

FORMAL HEARING OF ETHICS PANEL OF THE FEDERATION INTERNATIONALE DE NATATION (FINA) IN TERMS OF ARTICLE C.24 OF ITS CONSTITUTION

DIVING NEW ZEALAND

PROTESTING PARTY

and

MS LISA WRIGHT

PROTESTING PARTY

(herein referred to as "the Protesting Parties")

and

MS JIHONG ZHOU

RESPONDENT

COMPLAINT

INTRODUCTION

This is an outline of the hearing of the FINA Ethics Panel in regard to the above matter.

Prior to the commencement of the hearing, the Chairperson confirmed that the hearing was properly constituted in terms of Art. C.24.6 of the FINA Constitution, and that the appointed members as referred to below had no conflict of interest.

The hearing members consisted of:

Mr R Hack (Chairperson)

Mr J Gay Panel Member

Mr Abdon Deguenon Panel Member

1. THE PARTIES

The parties to the hearing referred to above are as follows:

The Protesting parties:

1. DIVING NEW ZEALAND, a Discipline of Swimming New Zealand Swimming Federation represented by its Chairman Mr Lindsay Stone;
and
2. MS LISA WRIGHT, an adult female with full legal capacity, acting in her personal capacity as a member of the FINA Technical Diving Committee and an official of Diving New Zealand.
3. The Respondent is MS JIHONG ZHOU, an adult female with full legal capacity, who served as the Bureau Liaison for the 2020 Tokyo Men's Final Platform Diving Championship and who is currently a FINA Vice-President.

2. NOTIFICATION AND CHARGES

The Respondent was advised in writing by the Ethics Panel on 27 October 2021 of the allegations filed against her by the Protesting Parties, and was provided with the initial letter of complaint from Diving New Zealand and Ms Lisa Wright as set out in their letter to the Executive Director of FINA on 6 September 2021.

The complaint specified that Ms Lisa Wright had been verbally abused by the Respondent at the conclusion of the Men's Final Platform Diving Championship at the 2020 Tokyo Olympics, and as such Diving New Zealand and Ms Lisa

Wright were of the opinion that the Respondent had violated the provisions of the FINA Ethics Code, as well as the provisions of Section 4.1.1 and 4.1.4 of the FINA Rules of Protection from Harassment and Abuse, these rules having been approved by the Bureau on 5 June 2021.

3. CHARGE

In terms of the above the Ethics Committee duly notified the Respondent on 27 October 2021 of the charges against her, and advised her of her rights in terms of Art. 5 of the FINA Ethics Panel Procedural Rules.

Subsequent to the charge the Respondent was provided with all relevant documentation and information as forwarded to the Ethics Panel by Diving New Zealand, Ms Lisa Wright, and various third parties who submitted documentation.

On the 24 November the Respondent duly submitted her response to the allegations wherein she provided her recollection of the events of that day.

4. FINDINGS

After deliberation and consideration by the members of the Ethics Panel of all the information and documentation provided, and taking into account the provisions of Art. C.8.2.2 of the Constitution which stipulates members' obligations to comply with the FINA Rules at all times, read together with Art. C8.2.5 which specifies the compliance and implementation of decisions and directives of FINA, the Congress, the Bureau, Executive and Judicial Panels, as well as Art. C. 8.2 which stipulates that members are required to ensure that their own membership complies with decisions and directives of FINA bodies and the FINA rules, the Committee found and ruled as follows:-

4.1 THAT the Committee has determined that it has no jurisdiction to decide any complaints brought by Diving New Zealand under the Rules

of Protection from Harassment and Abuse, as approved by the FINA Bureau.

- 4.2 THAT having considered the totality of all the documentation presented the evidence cannot conclusively sustain the complaints made by the Protesting Parties that Ms Zhou Jihong failed to strictly comply with the provisions of the FINA Ethics Code, or the Rules of Protection from Harassment and Abuse, as approved by the FINA Bureau.
- 4.3 THAT the incident involving Ms Zhou Jihong which occurred at the conclusion of the Men's Platform Diving Championship Final on 7 August 2021 would seem to have been unfortunate which led to misunderstanding mixed with misjudgement, with both Ms Lisa Wright and Ms Zhou Jihong leaving the incident with a different impression of what had transpired, which in turn leads one to believe that an infringement of the code may indeed have been committed.
- 4.4 THAT the incident, whether same be a mere disagreement or violation of any FINA rule or regulation, was an unfortunate example as to why NO Persons other than those duly assigned as working members of any FINA Technical Committee should be allowed onto the pool deck either before, during or after any competition.
- 4.5 THAT Ms Zhou Jihong be required to address a formal and unconditional letter of apology to both Ms Lisa Wright and Diving New Zealand for the incident involving her, which occurred at the conclusion of the Men's Platform Diving Championship Final on 7 August 2021. Such apology, tendered by Ms Zhou to both Ms Lisa Wright and Diving New Zealand for any misunderstanding of her intentions, as set out in her letter of 28 October 2021 addressed to the Ethics Panel, and again repeated in her final submission to the Ethics Panel on 24 November 2021.
- 4.6 THAT The Executive, in terms of its powers and in line with the provisions of Art. E and F of the FINA Code of Ethics, consider and

thereafter adopt by means of directive, a decision "That no persons other than those duly assigned as working members of any Technical Committee be allowed onto the pool deck either before, during or after any competition."

5. RECOMMENDATIONS OF THE PANEL

5.1 The Committee is also of the opinion that the Reform Committee investigate the necessity of appointing a Bureau Liaison Person, as this position seems to cause conflict as a result of technical Committees having a duly elected Chairperson and therefore the necessity of a Bureau Liaison person whose powers are not clearly defined, creates confusion, conflict and discord, and as a result such a position should be removed from the Constitution and Rules governing Technical Committee.

DATED at JOHANNESBURG on this the 29th day of NOVEMBER 2021



R Hack

CHAIRPERSON

For and on behalf of

FINA ETHICS PANEL