



**Disqualification,**

**Protest and**

**Gold Coast  
2018**

**XXI Commonwealth Games**



**QUEENSLAND**

**Jury of Appeal**

**- A Case Study**

# Disqualification.....

## Question ??

Look at the following two scenarios.....

## COMMONWEALTH GAMES 2018

Event 6: Men's 50m Butterfly  
56 competitors

Heat 2 / Lane 3

**Adam Moncherry – Seychelles – ranked 43<sup>rd</sup>**

**DQ – Started before the starting signal (as observed by both the Referee and Starter)**



## COMMONWEALTH GAMES 2018

Event 6: Men's 50m Butterfly  
56 competitors

Heat 7 / Lane 4



### **Benjamin Proud – England – ranked 1<sup>st</sup>**

- Commonwealth Games Record Holder in 50m Butterfly
- Commonwealth Games Record Holder in 50m Freestyle
- Ranked 4<sup>th</sup> 50m Freestyle at the Rio Olympic Games
- Ranked 1<sup>st</sup> 50m Butterfly at the World Championships in Budapest

**DQ – Started before the starting signal (as observed by both the Referee and Starter)**

# Question ??

Should either of the above cases have been  
Refereed differently compared to each other ??

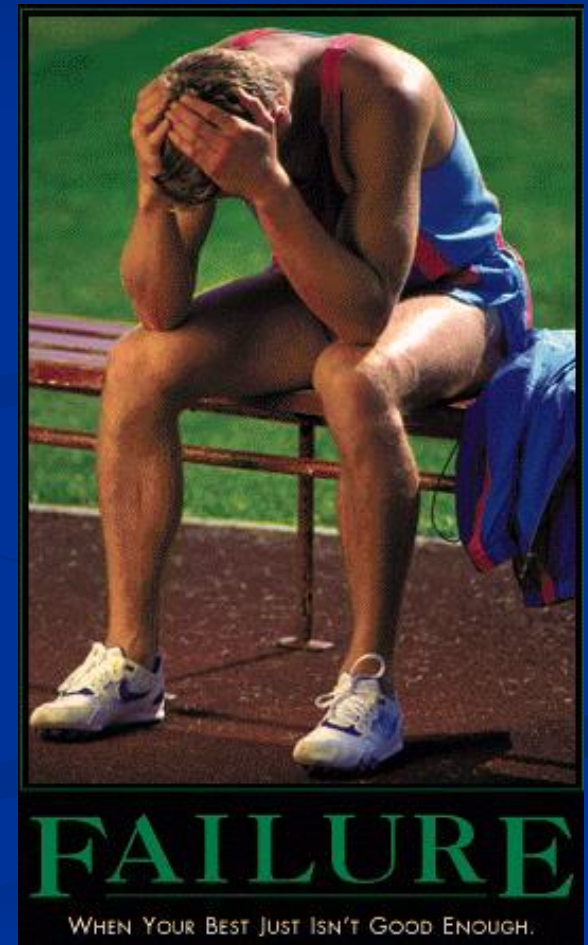
# Answer.... NO!

Why then is one going to go to Protest and Jury of Appeal??

At this level of competition you have highly invested coaches, parents & swimmers = time, effort and cost...



... status, reputation and expectations...







**NO BIGGIE!!!**



# **‘Wow’: Ian Thorpe stunned by English champ’s disqualification**

**THE Commonwealth Games has its first major controversy after a world champion’s disqualification left Ian Thorpe stunned.**

Aussie swimming legend Ian Thorpe was shocked when commentating for Channel 7 after watching the gold medal favourite kicked out. However, he said replays showed Proud did appear to move his feet early before he hit the water first in heat seven.

“Oh wow. No. Fastest swimmer Ben Proud must have broken on the start,” he said.

“We’ll have to look at this replay. Maybe movement on the blocks here. He looked like he was in the water fast. In swimming (there are) no false starts. It’s the slightest of movement. The slightest of movement. It wouldn’t have been advantageous in any way.”

English swimming great Adrian Moorhouse said Proud would be “livid” after watching him leave the pool.

“Ben Proud, the out and out favourite, seems to have been disqualified and he will be absolutely livid,” Moorhouse told The BBC.

“There’ll be a protest. It looks like he went quickly but it’s a controversial call.

“A bit of a harsh call, that’s a very brave judge to call that decision.”

It left his South African rival Chad le Clos as the quickest qualifier for Thursday night’s semi-finals.

Le Clos said he would rather come second than go for gold without Proud.

“Absolutely, I’d rather come second -- straight up,” le Clos told AFP. “I’d rather come second to somebody that deserves to win, but we’ll see what happens.”

“I didn’t see him flinch at all,” added le Clos, who is contesting seven events in Australia as he bids to become the most successful athlete in Commonwealth Games history.

“No one likes to see that. As you can see he’s clearly the best 50m fly swimmer in the world. Hopefully they can overturn that, but it is what it is. Whether he’s there or not, I’m going to swim to win.”

Proud refused to talk to media poolside as he left the venue.

## THE PROTEST -

### Questioning a Disqualification...

If a coach or swimmer asks a question as to why the disqualification occurred, give your reason, but do not argue or keep explaining on pool deck

Move the discussion to a private area. Arrange for someone to take over your role

Advise the coach/competitor of your decision and, advise them that they have the right to protest if they do not wish to accept your explanation

Advise rules/method of lodging a protest

Advise Technical Director of possible protest.

Protests are part of the rules of swimming.

The capacity for a Manager/Coach/Swimmer to lodge a protest against a disqualification, being excluded from a competition or other matters that arise from time to time is part and parcel of a democratic competition.

Referees must never make a decision thinking that the outcome could lead to a protest or worse still **not make a decision** because they consider that it could lead to a protest.

Do not apply “your interpretations” to the rules, apply them as they are written and intended, be consistent and do not attempt to do a favour by “bending the rules”.

If you do this then you should not have any concerns about having your decision being overturned by a Jury of Appeal.

Carefully consider the reasons why the protest was made;

- Is there a genuine reason raised in the protest that you did not consider originally?
- Could you have made a better decision in the first place?
- Do not be afraid to admit that an error of judgment could have been made
- Take this opportunity to correct it

Consult with all Officials who may have observed the infraction, before handing down a decision.

Use any and all additional information available.

Videos may be submitted as evidence and the Referee may consider these.

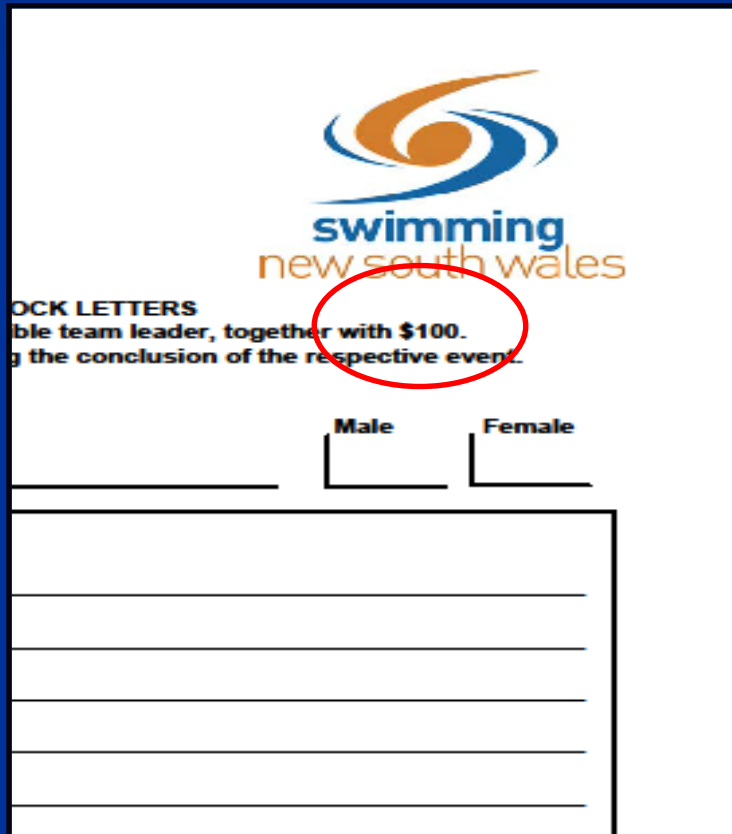
If you do reject the protest you must give the reasons why and advise the protestor that they have the right to appeal your decision to a Jury of Appeal.

Advise the Meet Director that there is a likely appeal to the Jury of Appeal, and give them all documentation.

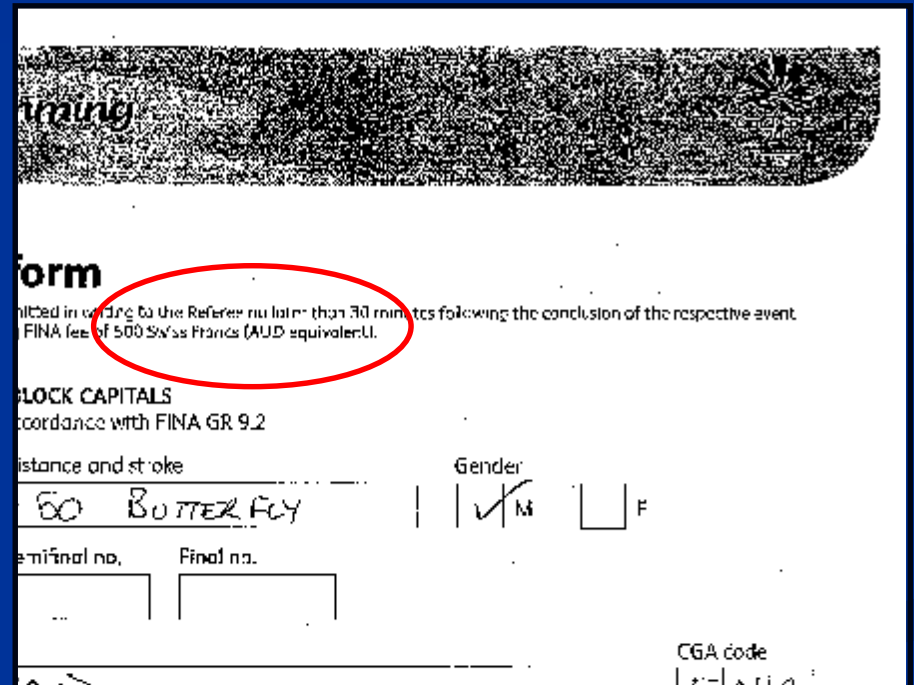


When we talked earlier about = time, effort and cost.....

Note here the difference on the Swimming NSW Protest Form and the FINA Protest Form at Commonwealth Games 2018.....



The image shows a protest form for Swimming NSW. At the top is the logo for Swimming NSW, featuring a stylized swimmer in blue and orange. Below the logo, the text reads "swimming new south wales". Underneath, there is a section titled "BLOCK LETTERS" with the instruction "able team leader, together with \$100. g the conclusion of the respective event...". A red circle highlights the "\$100" amount. Below this, there are two checkboxes labeled "Male" and "Female". The bottom half of the form consists of several horizontal lines for writing.



The image shows a protest form for FINA. At the top, there is a header with the word "Swimming" and a logo. Below this, the word "Form" is visible. A red circle highlights a section of text that reads "submitted in writing to the Referee no later than 30 minutes following the conclusion of the respective event. FINA fee of 500 Swiss Francs (AUD equivalent)". Below this, there is a section titled "BLOCK CAPITALS" with the instruction "in accordance with FINA GR 9.2". There are two checkboxes labeled "Male" and "Female", with "Male" checked. Below this, there are fields for "Distance and stroke" (with "50 BUTTERFLY" written in the first field) and "Gender" (with "M" checked). There are also fields for "Semifinal no." and "Final no.". At the bottom right, there is a field for "CGA code" with "FINA" written in it.

HOW MUCH IS 500 SWISS FRANCS??

500 Swiss Franc equals 679.40 Australian Dollars!!



### Protest form

This form must be submitted in writing to the Referee no later than 30 minutes following the conclusion of the respective event with the accompanying FINA fee of 500 Swiss Francs (AUD equivalent).

Please complete in BLOCK CAPITALS  
To be submitted in accordance with FINA GR 9.2

Event no. 6 Distance and stroke 50 BUTTERFLY Gender  M  F

Heat no. 7(L4) Semi-final no.  Final no.

Athlete(s) name(s) BEN PROUD CGA code ENR

#### Reasons

Having studied footage of the above event it is our professional opinion that there was no movement on the starting block.

With no official signposts either visual or verbal requesting silence before the start this is a precarious position for all athletes to be in and silence was not observed.

Team Leader name GRANT ROBINS Team Leader signature [Signature]

Time of delivery (24hr) 11 2 15 Date 05 04 2018

FINA USE ONLY	
Received by FINA	Protest deposit amount received
Signature <u>[Signature]</u>	<u>Yes</u>



### Protest form – Referee's consideration

Referee's consideration

Protest upheld  Protest rejected

Reasons

STARTING BEFORE THE STARTING SIGNAL IS A  
DECISION OF FACT  
AS WITNESSED BY THE STARTER AND MYSELF,  
THE SWIMMER IN EVENT 6, HEAT 7, LANE 4, STARTED  
BEFORE THE STARTING SIGNAL. THEREFORE REFEREE  
TO FINA RULE SW4.4 THIS PROTEST IS REJECTED

Referee name

Cherry Smith

Referee signature

[Signature]

Date

05 | 04 | 20 | 18

Received by FINA (name)

Pranscum

Time (24hr)

11 | 11 | 18 | 11

Decision accepted

Yes  No

Jury of appeal

Yes  No

Team leader name

GRANT ROBINS

Team leader signature

[Signature]

Jury of appeal decision

After review of all available evidence  
including official broadcast footage, the jury has  
determined that the swimmer started before the starting  
signal. The protest is dismissed. This decision is  
unanimous.

Jury of appeal signature

[Signature]  
Chew

Date

05 | 04 | 20 | 18

Time (24hr)

11 | 11 | 18 | 11

So you have considered all options and made your decision to reject the protest

You have spoken with the protestor and advised them of your decision

They have already handed over the \$680AUD to the Technical Manager

You have advised them that they should consider a Jury of Appeal as their next step at no extra cost to them.

What now.....

## JURY OF APPEAL.....

What happens on the inside at this level??

Faye Lewis, member of the Jury for the CG 2018 Ben Proud disqualification will enlighten you all.....

## THE JURY OF APPEAL –

The organisers of the meet appoint the Jury of Appeal.

It should consist of three people all of whom have knowledge of the rules. It must be conducted under the terms of "Natural Justice", which is basically that the appeal is conducted as an informal, round table hearing.

A chairman is appointed to conduct the hearing. Guidelines for conducting a Jury of Appeal would be:

1. The Chairman of the Jury is advised by the Meet Director of an appeal and is handed all documentation. That is the Infraction Report, the letter of protest from the coach and the written response made by the Referee.
2. The jury convenes and reads all the documents.
3. They should consider if there are any grounds for an appeal. If not, they should advise the protestor and dismiss the appeal.
4. If they consider that there are grounds, or if they want more information they should call any or all people involved with the disqualification into the Jury Room to reach a unanimous verdict. The jury should check that the protestor is aware of the relevant rules and that there is no misunderstanding regarding the Referee's decision to dismiss the protest.



5. The reporting official should be asked to explain the infringement as they observed it.
6. The Jury are allowed to ask questions if clarification is required.  
**NOTE:** Although the members of the jury are allowed to ask questions, cross examination is not allowed.
7. If necessary, the Referee can be asked to explain the reason for the dismissal of the protest in the first place.
8. The Jury should consider the matter in accordance with the rules and give their decision in writing, with an explanation for the decision.
9. The Referee and the protestor must be advised in writing of the decision, and the Referee should pass on the information to the Chief Recorder, who would take any necessary actions in regards to the results.

ENGLISH swim star Ben Proud has failed in an appeal against his sensational disqualification in the men's 50m butterfly.

The 23-year-old reigning world champion was furious after incredibly being disqualified for a false start on the blocks in his heat at the Gold Coast Aquatic Centre where he went on to qualify fastest by more than 0.7 seconds for the semi-finals on Thursday night.

His time would have broken his own Commonwealth Games record of 22.93 seconds set at Glasgow in 2014.

Proud won his heat by more than a full body length, but his joy quickly turned sour when officials informed him he had been disqualified for jumping early.

"I am in the shape of my life and am gutted to miss out on the opportunity to show what I can do," Proud said.

Proud blamed over-eagerness in wanting to make an early impression at the Gold Coast Aquatic Centre.

"Coming into the competition there is always apprehension ahead of the first race," he said.

"With (thousands of) fans in the crowd, I wanted to give them something to cheer about by delivering a fast time.

"Unfortunately before the start signal I was judged to have moved my leg and the referee deemed this enough for a disqualification.

## Commonwealth Games – Swimmer Proud's Disqualification to stand

England's swimming team leader Grant Robins said in a statement following the appeal to an independent panel.

“Whilst we are incredibly disappointed for Ben, the team and England we are all looking to move on quickly from this decision.”

“We appreciate the time and focus dedicated to the hearing our appeal, but Ben will now move his focus on to the 50 m freestyle.

# PROTEST FORM



Please complete using BLOCK LETTERS  
To be submitted to the Referee, by the responsible team leader, together with \$100.  
Form must be submitted within 30 minutes following the conclusion of the respective event.

Event No. \_\_\_\_\_ Event \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

Reason(s):  
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Team Manager Name \_\_\_\_\_ Athlete Name \_\_\_\_\_  
Team Manager Signature \_\_\_\_\_ Club Name \_\_\_\_\_  
Date \_\_\_\_\_ Time of Delivery \_\_\_\_\_

**SNSW Use Only**  
Received by SNSW Session Referee  
Signature \_\_\_\_\_ Protest Deposit Amount Received \_\_\_\_\_

DECISION RECORDED OVER PAGE

# PROTEST FORM



Referees Consideration:  Protest Upheld  
 Protest Rejected

Reason(s):  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Referee Signature \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Received by SNSW Meet Director \_\_\_\_\_

Decision Accepted:  Yes  No

Team Manager Name \_\_\_\_\_  
Team Manager Signature \_\_\_\_\_

Jury of Appeal Decision \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Jury of Appeal Signature \_\_\_\_\_

# QUESTIONS

