a major offence. Sanctions shall be imposed on the persons involved and/or the national federation or club accountable for such actions (see Article 14.4 above)” (emphasis added).

36. Article 7.2 of the FIVB DR 2016 provided the following sanctions in case of a major offense:

“7.2 The following sanctions may be imposed for a major offence;

- a. Monetary fine of more than CHF 10,000;*
- b. Repeal of a right (for example a suspension, i.e. prohibition from participation, for a given period of time, in any official activity within the sphere of the FIVB) of more than six (6) months;*
- c. Disqualification;*
- d. Forfeit of match(es);*
- e. Deduction of point(s);*
- f. A combination of the above sanctions”.*

V. PROCEDURE

37. By letter dated [date], the FIVB Disciplinary Panel informed the Players that disciplinary proceedings were opened against them and that the FIVB Disciplinary Panel would adjudicate this case. The FIVB Disciplinary Panel provided the Respondents with the opportunity to submit their respective position in writing by no later than [date].

38. On the same day, the [Player’s Country] Volleyball Federation informed the FIVB Disciplinary Panel Secretariat that no communication with the Players was possible at the time and requested the disciplinary proceedings be put on hold until the conclusion of the criminal proceedings by the relevant authorities in [Host Country].

39. Accordingly, the FIVB Disciplinary Panel issued the Provisional Suspended and decided to suspend the disciplinary proceedings until after the conclusion of the criminal proceedings by the relevant authorities in [Host Country]. The purpose of this course of action was i) to allow for the Players to prepare their defense without interference by the FIVB Disciplinary

Panel (i.e. to respect the general principle that an individual has the right not to incriminate him/herself) and ii) to be able to rely on the facts established by the relevant authorities in [Host Country] in order to conduct the disciplinary proceedings.

40. Upon conclusion of the criminal proceedings in [Host Country] (see para 22 ff) and receipt of a translation of the District Court Decision and the Court of Appeal Decision, the FIVB Disciplinary Panel notified the Players of the opening of disciplinary proceedings for the second time and provided them with the opportunity to file a statement of defense by no later than [date]. The summary of the statement of defense of each player can be found in para 25 above.

VI. LEGAL CONSIDERATIONS

(a) Violation: Violent conduct

41. The FIVB Disciplinary Panel notes that Article 11.1 of the FIVB DR 2016 required a person under the jurisdiction of the FIVB not to act, to have an attitude or to make a public statement displaying an improper use of physical or emotional force in order to injure, intimidate or defame the FIVB, its guests or any of the persons listed in Article 1 of the FIVB DR 2016.
42. The FIVB Disciplinary Panel further notes that Article 11.2 of the FIVB DR 2016 considered violent conduct in connection with a competition or in general a Volleyball activity a major offence.
43. The FIVB Disciplinary Panel is satisfied that the Players were a *player* under the definition of Article 1 of the FIVB DR 2016 because [Player 1]; [Player 2]; [Player 3]; [Player 4]; [Player 5]; and [Player 6] participated in the Event and were (and are) registered with the Volleyball Information System (VIS) at the time of the alleged rule violation.
44. The FIVB Disciplinary Panel is satisfied that aggravated rape, rape or sexual coercion all constituted *violent conduct* under Article 11.1 of the FIVB DR 2016 because these behaviors implied an improper use of physical or emotional force by definition and were of a nature to injure or intimidate the FIVB, its guests or any of the persons listed in Article 1 of the FIVB DR 2016. In this regard, the FIVB Disciplinary Panel will leave open whether the absence of

action (i.e. a passive role) constituted violent conduct under Article 11.1 of the FIVB DR 2016 for now.

45. The FIVB Disciplinary Panel is satisfied that [the Victim] was a *guest* for the purpose of the application of Article 11.1 of the FIVB DR 2016 because the behavior attributed to the Players in the Report, the District Court Decision and the Court of Appeal Decision occurred during the Event and in the hotel of the team delegation specifically. In this regard, the FIVB Disciplinary Panel notes that the hotel was provided by and paid for by the [Host Country] Volleyball Association (host) as part of the mandatory organization requirements of the Event under the Letter of Participation and Article 2.3 [Event] [year] Handbook. Accordingly, the FIVB Disciplinary Panel understands that the hotel of a delegation should be assimilated to a competition venue for the purpose of the application of the FIVB DR 2016. Thus, the FIVB Disciplinary Panel finds that any person invited by the FIVB or a person listed under Article 1 of the FIVB DR 2016 in an hotel where a delegation is staying is to be considered a guest.
46. The FIVB Disciplinary Panel is satisfied that the behavior attributed to the Players in the Report, the District Court Decision and the Court of Appeal Decision occurred in connection with a *competition* or, at least, a *Volleyball activity* because it took place at the hotel of the team delegation. The FIVB Disciplinary notes that the findings of the FIVB Disciplinary Panel with regards to the status of the hotel as a competition venue (*see above para 45*) apply *mutatis mutandis* to the concept of competition or general Volleyball activity.

(1) [Player 1]

47. [Player 1] was found guilty of aggravated rape in the Court of Appeal Decision (*see para 22*). Because the Court of Appeal Decision is now vested with *res judicata*, the FIVB Disciplinary Panel understands that the facts established in said decision are of a highly persuasive nature. Accordingly, the FIVB Disciplinary Panel may rely on those to review the conduct of Player 1 under the applicable rules. In this regard, the FIVB Disciplinary Panel wishes to highlight the review of the conduct of Player 1 is to be conducted against the applicable rules only, especially with regards to the alleged rule violation attributed to Player 1 and standard of proof to be met in order to attribute the rule violation to Player 1.

48. The FIVB Disciplinary Panel has previously established that [Player 1] was subject to the jurisdiction of the FIVB at the time of the alleged rule violation; aggravated rape constituted violent conduct under the applicable rules; [the Victim] was a guest for the purpose of the application of the applicable rule; and the alleged rule violation occurred in relation with a competition or, at least, a general Volleyball activity (*see above para 41 ff*).
49. Based on the above, [Player 1] is liable for the violation of Article 11.1 of the FIVB DR 2016 in conjunction with 11.2 of the FIVB DR 2016.

(2) [Player 2]

50. [Player 2] was found guilty of sexual coercion in the Court of Appeal Decision (*see para 22*). Because the Court of Appeal Decision is now vested with *res judicata*, the FIVB Disciplinary Panel understands that the facts established in said decision are of a highly persuasive nature. Accordingly, the FIVB Disciplinary Panel may rely on those to review the conduct of Player 2 under the applicable rules. In this regard, the FIVB Disciplinary Panel wishes to highlight the review of the conduct of Player 2 is to be conducted against the applicable rules only, especially with regards to the alleged rule violation attributed to Player 2 and standard of proof to be met in order to attribute the rule violation to Player 2.
51. The FIVB Disciplinary Panel has previously established that [Player 2] was subject to the jurisdiction of the FIVB at the time of the alleged rule violation; sexual coercion constituted violent conduct under the applicable rules; [the Victim] was a guest for the purpose of the application of the applicable rule; and the alleged rule violation occurred in relation with a competition or, at least, a general Volleyball activity (*see above para 41 ff*).
52. Based on the above, [Player 2] is liable for the violation of Article 11.1 of the FIVB DR 2016 in conjunction with 11.2 of the FIVB DR 2016.

(3) [Player 3]

53. [Player 3] was found guilty of aggravated rape in the Court of Appeal Decision (*see para 22*). Because the Court of Appeal Decision is now vested with *res judicata*, the FIVB Disciplinary Panel understands that the facts established in said decision are of a highly persuasive

nature. Accordingly, the FIVB Disciplinary Panel may rely on those to review the conduct of Player 3 under the applicable rules. In this regard, the FIVB Disciplinary Panel wishes to highlight the review of the conduct of Player 3 is to be conducted against the applicable rules only, especially with regards to the alleged rule violation attributed to Player 3 and standard of proof to be met in order to attribute the rule violation to Player 3.

54. The FIVB Disciplinary Panel has previously established that [Player 3] was subject to the jurisdiction of the FIVB at the time of the alleged rule violation; aggravated rape constituted violent conduct under the applicable rules; [the Victim] was a guest for the purpose of the application of the applicable rule; and the alleged rule violation occurred in relation with a competition or, at least, a general Volleyball activity (*see above para 41 ff*).
55. Based on the above, [Player 3] is liable for the violation of Article 11.1 of the FIVB DR 2016 in conjunction with 11.2 of the FIVB DR 2016.

(4) [Player 4]

56. [Player 4] was found guilty of rape in the Court of Appeal Decision (*see para 22*). Because the Court of Appeal Decision is now vested with *res judicata*, the FIVB Disciplinary Panel understands that the facts established in said decision are of a highly persuasive nature. Accordingly, the FIVB Disciplinary Panel may rely on those to review the conduct of Player 4 under the applicable rules. In this regard, the FIVB Disciplinary Panel wishes to highlight the review of the conduct of Player 4 is to be conducted against the applicable rules only, especially with regards to the alleged rule violation attributed to Player 4 and standard of proof to be met in order to attribute the rule violation to Player 4.
57. The FIVB Disciplinary Panel has previously established that [Player 4] was subject to the jurisdiction of the FIVB at the time of the alleged rule violation; rape constituted violent conduct under the applicable rules; [the Victim] was a guest for the purpose of the application of the applicable rule; and the alleged rule violation occurred in relation with a competition or, at least, a general Volleyball activity (*see above para 41 ff*).
58. Based on the above, [Player 4] is liable for the violation of Article 11.1 of the FIVB DR 2016 in conjunction with 11.2 of the FIVB DR 2016.

(5) [Player 5]

59. [Player 5] was exonerated from all criminal charges by the Court of Appeal (*see* para 22). Because the Court of Appeal Decision is now vested with *res judicata*, the FIVB Disciplinary Panel understands that the facts established in said decision are of a highly persuasive nature. Accordingly, the FIVB Disciplinary Panel may rely on those to review the conduct of Player 5 under the applicable rules. In this regard, the FIVB Disciplinary Panel wishes to highlight the review of the conduct of Player 5 is to be conducted against the applicable rules only, especially with regards to the alleged rule violation attributed to Player 5 and standard of proof to be met in order to attribute the rule violation to Player 5.
60. The FIVB Disciplinary Panel has previously established that [Player 5] was subject to the jurisdiction of the FIVB at the time of the alleged rule violation; [the Victim]. was a guest for the purpose of the application of the applicable rule; and the alleged rule violation occurred in relation with a competition or, at least, a general Volleyball activity (*see* above para 41 ff). The FIVB Disciplinary Panel must now decide whether the behavior by [Player 5] (i.e. the absence of action by Player 5 in this case) constituted violent conduct under the applicable rules. The FIVB Disciplinary Panel notes that the Court of Appeal Decision considered the testimony by [the Victim] that she had been raped in room 921 credible and also placed [Player 5] and [Player 6] in room 921 at the time the Victim was raped (*see* para 22). The FIVB Disciplinary Panel acknowledges that it may be peculiar to attribute a rule violation in case of absence of action but finds that [Player 5] had a duty to intervene and stop his teammate(s) in the present case. In other words, the absence of action by [Player 5] allowed for the improper use of physical or emotional force on [the Victim]. The FIVB Disciplinary Panel finds that the absence of action in this case equally constituted violent conduct under the applicable rules.
61. Based on the above, [Player 5] is liable for the violation of Article 11.1 of the FIVB DR 2016 in conjunction with 11.2 of the FIVB DR 2016.

(6) [Player 6]

62. [Player 6] was exonerated from all criminal charges by the District Court (see para 20). Because the District Court Decision with regards to [Player 6] specifically and the Court of Appeal Decision are now vested with *res judicata*, the FIVB Disciplinary Panel understands that the facts established in these decisions are of a highly persuasive nature. Accordingly, the FIVB Disciplinary Panel may rely on those to review the conduct of Player 6 under the applicable rules.
63. The FIVB Disciplinary Panel has previously established that [Player 6] was subject to the jurisdiction of the FIVB at the time of the alleged rule violation; [the Victim] was a guest for the purpose of the application of the applicable rule; and the alleged rule violation occurred in relation with a competition or, at least, a general Volleyball activity (see above para 41 ff). The FIVB Disciplinary Panel must now decide whether the behavior by [Player 6] constituted violent conduct under the applicable rules. The FIVB Disciplinary Panel notes that the District Court Decision established that [Player 6] had without doubt helped Player 1; Player 2; Player 3; Player 4; and Player 5 to cover up the traces of their actions (see para 20). The FIVB Disciplinary Panel further notes that [Player 5] stated that [Player 6] had unprotected sex with the Victim based on a declaration by [Player 6] to him (see para 20). The FIVB Disciplinary Panel finally notes that the Court of Appeal Decision established that [Player 6] had brought [the Victim] to room 921; considered the testimony by [the Victim] that she had been raped in room 921 credible and also placed [Player 5] and [Player 6] in room 921 at the time the Victim was raped (see para 22). The FIVB Disciplinary Panel acknowledges that it may be peculiar to attribute a rule violation in case of absence of action but finds that [Player 6] had a duty to intervene and stop his teammate(s) in the present case. In other words, the absence of action by [Player 6] allowed for the improper use of physical or emotional force on [the Victim]. The FIVB Disciplinary Panel finds that the absence of action in this case equally constituted violent conduct under the applicable rules.
64. Based on the above, [Player 6] is liable for the violation of Article 11.1 of the FIVB DR 2016 in conjunction with 11.2 of the FIVB DR 2016.

* * *

(b) Sanction

65. When determining the applicable sanctions, the FIVB Disciplinary Panel must look at the sanctions provided in the applicable regulations as well as in Article 7 of the FIVB DR 2016.
66. In addition to the above, the FIVB Disciplinary Panel notes that Article 28.4.1(a) of the FIVB DR 2018 now clarifies that “When determining the appropriate sanctions applicable, the competent FIVB body shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the writing decision”.
67. Consequently, the FIVB Disciplinary Panel will use the sanctions provided for in the relevant provisions as the starting point for the sentencing of the Respondents and adapt the final sanction taking into consideration the principle referred to in Article 28.1.4(a) of the FIVB DR 2018.

(1) [Player 1]

68. Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 provided for a major offence in case of violent conduct.
69. The FIVB Disciplinary Panel recognizes that the wording of Article 11.1 of the FIVB DR 2016 established that the rule violation shall be sanctioned in accordance with the seriousness of the violation. In this regard, the FIVB Disciplinary Panel finds that the actions by [Player 1]—as established above in the facts and rule violation sections—constitute an extremely serious violation of Articles 11.1 and 11.2 of the FIVB DR 2016.
70. The FIVB Disciplinary Panel further recognizes Article 7.2 of the FIVB DR 2016 allowed for various sanctions, including, among others, the repeal of a right for more than six (6) months. In this regard, the FIVB Disciplinary Panel finds that the repeal of a right (i.e. a suspension) is the most adequate sanction in the rulebook to address the rule violation by [Player 1]. With regards to the duration of the suspension, the FIVB Disciplinary Panel finds that an unlimited period of ineligibility is proportionate in the present case provided it is limited to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). In reaching this conclusion, the FIVB Disciplinary Panel has

weighted the right to participate in competitions between national teams; club competitions at domestic and international levels against the right to work of [Player 1]. In this regard, the FIVB Disciplinary Panel concludes that i) the right to participate in competitions between national teams is not encompassed within the right to work because said competitions are not driven by an economic rationale and ii) the prohibition to participate in club competitions at international level constitutes a very limited and narrow restriction to the right to work of [Player 1].

71. Therefore, [Player 1] shall be sanctioned with a suspension from participating in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) for **an unlimited period of ineligibility**. The *dies a quo* of the suspension shall be discussed next.
72. Article 28.7.2 of the FIVB DR 2018 mandates where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.
73. For the record, the FIVB Disciplinary Panel provisionally suspended [Player 1] as of [date].
74. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [Player 1] shall be taken into account and, accordingly, that the *dies a quo* of the suspension shall be [date].

(2) [Player 2]

75. Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 provided for a major offence in case of violent conduct.
76. The FIVB Disciplinary Panel recognizes that the wording of Article 11.1 of the FIVB DR 2016 established that the rule violation shall be sanctioned in accordance with the seriousness of the violation. In this regard, the FIVB Disciplinary Panel finds that the actions by [Player 2]—as established above in the facts and rule violation sections—constitute an extremely serious violation of Articles 11.1 and 11.2 of the FIVB DR 2016.

77. The FIVB Disciplinary Panel further recognizes Article 7.2 of the FIVB DR 2016 allowed for various sanctions, including, among others, the repeal of a right for more than six (6) months. In this regard, the FIVB Disciplinary Panel finds that the repeal of a right (i.e. a suspension) is the most adequate sanction in the rulebook to address the rule violation by [Player 2]. With regards to the duration of the suspension, the FIVB Disciplinary Panel finds that an unlimited period of ineligibility is proportionate in the present case provided it is limited to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). In reaching this conclusion, the FIVB Disciplinary Panel has weighted the right to participate in competitions between national teams; club competitions at domestic and international levels against the right to work of [Player 2]. In this regard, the FIVB Disciplinary Panel concludes that i) the right to participate in competitions between national teams is not encompassed within the right to work because said competitions are not driven by an economic rationale and ii) the prohibition to participate in club competitions at international level constitutes a very limited and narrow restriction to the right to work of [Player 2].
78. Therefore, [Player 2] shall be sanctioned with a suspension from participating in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) for **an unlimited period of ineligibility**. The *dies a quo* of the suspension shall be discussed next.
79. Article 28.7.2 of the FIVB DR 2018 mandates where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.
80. For the record, the FIVB Disciplinary Panel provisionally suspended [Player 2] as of [date].
81. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [Player 2] shall be taken into account and, accordingly, that the *dies a quo* of the suspension shall be [date].

(3) [Player 3]

82. Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 provided for a major offence in case of violent conduct.
83. The FIVB Disciplinary Panel recognizes that the wording of Article 11.1 of the FIVB DR 2016 established that the rule violation shall be sanctioned in accordance with the seriousness of the violation. In this regard, the FIVB Disciplinary Panel finds that the actions by [Player 3] – as established above in the facts and rule violation sections – constitute an extremely serious violation of Articles 11.1 and 11.2 of the FIVB DR 2016.
84. The FIVB Disciplinary Panel further recognizes Article 7.2 of the FIVB DR 2016 allowed for various sanctions, including, among others, the repeal of a right for more than six (6) months. In this regard, the FIVB Disciplinary Panel finds that the repeal of a right (i.e. a suspension) is the most adequate sanction in the rulebook to address the rule violation by [Player 3]. With regards to the duration of the suspension, the FIVB Disciplinary Panel finds that an unlimited period of ineligibility is proportionate in the present case provided it is limited to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). In reaching this conclusion, the FIVB Disciplinary Panel has weighted the right to participate in competitions between national teams; club competitions at domestic and international levels against the right to work of [Player 3]. In this regard, the FIVB Disciplinary Panel concludes that i) the right to participate in competitions between national teams is not encompassed within the right to work because said competitions are not driven by an economic rationale and ii) the prohibition to participate in club competitions at international level constitutes a very limited and narrow restriction to the right to work of [Player 3].
85. Therefore, [Player 3] shall be sanctioned with a suspension from participating in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) for **an unlimited period of ineligibility**. The *dies a quo* of the suspension shall be discussed next.

86. Article 28.7.2 of the FIVB DR 2018 mandates where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.
87. For the record, the FIVB Disciplinary Panel provisionally suspended [Player 3] as of [date].
88. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [Player 3] shall be taken into account and, accordingly, that the *dies a quo* of the suspension shall [date].

(4) [Player 4]

89. Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 provided for a major offence in case of violent conduct.
90. The FIVB Disciplinary Panel recognizes that the wording of Article 11.1 of the FIVB DR 2016 established that the rule violation shall be sanctioned in accordance with the seriousness of the violation. In this regard, the FIVB Disciplinary Panel finds that the actions by [Player 4]— as established above in the facts and rule violation sections – constitute an extremely serious violation of Articles 11.1 and 11.2 of the FIVB DR 2016.
91. The FIVB Disciplinary Panel further recognizes Article 7.2 of the FIVB DR 2016 allowed for various sanctions, including, among others, the repeal of a right for more than six (6) months. In this regard, the FIVB Disciplinary Panel finds that the repeal of a right (i.e. a suspension) is the most adequate sanction in the rulebook to address the rule violation by [Player 4]. With regards to the duration of the suspension, the FIVB Disciplinary Panel finds that an unlimited period of ineligibility is proportionate in the present case provided it is limited to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). In reaching this conclusion, the FIVB Disciplinary Panel has weighted the right to participate in competitions between national teams; club competitions at domestic and international levels against the right to work of [Player 4]. In this regard, the FIVB Disciplinary Panel concludes that i) the right to participate in competitions between national teams is not encompassed within the right to work because

said competitions are not driven by an economic rationale and ii) the prohibition to participate in club competitions at international level constitutes a very limited and narrow restriction to the right to work of [Player 4].

92. Therefore, [Player 4] shall be sanctioned with a suspension from participating in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) for **an unlimited period of ineligibility**. The *dies a quo* of the suspension shall be discussed next.
93. Article 28.7.2 of the FIVB DR 2018 mandates where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.
94. For the record, the FIVB Disciplinary Panel provisionally suspended [Player 4] as of [date].
95. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [Player 4] shall be taken into account and, accordingly, that the *dies a quo* of the suspension shall be [date].

(5) [Player 5]

96. Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 provided for a major offence in case of violent conduct.
97. The FIVB Disciplinary Panel recognizes that the wording of Article 11.1 of the FIVB DR 2016 established that the rule violation shall be sanctioned in accordance with the seriousness of the violation. In this regard, the FIVB Disciplinary Panel finds that the actions by [Player 5]—as established above in the facts and rule violation sections—constitute a serious violation of Articles 11.1 and 11.2 of the FIVB DR 2016.
98. The FIVB Disciplinary Panel further recognizes Article 7.2 of the FIVB DR 2016 allowed for various sanctions, including, among others, the repeal of a right for more than six (6) months. In this regard, the FIVB Disciplinary Panel finds that the repeal of a right (i.e. a

suspension) is the most adequate sanction in the rulebook to address the rule violation by [Player 5]. With regards to the duration of the suspension, the FIVB Disciplinary Panel finds that a period of ineligibility of five (5) years is proportionate in the present case provided it is limited to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). In reaching this conclusion, the FIVB Disciplinary Panel has weighted the right to participate in competitions between national teams; club competitions at domestic and international levels against the right to work of [Player 5]. In this regard, the FIVB Disciplinary Panel concludes that i) the right to participate in competitions between national teams is not encompassed within the right to work because said competitions are not driven by an economic rationale and ii) the prohibition to participate in club competitions at international level constitutes a very limited and narrow restriction to the right to work of [Player 5].

99. Therefore, [Player 5] shall be sanctioned with a suspension from participating in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) for **a period of five (5) years**. The *dies a quo* of the suspension shall be discussed next.
100. Article 28.7.2 of the FIVB DR 2018 mandates where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.
101. For the record, the FIVB Disciplinary Panel provisionally suspended [Player 5] as of [date].
102. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [Player 5] shall be taken into account and, accordingly, that the *dies a quo* of the suspension shall be [date].
103. Therefore, [Player 5] shall be sanctioned with a suspension from FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) until [date].

(6) [Player 6]

104. Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 provided for a major offence in case of violent conduct.
105. The FIVB Disciplinary Panel recognizes that the wording of Article 11.1 of the FIVB DR 2016 established that the rule violation shall be sanctioned in accordance with the seriousness of the violation. In this regard, the FIVB Disciplinary Panel finds that the actions by [Player 6]— as established above in the facts and rule violation sections – constitute a serious violation of Articles 11.1 and 11.2 of the FIVB DR 2016.
106. The FIVB Disciplinary Panel further recognizes Article 7.2 of the FIVB DR 2016 allowed for various sanctions, including, among others, the repeal of a right for more than six (6) months. In this regard, the FIVB Disciplinary Panel finds that the repeal of a right (i.e. a suspension) is the most adequate sanction in the rulebook to address the rule violation by [Player 6]. With regards to the duration of the suspension, the FIVB Disciplinary Panel finds that a period of ineligibility of five (5) years is proportionate in the present case provided it is limited to FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). In reaching this conclusion, the FIVB Disciplinary Panel has weighted the right to participate in competitions between national teams; club competitions at domestic and international levels against the right to work of [Player 6]. In this regard, the FIVB Disciplinary Panel concludes that i) the right to participate in competitions between national teams is not encompassed within the right to work because said competitions are not driven by an economic rationale and ii) the prohibition to participate in club competitions at international level constitutes a very limited and narrow restriction to the right to work of [Player 6].
107. Therefore, [Player 6] shall be sanctioned with a suspension from participating in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) for **a period of five (5) years**. The *dies a quo* of the suspension shall be discussed next.
108. Article 28.7.2 of the FIVB DR 2018 mandates where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

109. For the record, the FIVB Disciplinary Panel provisionally suspended [Player 6] as of [date].
110. In light of the above, the FIVB Disciplinary Panel finds that the time already served by [Player 6] shall be taken into account and, accordingly, that the *dies a quo* of the suspension shall be [date].
111. Therefore, [Player 6] shall be sanctioned with a suspension from FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook) until [date].

* * *

Taking all the above into consideration

THE FIVB DISCIPLINARY PANEL

Concludes and Decides

1. The athlete [Player 1] [Player's Country] has committed a disciplinary rule violation (Violent Conduct) according to Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 and shall be sanctioned with an unlimited period of ineligibility to participate in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). The period of ineligibility shall start on [date], as per Article 28.7.2 of the FIVB DR 2018.
2. The athlete [Player 2] [Player's Country] has committed a disciplinary rule violation (Violent Conduct) according to Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 and shall be sanctioned with an unlimited period of ineligibility to participate in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook), as per Article 28.7.2 of the FIVB DR 2018.
3. The athlete [Player 3] [Player's Country] has committed a disciplinary rule violation (Violent Conduct) according to Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 and shall be sanctioned with an unlimited period of ineligibility to participate in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). The period of ineligibility shall start on [date], as per Article 28.7.2 of the FIVB DR 2018.
4. The athlete [Player 4] [Player's Country] has committed a disciplinary rule violation (Violent Conduct) according to Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 and shall be sanctioned with an unlimited period of ineligibility to participate in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). The period of ineligibility shall start on [date], as per Article 28.7.2 of the FIVB DR 2018.
5. The athlete [Player 5] [Player's Country] has committed a disciplinary rule violation (Violent Conduct) according to Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 and shall be sanctioned with a five (5) years period of ineligibility to participate in FIVB, World and Official Competitions (as defined in the FIVB

Event Regulations and the FIVB Handbook). The period of ineligibility shall start on [date] and end on [date], as per Article 28.7.2 of the FIVB DR 2018.

6. The athlete [Player 6] [Player's Country] has committed a disciplinary rule violation (Violent Conduct) according to Articles 11.1 and 11.2 of the FIVB DR 2016 in conjunction with Article 7.2 of the FIVB DR 2016 and shall be sanctioned with a five (5) years period of ineligibility to participate in FIVB, World and Official Competitions (as defined in the FIVB Event Regulations and the FIVB Handbook). The period of ineligibility shall start on [date] and end on [date], as per Article 28.7.2 of the FIVB DR 2018.
7. This decision may be appealed in accordance with the attached Notice of Appeals.

Lausanne, [date]

For the FIVB DISCIPLINARY PANEL

Mr. Tomohiro Tohyama
Chairperson

NOTICE OF APPEALS

1. Parties who are affected by a decision of a FIVB body (e.g. the President, the Board of Administration, the Disciplinary Panel etc.) can file an appeal to the FIVB Appeals Panel unless otherwise provided in the FIVB Constitution and Regulations.
2. Appeals must be made in writing and must be received by the FIVB Secretariat within fourteen (14) days from notification of the decision, failing which the appeal will be considered inadmissible.
3. Appeals shall be accompanied by a copy of the decision appealed against and a bank certificate confirming payment of the administrative fee of CHF 2,000 into the following account:

Banque Cantonale Vaudoise (BCV)

Place Saint-François 14

CH-1001 Lausanne / Switzerland

Account: T 5344.53.25

IBAN: CH33 00767 000T 5344 5325

BIC Code (Swift Address): BCVLCH2LXXX

Bank clearing: 767

4. Failure to pay the administrative fee within the deadline fixed by the FIVB Secretariat will result in considering the appeal withdrawn. The FIVB Appeals Panel may decide that the administrative fee be reimbursed in the event that the appeal is successful.
5. The appeal can be filed by a proxy if he/she presents a written power of attorney.
6. For details of the appeals procedure please refer to Section III of the FIVB Disciplinary Regulations (<http://www.fivb.org/EN/FIVB/Legal.asp>).
7. A further appeal against the decision by the FIVB Appeals Panel can only be lodged with the Court of Arbitration for Sport in Lausanne, Switzerland, within twenty-one (21) days following receipt of the decision.