

**BEFORE THE DISCIPLINARY COMMISSION OF THE GYMNASTICS ETHICS FOUNDATION
IN THE MATTER OF**

Ms. Kateryna Logachova (AUS)

DECISION OF 18 MAY 2024

GEF Disciplinary Commission Panel: **Mr. Mike Cook, President**
 Dr. Mirjam Koller Trunz, Member
 Mr. Thomas Hayn, Member

I. Parties

1. The Parties in these proceedings are Ms. Kateryna Logachova, Respondent, and the Gymnastics Ethics Foundation (GEF).
2. The Respondent, Ms. Kateryna Logachova is an Australian Rhythmic Gymnasts coach and FIG Brevet Rhythmic Gymnastics Individual Judge Category 3 and Rhythmic Gymnastics Group Judge Category 4 (FIG license 62885) and is, therefore, subject to the disciplinary regulations of the FIG and the GEF rules.
3. The GEF was founded in January 2019 by the [Fédération Internationale de Gymnastique](#) (FIG), the world governing body for the sport of gymnastics with 162 member national federations. It operates independently to ensure that violations of FIG rules, policies, and procedures, including ethical breaches, are handled in an unbiased way. GEF is located in Lausanne, Switzerland. The GEF issued the Notice of Charges that is the subject of these proceedings.
4. The Parties shall be referred herein collectively as the “Parties”.
5. While not a party to these proceedings, Ms. Alexandra Kiroi-Bogatyreva is an Australian rhythmic individual gymnast (FIG license 36447) who was directly impacted by the incidents and behaviour that are subject of the Notice of Charges.

II. Facts

6. Set out below is a summary of the relevant facts based on the Parties’ written submissions, pleadings and evidence in these proceedings and from matters of public knowledge. While the Panel has considered all matters put forward by the Parties, reference is made in this decision only to those matters necessary to explain the Panel’s reasoning and its decision.

7. On August 4, 2023, a complaint was submitted to the GEF by Mr. Alexander Bogatyrev and Ms. Valeriya Clements against Ms. Kateryna Logachova for neglect, boycott and psychological abuse towards their daughter, Ms. Alexandra Kiroi-Bogatyreva.
8. On December 19, 2023, the GEF determined that the alleged behaviour and actions of Ms. Kateryna Logachova constitute violations of FIG rules and that her conduct poses a risk to participants. Therefore, the GEF issued a temporary suspension for the duration of 6 months on 20 December 2023 against Ms. Logachova.
9. On January 9, 2024, the GEF Director appointed Mr. Mike Cook, Dr. Mirjam Koller and Mr. Thomas Hayn to be the GEF Disciplinary Commission Panel (Panel) for this matter.
10. On January 11, 2024, the Panel elected Mr. Mike Cook to be President of the Panel.
11. On January 12, 2024, the GEF issued its Notice of Charges and Opening of Disciplinary Proceedings against Ms. Logachova. The GEF alleged that Ms. Logachova had violated the following rules:
 - FIG Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics 2018 (FIG Safeguarding Policy) by engaging in psychological abuse, bullying, and poor practice;
 - FIG Code of Conduct 2022, Section 1, Section 2(2) and Section 2(3);
 - FIG Code of Ethics 2022, Article 1(d).
12. The January 12, 2024, Notice of Charges sought to sanction Ms. Logachova for one year from all FIG activities and national and international events, pursuant to Article 34 of the FIG Statutes, to order Respondent to undergo safeguarding training, to order that Respondent contribute to the cost of the disciplinary proceedings in the amount of 500 CHF and to confirm that the Panel's Final Decision should be published.
13. The January 12, 2024, Notice of Charges also imposed a temporary suspension of 6 months, beginning December 20, 2023.
14. By letter dated January 17, 2024, Ms. Heather Richardson, of Klaus Kenny Intalex of Southbank, Victoria, Australia indicated that she would be representing Ms. Logachova on the issue of provisional measures and disciplinary proceedings.
15. On January 20, 2024, the Panel notified the Parties that it had scheduled an expedited provisional hearing for Monday, January 29, 2024 at 12:00 PST by video conference. The Panel invited the Parties for an opportunity to be heard and to submit written evidence on the issue of provisional measures.
16. On January 23, 2024, the Panel requested that Ms. Eunice Lebre, the FIG Safeguarding Officer, participate in the January 29, 2024, expedited provisional hearing.

17. On January 24, 2024, the Respondent provided submissions and declarations from Ms. Kateryna Logachova, Ms. Sepalika Weerasinghe, Ms. Masayuki Akiya, and Ms. Heather Richardson.
18. On January 25, 2024, the Respondent requested a change in time of the expedited provisional hearing. The Panel denied the request as the Parties had agreed on the date and time for the hearing and due to the locations of participants it was difficult to find a time that suited all participants.
19. On January 29, 2024, the Panel held an expedited provisional hearing by video conference. The following individuals participated in the hearing:

For the Panel:

Mr. Mike Cook and Mr. Thomas Hayn

For the GEF:

Mr. Alex McLin, Director of the GEF

Ms. Martina Coxova, GEF acting as Panel ad hoc secretary

For the Respondent Ms. Logachova:

Ms. Kateryna Logachova

Ms. Heather Richardson, solicitor for Ms. Kateryna Logachova

Ms. Marianne Barker, counsel for Ms. Kateryna Logachova

For the FIG:

Ms. Eunice Lebre, Safeguarding Officer

20. On February 1, 2024, the Panel wrote to the Parties to communicate the following agreed upon deadlines:
 1. GEF has until 12 noon, PST on February 14, 2024, to provide any additional submissions by way of written arguments, witness statements, etc.
 2. The Respondent has until 12 noon PST on March 6, 2024 to provide any additional submissions by way of written arguments, witness statements, etc.
 3. The hearing on the merits will be held by videoconference on April 22, 23 and 26, 2024.

21. On February 6, 2024, counsel for Ms. Logachova submitted a supplementary list of authorities. On the same date, counsel requested a copy of the GEF file relating to the allegations and investigations, pursuant to Article 11 of the FIG Code of Discipline.
22. On February 7, 2024, the Panel wrote to counsel for Ms. Logachova, indicating that it had given counsel access to a shared folder which contained notice of charges, its appendices and the letter confirming the opening of the disciplinary proceedings.
23. On February 7, 2024, Ms. Bonnie Anderson, Gymnastics Australia General Manager, Safer Sport, submitted a “Statement of Clarification” regarding the role of Ms. Katie Mitchell, who was appointed by Gymnastics Australia to be the Technical Director of Rhythmic Gymnastics in January 2022.
24. On February 8, 2024, counsel for Ms. Logachova submitted a statutory declaration from Ms. Gina Peluso, the Rhythmic Head Coach at Premier Gymnastics in Morningside, Queensland, Australia. Ms. Peluso indicated that she has known Ms. Logachova in a professional capacity for 10 years and believes it would be detrimental for Ms. Akiya to have to switch coaches for upcoming competitions.
25. On February 8, 2024, counsel for Ms. Logachova also submitted a statutory declaration from Ms. Ellie Robinson, a Rhythmic Gymnastics coach at Prahran Rhythmic Gymnastics Specialist Centre (PRGC). In her declaration, Ms. Robinson indicated that due to other employment obligations, she would be unavailable to travel with Ms. Akiya to upcoming international competitions.
26. On February 9, 2024, counsel for Ms. Logachova submitted a statutory declaration from Ms. Logachova that indicated that it would be difficult for another coach from PRGC to step in and coach her athlete, Ms. Akiya at her upcoming international competitions.
27. On February 9, 2024, counsel for Ms. Logachova submitted a statutory declaration from Ms. Ashari Gill, another gymnast at PRGC who has been coached by Ms. Logachova for 10 years. Ms. Gill indicated that she had been teammates with Ms. Kiroi-Bogatyreva at the 2022 Commonwealth Games and that during podium training, Ms. Kiroi-Bogatyreva had wasted time, which limited Ms. Gill’s practice time during podium training. Ms. Gill indicated that in her opinion, Ms. Akiya would be disadvantaged in upcoming competitions if Ms. Logachova is not permitted to coach her.
28. On February 9, 2024, the Panel replied to Ms. Anderson, reminding her that Gymnastics Australia currently is not a party to the proceedings, nor has the Panel received to date any such request from Gymnastics Australia. As such, the Statement of Clarification is not accepted by the Panel.
29. On February 13, 2024, the Panel issued its Decision on Provisional Measures. The operative part of the decision stated:

“Therefore, the President of the Disciplinary Commission Panel of the Gymnastics Ethics Foundation orders that:

Ms Kateryna Logachova is suspended from attending in any capacity or participating as a coach or judge in any event where complainant Alexandra Kiroi-Bogatyreva is participating in, which includes any FIG or national competition and other activities such as national team training camps, national team meetings, national team selection competitions where complainant Alexandra Kiroi-Bogatyreva is participating in.

Ms Logachova may not be granted an accreditation for attending and/or carrying out any coaching or judging related activities at any FIG sanctioned events where complainant Alexandra Kiroi-Bogatyreva is participating in.

These provisional measures shall be in effect for 6 months, specifically from December 20, 2023 to June 20, 2024.”

30. The appeal section of the Decision on Provisional Measures stated:

“If you disagree with my decision regarding provisional measures, you may appeal my decision to the GEF Appeal Tribunal, pursuant to Article 8 of the GEF Code of Discipline. Any appeal against a provisional measure may be lodged to the Appeal Tribunal within five days of its notification. Bank holidays and non-business days are included in the calculation of time limits. The appeal shall mention the reasons for the appeal. The appeal against a provisional measure shall not have a suspensive effect on the sanction.”

31. On February 14, 2024, the GEF provided two additional submissions: an expert report from Dr. Margo Mountjoy and an expert report from Dr. Melanie Lang.
32. On February 15, 2024, counsel for Ms. Logachova replied via email to the decision on provisional measures, indicating that Ms. Logachova did not have the means to appeal the decision on provisional measures. The email also stated that in counsel’s opinion, the GEF’s disciplinary proceedings denied Ms. Logachova natural justice. The email also requested that the hearing on the merits to be expedited and held in March 2024, with Ms. Logachova’s written submissions filed by March 6, 2024. The letter also reiterated a request for the GEF file, and a copy of any and all correspondence from Gymnastics Victoria, Gymnastics Australia, Sports Integrity Australia, or any other person or organisation, sent or delivered to GEF or FIG, or any Panel members, that relate to this matter.
33. On February 16, 2024, the Panel replied via email to Ms. Logachova’s counsel requesting that she confirm that Ms. Logachova will not appeal the Panel’s Decision on Provisional Measures. The email also stated that in the Panel’s opinion, the disciplinary proceedings did not deny natural justice to Ms. Logachova as she had an opportunity to be heard and present evidence and argument at the provisional suspension hearing and the upcoming

hearing on the merits. The email also noted that the Panel would make a decision on the request for an expedited hearing on the merits early the following week. The email also reiterated that the FIG Code of Discipline relates to the case file before the Disciplinary Commission Panel. This includes documents and exchanges beginning with the Notice of Charges, its appendices and any subsequent submission or exchanges made by the Panel and parties. The email also noted that Gymnastics Australia is not a party to the present disciplinary proceedings and the Gymnastics Australia communication to Mr. Cook was not a part of the case file before the Disciplinary Commission Panel.

34. On February 19, 2024, Gymnastics Australia wrote to the GEF and later to the Panel seeking clarification of how the provisional suspension should apply nationally.
35. On February 20, 2024, the Panel replied to GA, clarifying that Ms. Logachova is provisionally suspended from coaching and judging activities at the international and national level where Ms. Alexandra Kiroi-Bogatyreva is participating. As such, Ms. Logachova may participate in those events where Ms. Alexandra Kiroi-Bogatyreva is not participating.
36. On February 20, 2024, counsel for Ms. Logachova confirmed that she would not be appealing the Panel President's Decision on Provisional Measures.
37. On February 21, 2024, the Panel denied Ms. Logachova's request for a change in the date of the hearing.
38. On February 22, 2024, counsel for Ms. Logachova wrote to the Panel and the FIG requesting a more particular and detailed description of each of the alleged incidents and also requested that the Panel reconsider its decision to deny the request to change the date of the hearing.
39. On March 4, 2024, counsel for Ms. Logachova wrote to the Panel and the FIG requesting a more particular and detailed description of the alleged incidents numbers 4,7,8,10,11 and 13, noting that it was difficult to respond to the allegations, given that the allegations were vague, in the opinion of counsel.
40. On March 6, 2024, Ms. Logachova provided her submissions to the Panel which included statutory declarations from the following individuals:
 - Ms. Ashari Gill
 - Ms. Alicia Regula
 - Ms. Anya Tabolkina
 - Ms. Madelane Panna
 - Ms. Anna Logachova
 - Ms. Tatiana Loukianenko
 - Ms. Naila Dos Santos
 - Ms. Chloe Hay
 - Ms. Ryo Yamakura

- Ms. Galrina Yegoroba
- Ms. Sally Hardy
- Ms. Elizabeth Robinson
- Ms. Kateryna Logachova (and separate annexures due to their size)
- Ms. Sepalika Weerasinghe

41. On March 29, 2024, the Panel wrote to the Parties informing them that the hearing would be held on April 22-23, 2024, beginning at 18:00 CET, with a third hearing day on April 26, 2024 held in reserve. The Panel asked the Parties to confirm by April 8, 2024, who would be participating in the hearing.
42. On April 8, 2024, the GEF confirmed that Alex McLin, Director and Yoanna Yankova, Legal Intern would participate in the hearing on behalf of the GEF.
43. On April 8, 2024, counsel for Ms. Logachova wrote to the Panel requesting a change in time for the scheduled hearing and confirming that Ms. Logachova would attend the hearing with Ms. Madelane Panna and Ms. Marianne Barker as her legal representatives. Ms. Logachova also requested a copy of all written and records of oral instructions provided to the GEF's experts, Dr. Margo Mountjoy and Dr. Melanie Lang and a copy of the brief that was provided to Dr. Mountjoy and Dr. Lang so their expert witnesses could address the submissions of the GEF expert witnesses.
44. On April 10, 2024, the Panel wrote to the Parties confirming that the hearing would be scheduled for one day, April 22, 2024 from 06:00 to 14:00 CET. The Panel also noted that the deadline for submission of documents had passed and no new documents would be accepted.
45. On April 12, 2024, counsel for Ms. Logachova wrote to the Panel and confirmed Ms. Logachova's availability for the hearing on April 22, 2024, but requested that April 23, 2024, be held in reserve in case the hearing is not concluded on April 22, 2024. Ms. Logachova again requested the GEF to provide its correspondence, including letters of instruction, to its experts and all the material the experts have been provided with and relied upon in the development of their opinions. Ms. Logachova also requested to know whether either Drs Mountjoy or Lang has been involved in the development of FIG safeguarding policies, procedures and/ or training material.
46. On April 12, 2024, the FIG confirmed that it would not participate in the hearing.
47. On April 16, 2024, the Panel sent its hearing agenda to the Parties.
48. On April 19, 2024, counsel for Ms. Logachova submitted a hearing bundle, consolidating previously submitted exhibits.
49. On April 22, 2024, the Panel convened a hearing. Present for the hearing were:

For the Panel:

Mr. Mike Cook, President

Dr. Mirjam Koller Trunz, member
Mr. Thomas Hayn, member

For the Respondent:

Ms. Kateryna Logachova
Ms. Madelane Panna, solicitor
Ms. Marianne Barker, barrister

For the GEF:

Mr. Alex McLin, Director
Ms. Yoana Yankova, GEF legal intern
Ms. Martina Coxova, acting as ad hoc secretary for these proceedings

As observer (with the Parties' prior consent):

Ms. Bonnie Anderson, Gymnastics Australia

50. During the hearing, the GEF submitted an additional proposed exhibit, an email from Alexandra Kiroi-Bogatyreva to Respondent, dated January 6, 2022.
51. On April 23, 2024, counsel for Respondent submitted additional exhibits:
 1. Counsel's written oral submission from the hearing;
 2. a chronology of events; and
 3. a transcript from the expedited provision hearing on 29 January 2024, for the Panel's convenience.
52. On April 25, 2024, the GEF objected to the Respondent's post-hearing submissions.
53. On April 26, 2024, the Panel wrote to the Parties, indicating that it had received the post-hearing submissions and would rule on their admissibility in its final decision.
54. On April 28, 2024, counsel for Respondent inquired as to whether the GEF's submission during the hearing was admissible, and if so, requested an opportunity to respond via statutory declaration.
55. On April 30, 2024, the Panel reiterated to the Parties that it would accept no new submissions and would rule on admissibility in its final decision.
56. On May 7, 2024, counsel for Respondent wrote to the Panel with additional arguments and points of clarification regarding the admissibility of documents offered by both Respondent and the GEF during the hearing. The email also included a request for a copy of a recording of the hearing.

57. On May 8, 2024, the Panel wrote to the Parties, reiterating that admissibility of evidence will be dealt with in its Final Decision and that the recording of the hearing will be made available to Respondent.

III. Jurisdiction

58. The relevant provisions regarding the jurisdiction of the GEF Disciplinary Commission read as follows:

Art. 32 FIG Statutes 2023

“The FIG has incorporated the Gymnastics Ethics Foundation (GEF) to provide an independent decision-making body to deal with alleged breaches of FIG Rules in accordance with the FIG Code of Discipline and, in particular, to manage disciplinary proceedings in accordance with the FIG Rules.

The GEF is composed of the following sections:

- *the safeguarding section*
- *the disciplinary section*
- *the compliance section*

The GEF disciplinary section is composed of two instances: the Disciplinary Commission and the Appeal Tribunal.

The Disciplinary Commission is the authority qualified to impose disciplinary measures and sanctions except however special provisions provided for in these Statutes, and special provisions provided for by the FIG Regulations for the competitions. Decisions rendered by the Disciplinary Commission may be appealed to the Appeal Tribunal.

FIG entrusts the Gymnastics Ethics Foundation with the election of the members of the Disciplinary Commission and the Appeal Tribunal, their organization as well as the running of the disciplinary procedures independently, in accordance with its constitution and operational rules and following the provisions set out in the FIG Code of Discipline.”

Art. 3 FIG Code of Discipline 2021

“Any infringement of the Statutes, Rules and Regulations, Policies and/or Procedures, as well as of the principles of integrity and sports fairness by the FIG member Federations, gymnasts, officials (judges, coaches, medical staff or others) or by members of the FIG Authorities is liable to sanctions provided for by the Statutes and this Code. These principles are infringed should someone:

- *Not abide by the FIG written Statutes, rules, regulations, decisions and directives;*
- *Violate the FIG Anti-Doping Rules;*
- *Violate the Apparatus Norms;*
- *Violate the “FIG Policy and Procedures for Safeguarding Participants in Gymnastics”;*

- *Commit any act of active or passive corruption or of attempted active or passive corruption;*
- *Damage the image of gymnastics, the FIG or its members through his/her behaviour, his/her words or his/her deeds;*
- *Demonstrate anti-sport behaviour;*
- *Seriously violate the verbal or written instructions and directives given by the FIG officials;*
- *Act in such a way so as to influence the course or the result of the competitions in an improper way;*
- *Show unsatisfactory and/or biased judging at competitions;*
- *Use the FIG, its name, its funds or its infrastructure for aims harmful to gymnastics;*
- *Behave in an offensive way towards the FIG members, gymnasts or FIG officials;*
- *Harass and/or abuse any person or a group of persons, in any way, in particular due to their race, color, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, physical attributes or athletic abilities or other status;*
- *Contravene Swiss Criminal Law;*
- *Violate his/her contractual obligations towards the FIG;*
- *Commit any breach or failure listed in art. 8.2 of the Statutes”*

59. Ms. Alexandra Kiroi-Bogatyreva is an Australian rhythmic individual gymnast (FIG license 36447) who was directly impacted by the incidents and behaviour that are subject of the Notice of Charges. Ms. Kateryna Logachova is an Australian Rhythmic Gymnasts coach and FIG Brevet Rhythmic Gymnastics Individual Judge Category 3 and Rhythmic Gymnastics Group Judge Category 4 (FIG license 62885) and is, therefore, subject to the disciplinary regulations of the FIG and GEF rules.
60. The Respondent argues that the allegations in the Notice of Charges have already been the subject of proceedings within Gymnastics Australia and Sports Integrity Australia and that, therefore, the GEF is not competent to look at these allegations again based on the principle of *res judicata* or double jeopardy. In more detail, three complaints against the Respondent were submitted to Sport Integrity Australia (on 18 June 2022, 29 August 2022 and 11 December 2022).
61. The FIG Safeguarding Policy in Part 2 has a section discussing when it will take jurisdiction over a complaint and when it will refer the matter to a national federation:
- “If an alleged incident of harassment and abuse is reported involving participants that belong to the same NF, or if the incident involves participant(s) but took place at an activity under NF jurisdiction, the incident shall be dealt with by such NF, provided that it has a policy and procedures for safeguarding participants in accordance with FIG Policy.*

Where the alleged perpetrator is a member of a NF which has a policy and procedures in place, the Gymnastics Ethics Foundation may refer the case to be dealt with by the NF under their procedures. In all other cases, including where: (i) an NF which has a policy and procedures for safeguarding participants, does not, in the opinion of the Gymnastics Ethics Foundation, safeguard such participant (e.g. by taking any disciplinary action); or (ii) an NF does not have a policy and procedures for safeguarding participants; the 'FIG Policy and procedures' and the Gymnastics Ethics Foundation's Constitution and Operational Rules will apply."

62. As already decided in the Panel President's on Ruling for Provisional Measures dated 13 February 2024, the Panel considers the present case to belong under section (i) because Gymnastics Australia's safeguarding policy does not seem to adequately protect the complainant when it dismissed her complaints (or the ones of her parents). Sport Integrity Australia dismissed prior complaints because it did not have relevant rules in effect at the time of the alleged conduct, and it referred the matter to Gymnastics Australia. Gymnastics Australia did not consider the totality of the complaints and incidents together as a pattern of behaviour and dismissed the complaints individually. Moreover, the allegations regarding incidents 9 to 13 mentioned in the Notice of Charges have never been the subject of any disciplinary proceedings. In addition, the Panel has to evaluate the alleged incidents under a different set of rules than Gymnastics Australia and Sport Integrity Australia did.
63. For all these reasons, the Panel concludes that it has jurisdiction to hear the present complaint.

IV. Applicable law

64. The law applicable to disciplinary proceedings before the GEF Disciplinary Commission is based on Art. 4.2 of the Operational Rules of the Gymnastics Ethics Foundation, which states that the "*panel shall proceed in accordance with the FIG Rules. The panel shall also proceed in accordance with Swiss law and the international recognised principles and laws. The Panel may rule in equity (ex aequo et bono)*".
65. Thus, the applicable law according to which the Panel must decide the present case are the FIG Statutes and regulations, in particular the FIG Safeguarding Policy, the FIG Code of Conduct 2022 and the FIG Code of Ethics 2022. The Panel will therefore apply the FIG Statutes and regulations and, subsidiarily, Swiss law. If the Panel deems it appropriate, it will decide on the basis of *ex aequo et bono*.
66. The FIG Policy and Procedures for Compliance, Part 2, Article 2 states:
1. *Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the FIG Code of Discipline. The standard of proof is as per the determination in the FIG Code of Discipline."*

67. Article 18 of the FIG Code of Discipline states:
“The FIG, the Gymnastics Ethics Foundation’s Disciplinary Section or other prosecuting authority under this Code shall have the burden of establishing that an infringement of this Code has occurred. The standard of proof in all matters under this Code shall be the balance of probabilities (a standard that implies that on the preponderance of the evidence it is more likely than not that an infringement of this Code has occurred).”
68. Accordingly, the GEF has the burden of proof to show that an infringement has occurred by a balance of probabilities.

V. Admissibility of evidence

69. Article 18 of the GEF Code of Discipline gives this Panel broad discretion to admit or deny evidence:
“Any and all issue concerning the admissibility of evidence shall be determined by the Disciplinary Authority concerned at its discretion. Such Disciplinary Authority shall not be bound by any enactment or rule of law related to admissibility of evidence before a court of law or statutory tribunal.”
70. On February 1, 2024, the Panel informed the Parties of their respective deadlines for submissions. All submissions submitted before the respective deadline are therefore admitted.
71. At the April 22, 2024 hearing, the GEF submitted an additional exhibit, an email from Ms. Alexandra Kiroi-Bogatyreva to the Respondent, dated January 6, 2022. In the Panel’s view, it was foreseeable that this exhibit could be relevant to the GEF’s case, yet the GEF chose not to include it with its earlier submissions. Including this document, without reopening the record and allowing Respondent to reply to it would be unfair to Respondent. Therefore, the Panel exercises its discretion pursuant to Article 18 of the FIG Code of Discipline to exclude this exhibit.
72. On April 23, 2024, Respondent submitted additional exhibits:
1. Counsel’s written submissions;
 2. a chronology of events; and
 3. a transcript from the expedited provision hearing on 29 January 2024, for the Panel’s convenience.
73. The “written submissions” exhibit consists of Respondent’s argument presented at hearing, summarizing Respondent’s arguments regarding the fairness of the proceedings, and the evidence in support of Respondent regarding each alleged incident. Respondent’s counsel

read from and referred to it in her presentation of her case. This is not new evidence or argument. Therefore, the Panel exercises its discretion pursuant to Article 18 of the FIG Code of Discipline to admit this exhibit.

74. The "chronology of events" goes beyond the argument presented at hearing, and includes some new facts or details not previously included in Respondent's submissions. Including this document, without reopening the record and allowing the GEF to reply to it, would be unfair to the GEF. Therefore, the Panel exercises its discretion pursuant to Article 18 of the FIG Code of Discipline to exclude this exhibit.
75. The recordings of the provisional measures hearing is already part of the record of this case. Therefore, the transcript of the January 29, 2024, provisional measures hearing is duplicative of evidence that is already in the record. Therefore, the Panel exercises its discretion pursuant to Article 18 to the FIG Code of Discipline to exclude this exhibit.

VI. Summary of the position of the Parties

The GEF's position

Facts that led to the GEF investigation

76. Ms. Alexandra Kiroi-Bogatyreva is considered to be Australia's current top senior rhythmic gymnast and was coached by Ms. Kateryna Logachova for over ten years. The deterioration of their relationship started following the score-change incident at the Oceania Continental Championships in May 2021. Ms. Alexandra Kiroi-Bogatyreva lodged a complaint since another athlete got a score-change by the Superior Jury of 1.9 points and argued that the judges were not qualified to act as Superior Jury. This score-change incident was the subject of proceedings before the GEF Disciplinary Commission, which issued its decision on 13 June 2022 sanctioning Ms. Virginia Elliott (judge responsible for the score-change), Ms. Erin Pankoke (judge responsible for the score-change), Ms. Kitty Chiller (former CEO of Gymnastics Australia, "GA"), and the Oceania Gymnastics Union and Gymnastics Australia. This incident resulted in Ms. Kateryna Logachova not being selected as an Olympic coach (Appendix 2 of the Notice of Charges).
77. Ms. Kateryna Logachova is a well-known high-performance coach in Australian rhythmic gymnastics. She is the head coach of the high-performance program at PRGC and has been coaching junior and senior gymnasts at the international level for many years.
78. In December 2021, Ms. Alexandra Kiroi-Bogatyreva informed GA that she would train overseas but that she remained a member of PRGC and Ms. Kateryna Logachova remained her registered coach (Appendix 3 of the Notice of Charges). Upon her return to Australia in June 2022, Ms. Kateryna Logachova refused to coach Ms. Alexandra Kiroi-Bogatyreva and

acted negligently and negatively towards her during training sessions (Appendixes 2 and 20 of the Notice of Charges).

79. On 18 June 2022, Mr. Alexander Bogatyrev submitted a complaint to Sports Integrity Australia (SIA) against Ms. Kateryna Logachova alleging abuse, bullying and victimisation towards his daughter in May 2022 (Appendix 4 of the Notice of Charges). SIA considered it more appropriate that GA considers the matter (Appendix 5 of the Notice of Charges). The complaint was subsequently dismissed by GA on the grounds that the alleged conduct did not meet the required threshold to initiate an investigation (Appendix 6 of the Notice of Charges).
80. On 29 August 2022, Mr. Alexander Bogatyrev submitted a second complaint to SIA alleging further developments/examples of abuse, bullying and victimisation towards his daughter (Appendix 7 of the Notice of Charges). However, SIA again stated that they were unable to take any further action (Appendix 8 of the Notice of Charges).
81. On 11 December 2022, a third complaint to SIA was submitted by Ms. Alexandra Kiroi-Bogatyreva herself against Ms. Kateryna Logachova (and Ms. Sepalike Weerasinghe, i.e. the mother of another athlete, Ms. Ashari Gill) (Appendix 9 of the Notice of Charges). Ms. Alexandra Kiroi-Bogatyreva requested that the third complaint be reviewed in conjunction with the previous two complaints submitted by her father. In her complaint, she alleges neglect and the exclusion of herself and her parents from club activities as a result of “whistleblowing” in the context of the score-change incident. SIA once again concluded by means of a letter dated 24 January 2023 that no further action would be taken as the alleged behaviour does not meet the required threshold of seriousness; they recommended that Ms. Alexandra Kiroi-Bogatyreva submit her complaint to GA (Appendix 10 of the Notice of Charges). Ms. Alexandra Kiroi-Bogatyreva later received an email from SIA on 31 January 2023 notifying her that the email regarding the outcome of her complaint had also been inadvertently sent to Ms. Kateryna Logachova resulting in a privacy breach (Appendix 11 of the Notice of Charges).
82. On 4 August 2023, a complaint was submitted to the GEF by Mr. Alexander Bogatyrev and Ms. Valeriya Clements against Ms. Kateryna Logachova for neglect, boycott and psychological abuse towards their daughter, Ms. Alexandra Kiroi-Bogatyreva (Appendix 1 of the Notice of Charges).

Alleged incidents

83. In the Notice of Charges, the GEF described the incidents/behaviour of Ms. Kateryna Logachova as follows:

Incident 1: In June/July 2021, Ms. Kateryna Logachova acted in a verbally aggressive way towards Ms. Alexandra Kiroi-Bogatyreva, telling her to “stop

crying, do you see me cry? No, look boys in the men's gym don't cry"(Appendix 2 of the Notice of Charge), and singled her out "aggressively telling-off Alexandra in front of the rest of the team lined up at the end of training session to the point that Alexandra was in tears" following the announcement that she will not participate at the Olympic Games (Appendix 20 of the Notice of Charges).

Incident 2: In October 2021, Ms. Kateryna Logachova failed to recognise victimisation and direct threats to her gymnast while acting as a messenger of threats made by Ms. Virginia Elliott when she stated that Ms. Alexandra Kiroi-Bogatyreva would suffer if she does not remain quiet (Appendix 12 of the Notice of Charge). This was reported to GA and Ms. Virginia Elliot was asked to write an apology letter to Ms. Alexandra Kiroi-Bogatyreva and her parents (Appendix 13 of the Notice of Charges).

Incident 3: In May 2022, after a nine-month absence due to training overseas, Ms. Alexandra Kiroi-Bogatyreva received a cold welcome when she returned to her club (Appendix 20 of the Notice of Charge). As a result, she requested to be walked out to the competition mat at the National Championships by another coach (i.e. Ms. Alicia Regula). However, Ms. Kateryna Logachova ignored this request and walked Ms. Alexandra Kiroi-Bogatyreva out for every routine (Appendix 14 of the Notice of Charges).

Incident 4: In June/July 2022, Ms. Kateryna Logachova blamed and boycotted Ms. Alexandra Kiroi-Bogatyreva after she was not selected as Team Coach for the 2022 Commonwealth Games, including but not limited to talking behind Ms. Alexandra Kiroi-Bogatyreva's back, making public accusations and turning other gymnasts against her. Examples provided of Ms. Kateryna Logachova's behaviour include turning away and rolling her eyes when Ms. Alexandra Kiroi-Bogatyreva tried to speak with her, telling other coaches "what is she [Ms. Alexandra Kiroi-Bogatyreva] doing in my gym" and spreading rumours about Ms. Alexandra Kiroi-Bogatyreva to other coaches and gymnasts. Ms. Alexandra Kiroi-Bogatyreva would come home crying from every training session due to Ms. Kateryna Logachova's repeated maltreatment (Appendixes 2 and 20 of the Notice of Charge). Furthermore, Ms. Kateryna Logachova, following her non-selection as a coach for Commonwealth Games, wrote to Ms. Alexandra Kiroi-Bogatyreva refusing to coach her and to collect Ms. Alexandra Kiroi-Bogatyreva's 10-year State Team Member award in June 2022 (Appendix 15 of the Notice of Charges).

Incident 5: In August 2022, Ms. Kateryna Logachova refused to watch and attend Ms. Alexandra Kiroi-Bogatyreva's competitions at the Commonwealth Games, despite Ms. Alexandra Kiroi-Bogatyreva still being a member of Ms. Kateryna Logachova's squad at PRGC at that time. Instead, Ms. Kateryna

Logachova chose to attend only the competition days/times during which another gymnast whom she was coaching (Ms. Ashari Gill) was competing (Appendix 20 of the Notice of Charge). A “team dinner” was organised following the competition from which Ms. Alexandra Kiroi-Bogatyreva was allegedly excluded (Appendix 14 of the Notice of Charges).

Incident 6: In August 2022, at the PRGC’s Annual General Meeting, Ms. Kateryna Logachova together with Ms. Sepalika Weerasinghe breached confidentiality of Ms. Alexandra Kiroi-Bogatyreva’s financial records and claimed that she is not a member of the club because she spends too much time overseas (Appendix 16, section 4.2, p. 6 of the Notice of Charges).

Incident 7: In October 2022, Ms. Alexandra Kiroi-Bogatyreva returned to Australia following the 2022 World Championships and spent six weeks at PRGC. She once again was made to feel unwelcome and left to train alone, similar to the situation she had experienced in May the same year. She also felt her close friend, Ms. Ashari Gill, acting in a “hostile” way towards her and appeared to be under Ms. Kateryna Logachova’s influence (Appendixes 14 and 20 of the Notice of Charges).

Incident 8: In December 2022, Ms. Alexandra Kiroi-Bogatyreva left PRGC and moved her registration to another club in another state, i.e. LeRay Gymnastics Academy with Ms. Katie Sigsworth as her new official registered coach. A number of other gymnasts which had been coached by Ms. Kateryna Logachova also left the club or ended their gymnastics careers around this time (Appendix 2, p. 5 of the Notice of Charges).

Incident 9: In May 2023, Ms. Alexandra Kiroi-Bogatyreva requested access to PRGC. She was told that the capacity was full and there was no space for her to train when actually the facility was almost empty. This decision was made by Ms. Kateryna Logachova and Ms. Sepalika Weerasinghe (Appendix 2, p. 4 of the Notice of Charges).

Incident 10: In the same month, at the Australian Gymnastics Championships, Ms. Kateryna Logachova who was attending as an accredited judge, hence should not have had access to gymnasts and training areas, was granted exceptional access to the training venue where she stayed for the duration of Ms. Alexandra Kiroi-Bogatyreva’s training. She continuously stared at Ms. Alexandra Kiroi-Bogatyreva during pre-competition practice to distract her and put psychological pressure on her (Appendix 2, p.4 of the Notice of Charges). This incident is referred to in the medical report provided by Dr Boris Goloub, i.e. Ms. Alexandra Kiroi-Bogatyreva’s psychologist. The medical report confirms that this incident has had a significant

negative impact on Ms. Alexandra Kiroi-Bogatyreva's mental health noting that this "strong psychological abuse" has continued for the last two years (Appendix 17, p. 2 & Appendix 21, p. 2 et seq. of the Notice of Charges).

Incident 11: In June 2023, Ms. Sepalika Weerasinghe (on behalf of Ms. Kateryna Logachova) circulated an open letter to every rhythmic gymnastics club in Australia defaming Ms. Alexandra Kiroi-Bogatyreva and stating that it was Ms. Alexandra Kiroi-Bogatyreva's fault that Ms. Kateryna Logachova was not selected as a coach for the Commonwealth Games in 2022 (Appendixes 18 and 21, p. 2 of the Notice of Charges).

Incident 12: In October 2023, Ms. Alexandra Kiroi-Bogatyreva was again refused access to the PRGC's facilities during her 3-week stay in Australia by Ms. Kateryna Logachova and Ms. Sepalika Weerasinghe (Appendix 14, p. 2 of the Notice of Charges).

Incident 13: In the same month, Ms. Kateryna Logachova and Ms. Sepalika Weerasinghe used the National Selection Policy information sessions to challenge the grounds on which GA had accorded Ms. Alexandra Kiroi-Bogatyreva's extenuating circumstances that led to her exemption from the HP selection event held in November 2023. They are also alleged to have been confronting people associated with Ms. Alexandra Kiroi-Bogatyreva (her new coach, Ms. Katie Sigsworth, and the owner of her new club) (Appendixes 19 and 21, p. 2 of the Notice of Charges).

84. Considering the above, the GEF came to the following conclusion:

"In summary, it is alleged that Ms. Logachova blames Ms. Kiroi-Bogatyreva for whistleblowing about the score-change incident that caused her not to become an Olympic coach and for not selecting her as her coach at the Commonwealth Games. Likewise, it is alleged that as punishment, Ms. Logachova continues to demonstrate passive-aggressive behavior inflicting repeatedly psychological harm to Ms. Kiroi-Bogatyreva. The above timeline denotes that the mistreatment appears to have started as a result of Ms. Kiroi-Bogatyreva speaking up about the score change incident at the Oceania Continental Championships in 2021 (this is also raised in Appendix 21). While certain individual incidents may not have met required thresholds of seriousness to establish specific rule violations (as per previous SIA and/or GA decisions), it is now evident that these have now formed a continuous pattern over an extended period time (over two years), which has had and continues to have a clear negative impact on Ms. Kiroi-Bogatyreva and her mental health. This is now clearly and unambiguously confirmed in the medical report (Appendix 17), Ms.

Kiroi-Bogatyreva's witness statement (Appendix 2), Ms. Alisa Gimgina's witness statement (Appendix 20) and Ms. Katie Mitchell Sigsworth's witness statement (Appendix 21)."

Violation of the FIG rules and the proposed sanctions

85. The GEF concluded that Ms. Kateryna Logachova has violated the following FIG provisions:
- The FIG Safeguarding Policy 2018 (definitions in Part I);
 - The FIG Code of Conduct 2022 (Sections 1, 2);
 - The FIG Code of Ethics 2022 (Article 1 (d)).
86. Based on the investigation conducted and the collected evidence, the GEF requests to sanction Ms. Kateryna Logachova with a suspension and exclusion from all FIG activities and other national and international events for a duration of one year based on Art. 34 of the FIG Statutes. In addition, the GEF requests that Ms. Kateryna Logachova undergo relevant safeguarding training for coaches before her reintegration into gymnastics coaching or training and to pay CHF 500 as a contribution to the cost of proceedings.

The GEF's further arguments

87. On 14 February 2024, Mr. Alex McLin, Director of the GEF, sent two expert reports of Dr. Melanie Lang (Director of the Centre for Child Protection and Safeguarding in Sport) and Dr. Margo Mountjoy (Clinical Professor in the Department of Family Medicine, Faculty of Health Sciences at McMaster University in Canada) which supplement the Notice of Charges and its appendices. During the hearing, Mr. McLin confirmed that both experts have received the Notice of Charges including all annexes but that the experts did not speak to the Respondent in order to write their reports.
88. Dr. Melanie Lang concluded that Ms. Kateryna Logachova failed to provide a safe sport environment that is an athletic environment that is respectful, equitable and free from all forms of non-accidental violence to athletes. The behaviours described in the Notice of Charges occurred repeatedly over a prolonged period of time (more than two years) and so form a pattern of behaviour. Thus, they appear to be deliberate. Ms. Kateryna Logachova is alleged to have "aggressively" told off Ms. Alexandra Kiroi-Bogatyreva in public and in front of her peers, prompting Ms. Alexandra Kiroi-Bogatyreva to cry. This behaviour constitutes verbal abuse, a psychologically abusive behaviour according to the IOC Consensus Statement. In addition, Ms. Kateryna Logachova is alleged to have publicly rolled her eyes and publicly criticized Ms. Alexandra Kiroi-Bogatyreva in front of other athletes and coaches; ignored and ostracized Ms. Alexandra Kiroi-Bogatyreva (directly and indirectly through other athletes and coaches); and spread false rumours among other athletes and coaches about Ms. Alexandra Kiroi-Bogatyreva. These behaviours belittle, humiliate,

degrade, and isolate Ms. Alexandra Kiroi-Bogatyreva, all of which constitute forms of psychological abuse under the IOC Consensus Statement. Furthermore, Ms. Kateryna Logachova is alleged to have refused to actively coach Ms. Alexandra Kiroi-Bogatyreva while she was still a member of PRGC; refused to watch or attend Ms. Alexandra Kiroi-Bogatyreva's competitions despite being her registered coach at the time; denied Ms. Alexandra Kiroi-Bogatyreva access to the PRGC's facilities; and excluded Ms. Alexandra Kiroi-Bogatyreva from team dinner plans. These behaviours exclude and isolate Ms. Alexandra Kiroi-Bogatyreva, which are recognised forms of psychological abuse in the IOC Consensus Statement. Moreover, it is alleged that Ms. Alexandra Kiroi-Bogatyreva was left to train alone on several occasions because Ms. Kateryna Logachova refused to actively coach her. Failing to supervise an athlete during training and leaving an athlete to train alone puts the athlete at heightened risk of harm through accident or injury. This constitutes a failure to provide a safe physical training environment and ensure an athlete's physical safety, which are forms of physical neglect and negligence according to the IOC Consensus Statement. Ms. Kateryna Logachova's decision to ignore Ms. Alexandra Kiroi-Bogatyreva's request to have an alternative coach walk her out to the competition mat was not athlete-centred or best practice. However, had Ms. Kateryna Logachova ceded to this request, it could have been perceived as Ms. Kateryna Logachova neglecting her duties as Ms. Alexandra Kiroi-Bogatyreva's coach. As such, this does not meet the threshold for emotional neglect. However, the other behaviours described constitute a failure on the part of Ms. Kateryna Logachova to meet Ms. Alexandra Kiroi-Bogatyreva's emotional needs and thus constitute forms of neglect according to the IOC Consensus Statement.

89. Dr. Margo Mountjoy concluded in her report that deliberate and prolonged acts of repeated behaviours consistent with psychological harassment can have significant and long-term impacts on an athlete survivor. The IOC Consensus Statement defines four types of harassment and abuse: psychological, physical, sexual, and neglect. The described behaviours in the witness statement are consistent with psychological abuse. The described behaviours have a pattern of deliberate and prolonged, repeated non-contact behaviours between the athlete and the coach, which by definition is a power-differentiated relationship. Various behaviours reported in the witness statement include the following wording: "screaming", "being rude", "picking on me", "telling me off for being emotional", "aggression", "ignoring – total neglect", "anger", "passive aggressive treatment", "glaring at me" during preparation area, "intentionally places herself near me to put me off", "intimidation" and "gossip". For many athlete survivors of harassment and abuse, the presence of a former perpetrator at a competition site can be traumatic and trigger significant negative or disturbing symptoms affecting that individual's health and well-being. The potential psychological, behavioural, physical, and sport performance manifestations of exposure to a perpetrator at a competition are the same as the actual impacts of the abuse itself.

90. During the hearing the GEF emphasized that this national case should not be before the GEF Disciplinary Commission. However, as the GA's safeguarding policy does not seem to adequately protect Ms. Alexandra Kiroi-Bogatyreva, it is the burden of the GEF to assess Ms. Kateryna Logachova's behaviour from an ethical perspective. According to the GEF, neither GA nor SIA looked at all allegations in their entirety and have shifted the responsibility back and forth. In addition, the GEF highlighted the close relationship between Ms. Alexandra Kiroi-Bogatyreva and Ms. Kateryna Logachova and the fact that something bad must have happened for an athlete to go against her long-time coach, who was like a mother to the athlete. Moreover, the GEF drew the Panel's attention to the fact that it is a very common defence of a respondent to blame the victim. According to the GEF, Ms. Kateryna Logachova's behaviour has to be considered an on-going abuse over months or years. Finally, the GEF stated that some incidents may not meet the threshold for abuse, but that all incidents together should be considered as such, especially as the standard of proof is only the "balance of probabilities".

Respondent's position

91. The extensive submissions and comments made by the Respondent in writing and during the hearing can be summarised, in its essence, as follows:

Double jeopardy

92. The Respondent argues that the allegations in the Notice of Charges have already been the subject of proceedings before GA and SIA and that, therefore, the GEF is not competent to look at these allegations again based on the principle of *res judicata* or double jeopardy. In more detail, three complaints against the Respondent were submitted to GA or SIA (on 18 June 2022, 29 August 2022 and 11 December 2022). All those complaints were dismissed on the grounds that they did not warrant further investigation. Therefore, the GEF shall not be competent to look at this complaint again.

Violation of the principle of fair proceedings

93. The Respondent emphasized several times that the GEF's investigation violated the principles of "justice, fairness and equality", the right to be heard and of equal treatment. Based on these principles, the Respondent had the right to access the entire case file (a request that has been denied) and the right to be heard before the provisional suspension was imposed. However, in December 2023, the GEF imposed a provisional suspension without Ms. Kateryna Logachova being warned or heard. During the five months of the GEF investigation, there is no reason why GEF could not notify the Respondent, take evidence from her and any others put forward in her support. Finally, the Respondent argued during the hearing that a potential suspension of more than 30 days is not in line with FIG and GEF regulations.

Applicable standard of proof

94. The Respondent confirmed that the applicable standard in the present proceedings is a “balance of probabilities”, however, emphasized that in the event that this case would be appealed to the Court for Arbitration of Sport (CAS) a higher standard of proof would apply. Based on CAS jurisprudence (CAS 2009/A/1926, CAS 2009/A/1930), in case of serious allegations, “a careful weighing of testimony, the close examination of facts proved as a basis for inference and a comfortable satisfaction that the tribunal has reached both a correct and just conclusion” is required.

Incidents that are not proven or involve other persons

95. The complaint makes allegations that are not supported by the documents provided in the Notice of Charges. Furthermore, the complaint makes allegations in relation to other individuals and seeks to draw inferences against Ms. Kateryna Logachova for the actions of other people, for example the alleged actions of Ms. Ashari Gill (incident 7 of the Notice of Charges) and of Ms. Sepalika Weerasinghe (incidents 6, 9, 11, 12 and 13 of the Notice of Charges). Furthermore, the complaint makes allegations regarding other gymnasts, however, fails to provide evidence from those gymnasts and is therefore unsupported (incident 8 of the Notice of Charges). In addition, the complaint makes unsubstantiated allegations about decisions purportedly made by Ms. Kateryna Logachova and Ms. Sepalika Weerasinghe, the Vice President of the PRGC, in relation to access to the PRGC’s facilities without background to those decisions or a response from Ms. Kateryna Logachova. Finally, the complaint refers to a privacy breach from SIA (which was not committed by Ms. Kateryna Logachova). In summary, the incidents 5 to 12 relate to other people with no involvement of the Respondent or lack any proper factual foundation. With regard to incidents 1 to 4 and 13, the Respondent emphasized that the evidence provided by GEF is unconvincing and in any case rebutted by the evidence submitted by the Respondent.

Conduct of Ms. Alexandra Kiroi-Bogatyreva’s parents

96. As Ms. Alexandra Kiroi-Bogatyreva’s career in gymnastics progressed, her parents became increasingly aggressive towards participants in the sport including the Respondent, other parents at the club, officials and other coaches. Her parents also became more involved in the PRGC Committee and in 2020 her mother became the Treasurer and her father became the Vice President. From the time when her parents joined the PRGC Committee, they were in frequent disagreements with other members of the club and Committee. As a result of the ongoing bullying, harassment, verbal abuse, and false complaints made against the Respondent by Ms. Alexandra Kiroi-Bogatyreva and her parents since 2021, the Respondent has been diagnosed with chronic adjustment disorder, low mood and anxiety as documented in her psychologist’s report. The Respondent emphasized in her written submissions and during the hearing that she has suffered from abuse from Ms. Valeriya Clements and Mr. Alexander Bogatyrev for a number of years while she coached Ms.

Alexandra Kiroi-Bogatyreva. She felt intimidated and victimised by the conduct of Mr. Alexander Bogatyrev and Ms. Valeriya Clements which has been threatening and intimidating.

Witness statements submitted by the Respondent

Witness statements of Ms. Kateryna Logachova (dated 25 January 2024, 8 February 2024, 6 March 2024 and during the hearing)

97. The main parts of the witness statements of Ms. Kateryna Logachova can be summarized as follows:

Coaching style

98. The Respondent emphasized that she cares about the gymnasts and their safety and that she is aware of her responsibility for the safety and wellbeing of the gymnasts. Each year, GA introduces compulsory safety education courses for all coaches. Australia has strict safety guidelines. In addition, she stated that she also educates and mentors her assistant coach and junior coaches to ensure that all work in a safe and positive environment. It is more important to her that the gymnasts who she coaches become a good human being than their results at competitions. She empowers athletes to challenge themselves and realise their full potential.

Score-change event, May 2021

99. On 21 May 2021, Ms. Alexandra Kiroi-Bogatyreva competed at the Oceania Gymnastics Championships. The score of her competitor, i.e. Ms. Lidiia Iakovleva was increased by 1.9 points. As a result of the score change, Ms. Lidiia Iakovleva placed first and Ms. Alexandra Kiroi-Bogatyreva placed second. Ms. Alexandra Kiroi-Bogatyreva therefore did not qualify for the Olympic Games. Both she and her parents were extremely distressed by this outcome as they believed that Ms. Lidiia Iakovleva had received favouritism from the judges, and commenced appealing the decision. They asked for people to provide written statements in support of their appeal of the judges' decision. The Respondent was the only person who agreed to provide a statement in support of her (a copy of Ms. Kateryna Logachova's statement was included in the submissions). However, despite the ordered rejudging of all the competitors' routines, Ms. Alexandra Kiroi-Bogatyreva remained in second position.

100. On 24 June 2021, Ms. Alexandra Kiroi-Bogatyreva appealed against the rejudging results to FIG and GA, however, without success.

101. On 27 June 2021, she filed a complaint with the GEF alleging multiple FIG rule violations and match fixing with respect to the 2021 Oceania Championships. In addition, she appealed the decision of her non-qualification to the Olympic Games to the CAS.

102. On 16 July 2021, the appeal was dismissed by CAS (CAS 2021/A/8119). Throughout the appeal process, the Respondent supported Ms. Alexandra Kiroi-Bogatyreva by encouraging her to continue training and being sensitive to her emotions. For example, the Respondent offered to talk to her about what she was going through and allowed her to sit with her at training at the coaching table, even though gymnasts are typically not allowed to do so. The Respondent emphasized that she also needed to maintain her integrity as a judge of the competition and her professional reputation. When Ms. Alexandra Kiroi-Bogatyreva and her parents asked her to formally complain about the other judges, the Respondent was not comfortable doing so and so did not make a formal complaint about her fellow judges. CAS did not overturn the score-change and Ms. Alexandra Kiroi-Bogatyreva remained placed second which meant that she did not qualify for the Olympic Games.

Alleged Incident 1

103. The Respondent denies that: (a) she acted in a verbally aggressive way towards Ms. Alexandra Kiroi-Bogatyreva; (b) she told her to “stop crying, do you see me cry? No, look boys in the men’s gym don’t cry”; and (c) she singled her out aggressively in front of the rest of the team at the end of training session to the point that Ms. Alexandra Kiroi-Bogatyreva was in tears following the Olympic announcement.

104. The Respondent emphasized in her written submission and during the hearing that after her non-selection for the Olympic Team, Ms. Alexandra Kiroi-Bogatyreva experienced emotional distress and her behaviour at training became very concerning. She came to training already crying, visibly upset and unmotivated about her performance and the outcome of the competition. She became disrespectful towards the Respondent and other gymnasts and threw apparatus at the wall, ignored the Respondent, gave her hostile looks and rolled her eyes whenever the Respondent tried to speak with her to ask her how she could help, sat with her back towards the Respondent and refused to move out of the way when other gymnasts were trying to train.

105. When the respective training was concluded, Ms. Alexandra Kiroi-Bogatyreva refused to line up with the other gymnasts or leave the training mat and began training by herself. The Respondent told her that training had finished but she would not listen to her. After several attempts to call her over, Ms. Alexandra Kiroi-Bogatyreva eventually lined up with the other two gymnasts. The Respondent tried to give Ms. Alexandra Kiroi-Bogatyreva a motivational speech as she was crying. She explained how many of the boys in the men’s gym also did not qualify for the Olympics, however they were still training for their own enjoyment and for future competitions. The Respondent encouraged her to do the same and be positive and try to stop crying. The Respondent acknowledges that this was an emotionally difficult period for Ms. Alexandra Kiroi-Bogatyreva and she did everything she could to support her. However, her behaviour at the training was extremely poor. The

Respondent stated that she also had other gymnasts to coach who were preparing for the National Club Championships, Maccabiah Games and the Commonwealth Games.

Alleged Incident 2

106. The Respondent denies that she acted as a messenger of threats made by Ms. Virginia Elliott. In more detail, the Respondent explained that in October 2021, she attended a three-hour meeting at the PRGC premises with Ms. Alexandra Kiroi-Bogatyreva's parents. They discussed their outrage over the result of the Oceanic Championships and spent the entire meeting shouting and swearing at the Respondent. They accused her of "siding" with judges and not helping her daughter enough throughout the appeals process at the Oceania Championships. During this meeting, the Respondent also spoke with them about a conversation she had recently with Ms. Virginia Elliot who was the Technical Director of GA. During the phone call with Ms. Elliot, she had told the Respondent to pass on a message to Ms. Alexandra Kiroi-Bogatyreva's parents to stop making accusations against those involved with the competition but rather to allow her daughter to focus on her training for the Commonwealth Games. The Respondent passed this message on to them with an open heart as she genuinely wanted the best for her and wanted her to be able to focus on her training without the distraction of repeated appeals and negativity. The Respondent emphasized in her written submission and the hearing that she did not interpret Ms. Elliot's comments to be a threat to Ms. Alexandra Kiroi-Bogatyreva or her parents. The Respondent believed that Ms. Elliot's comments were intended to encourage her to refocus on her training for the upcoming Commonwealth Games and to put the events of the Oceania Championships behind her and look towards her future successes.

Alleged Incident 3

107. The Respondent denies that: (a) in May 2022, Ms. Alexandra Kiroi-Bogatyreva received a cold welcome on her return from training overseas; and (b) she ignored a request by her to be walked out by another coach at the National Championships. Prior to her return from training overseas, the Respondent saw her perform at the FIG Rhythmic Gymnastics World Cup in Uzbekistan Tashkent in April 2022. When Ms. Alexandra Kiroi-Bogatyreva saw the Respondent, she came up to her and hugged her. Ms. Alexandra Kiroi-Bogatyreva posted two Instagram pictures of her and the Respondent (Instagram-posts were submitted in the present proceedings). The Respondent emphasized in her written submissions and during the hearing that when Ms. Alexandra Kiroi-Bogatyreva returned to training at PRGC, the Respondent gave her a warm welcome and she trained with the other athletes. On 5 May 2022, Ms. Alexandra Kiroi-Bogatyreva's mother sent an e-mail requesting that the Respondent and another coach, i.e. Ms. Alicia Regula, to be registered as coaches at the Continental Championships (e-mail was submitted in the present proceedings). The Respondent nominated both coaches in accordance with this request. Prior to the National Championships, GA emailed the Respondent requesting to clarify which coach will be

nominated for each gymnast. As Ms. Alexandra Kiroi-Bogatyreva had just returned from overseas, the Respondent nominated herself as her coach to show support for her. Neither Ms. Alexandra Kiroi-Bogatyreva nor her parents had indicated to the Respondent that they did not want her to coach her at this event.

Alleged Incident 4

108. The Respondent denies that she: (a) blamed and boycotted Ms. Alexandra Kiroi-Bogatyreva after she was not selected as Team Coach for the 2022 Commonwealth Games; (b) talked behind her back; (c) turned away and rolled her eyes when she tried to speak to her; (d) made public accusations about her; (e) turned other gymnasts against her; (f) said “what is she doing in my gym”; or (g) spread rumours about her. In about June 2022, after the Australian National Championships, Ms. Alexandra Kiroi-Bogatyreva informed the Respondent that she had nominated a different coach for the Commonwealth Games on the basis that she wanted a coach who would put in protests and complaints for her. The Respondent stated during the hearing that she was surprised and very disappointed as she had coached and supported her for over 10 years. However, according to the Respondent, she did not want to address the issue further as she was all focused on preparing for the 2022 Commonwealth Games. The Respondent did not blame her for not being selected as a coach for the Commonwealth Games. In addition, the Respondent explained that as she was not her coach anymore, it was not her responsibility to collect her award. For this reason, the Respondent asked the athlete’s mother to ask Ms. Alexandra Kiroi-Bogatyreva’s nominated coach, i.e. Ms. Katie Sigsworth, to collect the award. On 5 June 2022, Ms. Alexandra Kiroi-Bogatyreva’s mother sent an aggressive e-mail to the Respondent stating that Ms. Alexandra Kiroi-Bogatyreva did not feel safe with her. On 9 June 2022, the Respondent responded to this email stating that she did not feel safe communicating with her or her husband anymore and that she could no longer train Ms. Alexandra Kiroi-Bogatyreva as it was impacting her mental health significantly. The Respondent emphasized that she frequently received rude and aggressive correspondence from Ms. Alexandra Kiroi-Bogatyreva’s mother (several emails were included in the written submissions).

Alleged Incident 5

109. The Respondent denies that: (a) she refused to watch and attend Ms. Alexandra Kiroi-Bogatyreva’s competitions at the Commonwealth Games in 2022; (b) she chose to attend only the competition days and times during which Ms. Ashari Gill was competing; and (c) a team dinner was organised following the competition from which Ms. Alexandra Kiroi-Bogatyreva was excluded. The Respondent explained that as she was not selected as a coach for the 2022 Commonwealth Games, she did not attend the Commonwealth Games in any official capacity but privately as a spectator. The Respondent watched the qualifications and saw Ms. Alexandra Kiroi-Bogatyreva compete. She clapped and cheered

for her. After the qualifications, the Respondent congratulated Ms. Alexandra Kiroi-Bogatyreva and Ms. Ashari Gill and shook both of their hands. In addition, the Respondent explained that there was no team dinner. In any event, the Respondent was not part of the Australian team and so it was not in her responsibility to organise a team dinner. On 9 August 2022, Ms. Alexandra Kiroi-Bogatyreva made an Instagram post thanking the Respondent in the comments for being there for her throughout the last 15 years (Instagram-post was attached in written submissions). The Respondent does not believe that she would have publicly thanked her at the time if she had refused to watch her perform, attended only when Ms. Ashari Gill was competing or excluded her from a team dinner.

Alleged Incident 6

110. The Respondent denies that she: (a) breached confidentiality of Ms. Alexandra Kiroi-Bogatyreva's financial records; or (b) claimed that she is not a member of the club because she "spends too much time overseas" at the PRGC's Annual General Meeting in August 2022. There were discussions about whether Ms. Alexandra Kiroi-Bogatyreva was a financial member of the Club in order to consider whether her parents could re-nominate themselves for positions on the Committee (as required by the rules). As it is recorded in the Minutes, when the Respondent was questioned about Ms. Alexandra Kiroi-Bogatyreva's financial records with the club, she remained silent. She also did not make any comments about Ms. Alexandra Kiroi-Bogatyreva's time overseas or her membership with the club, as recorded in the Minutes.

Alleged Incident 7

111. The Respondent denies that she acted in an unwelcoming manner towards Ms. Alexandra Kiroi-Bogatyreva or that she influenced her friend, i.e. Ms. Ashari Gill, against her in October 2022. Ms. Alexandra Kiroi-Bogatyreva left Australia in about July 2022. When she returned briefly in October 2022 after 6 weeks away, the Respondent welcomed her warmly and gave her flowers to congratulate her for her efforts at the Commonwealth Games. A copy of the receipt of purchase of the flowers was included in the submissions. The Respondent explained that she was unable to provide Ms. Alexandra Kiroi-Bogatyreva with preferential treatment or extra one-on-one attention as she had other gymnasts to also train. The Respondent stated that she was unable to comment on Ms. Ashari Gill's relationship with Ms. Alexandra Kiroi-Bogatyreva, however, the Respondent has not exerted any influence over Ms. Ashari Gill to create any hostility between them.

Alleged Incident 8

112. The Respondent denies that a number of former gymnasts left the PRGC or ended their gymnastics careers around December 2022 because they were "neglected" by her. In December 2022, Ms. Alexandra Kiroi-Bogatyreva moved to LeRay Gymnastics Academy

after her parents were not re-elected to the new PRGC Committee. A number of other gymnasts also left PRGC when their parents were not voted in or re-elected to the Committee.

Alleged Incident 9

113. The Respondent denies that she refused Ms. Alexandra Kiroi-Bogatyreva access to the PRGC's facilities in May 2023. The Respondent explained in detail that she did not have the power to make any decisions regarding the use of the facility. The PRGC Committee manages the facility rent contract with Gymnastics Victoria and is responsible for assessing the space and number of gymnasts who can train during club hours. On 21 April 2023, Ms. Alexandra Kiroi-Bogatyreva emailed the Respondent, the PRGC Committee Vice President, i.e. Ms. Sepalika Weerasinghe, and Mr. Simon Gadsden of Gymnastics Victoria to request to train at the PRGC on 6 days between 13 May 2023 and 27 May 2023 whilst visiting in Melbourne. On 25 April 2023, the Vice President emailed her to inform her that the PRGC Committee had reviewed her request but determined that there was no availability to incorporate her as an additional gymnast during the normal training times. Ms. Alexandra Kiroi-Bogatyreva was instead offered exclusive use of the training space on Tuesdays and Thursdays mornings between 7am and 10am on one of the requested weeks. The Vice President also offered to book the space for her during times when PRGC was not using it. The email exchanges was included in the submissions.

Alleged Incident 10

114. The Respondent denies the allegations that in May 2023, she continuously stared at Ms. Alexandra Kiroi-Bogatyreva during pre-competition practice for the Australian Gymnastics Championships and tried to distract and put psychological pressure on her. At the Australian Gymnastics Championships, the Respondent attended as an accredited judge. Due to conflict-of-interest rules that judges must follow, she was unable to judge some of her gymnasts or access training areas for the gymnasts. Ms. Alicia Regula was head coach for the State Team. However, during the pre-competition practice stage of the competition, Ms. Alicia Regula had to return home as she was unwell, leaving only one coach, i.e., Ms. Ellie Robinson, with the girls. Due to these unforeseen circumstances GA granted the Respondent permission to coach her gymnasts and therefore access the gymnast's facilities as a coach. The Respondent emphasized that she focused on the training of her own gymnasts and did not stare at Ms. Alexandra Kiroi-Bogatyreva. The Respondent was also fearful of her and her parents due to the constant complaints being made.

Alleged Incident 11

115. The Respondent denies that: (a) Ms. Sepalika Weerasinghe circulated an open letter to every rhythmic gymnastics club in Australia on Respondent's behalf; and (b) the open letter defamed Ms. Alexandra Kiroi-Bogatyreva and stated that it was her fault that the

Respondent was not selected as a coach for the Commonwealth Games in 2022. The letter that Ms. Alexandra Kiroi-Bogatyreva and her parents refer to is the letter dated 21 June 2023 from Ms. Sepalika Weerasinghe on behalf of the PRGC Committee. The letter was not sent on Respondent's behalf or at her request (letter was submitted in the proceedings). At no point was Ms. Alexandra Kiroi-Bogatyreva blamed for the Respondent's non-selection as a coach for the Commonwealth Games. At page 6, the letter makes reference to the non-nomination as Commonwealth Games coach on the basis that one of her gymnasts did not nominate her as her coach, which is correct. However, Ms. Alexandra Kiroi-Bogatyreva's name is not mentioned, and the purpose of the discussion was clearly to challenge the support system available to coaches at national level and the lack of appeal process for non-nomination of coaches.

Alleged Incident 12

116. The Respondent denies that she refused Ms. Alexandra Kiroi-Bogatyreva access to the PRGC's facilities during her 3-week stay in Australia in October 2023. The PRGC Committee manages the facility rent contract with Gymnastics Victoria and is responsible for assessing the space and number of gymnasts who can train during club hours. This is not in the responsibilities of the Respondent. Ms. Alexandra Kiroi-Bogatyreva could have approached Gymnastics Victoria booking facility team to rent the space outside of club use if she required access to the facilities. During the hearing, the Respondent explained that she is allowed to tell the Committee her view but that she remained silent regarding the requests made by Ms. Alexandra Kiroi-Bogatyreva.

Alleged Incident 13

117. The Respondent denies the allegations that in October 2023, she used the National Selection Policy information session to challenge the grounds on which GA accorded Ms. Alexandra Kiroi-Bogatyreva's extenuating circumstances that lead to her exemption from the HP selection event in November 2023. GA organised the information session for the purpose of allowing the Rhythmic Gymnastics community to ask questions about the selection process for international competitions. The Respondent did not speak at all about the selection process for international competitions during the information session.

Witness statements of Ms. Sepalika Weerasinghe (dated 25 January 2024, 6 March 2024)

118. Ms. Sepalika Weerasinghe emphasized that she has known Ms. Kateryna Logachova for over ten years. Ms. Kateryna Logachova provides a caring and individualised approach to coaching her gymnasts and gives of her time and energy above and beyond that of her role as coach. She has never exhibited behaviours that would give rise to claims of psychological, emotional, physical or sexual abuse or neglect of her gymnasts.

119. In addition, Ms. Sepalika Weerasinghe explained that her relationship with the parents of Ms. Alexandra Kiroi-Bogatyreva began to deteriorate over time as she found it increasingly difficult to accept many of their behaviours towards other athletes. For example, they often engage in behaviour that is volatile, aggressive and opinionated, and they are unable to see any other perspective, other than their own. They often sent disrespectful and aggressive emails to PRGC Committee members and coaches. Since 2016, Ms. Sepalika Weerasinghe has witnessed a pattern of behaviour from them whereby they target certain athletes and coaches if and when they feel that their daughter's success is being threatened.
120. Moreover, Ms. Sepalika Weerasinghe provided background information about the Annual General Meeting of the PRGC. During this meeting, questions about Ms. Alexandra Kiroi-Bogatyreva's membership were raised only when considering whether her parents could re-nominate themselves as Committee members. This is because the PRGC Nomination Form states that Committee members must be a "financial" member of the club. As Ms. Alexandra Kiroi-Bogatyreva was away for most of 2022 and was unlikely to pay fees, Ms. Sepalika Weerasinghe raised this as an issue in consideration of her parents' re-nomination. Ms. Alexandra Kiroi-Bogatyreva's parents claimed that this discussion was a suggestion that her daughter was not a member of the PRGC. They were repeatedly informed that the Committee was not challenging their daughter's membership, only their own right to re-nominate. Ms. Kateryna Logachova did not make any comment about Ms. Alexandra Kiroi-Bogatyreva's time overseas or her membership with the club. The minutes indicate that other members were responsible for making these comments.
121. Ms. Ashari Gill and Ms. Alexandra Kiroi-Bogatyreva competed at the 2022 Commonwealth Games in Birmingham. Ms. Sepalika Weerasinghe explained that she purchased several tickets to attend the first day of the Commonwealth Games and gave two of those tickets to Ms. Kateryna Logachova and her husband. She saw Ms. Kateryna Logachova reach down and take the hand of both gymnasts when congratulating them individually. She also heard Ms. Kateryna Logachova wishing Ms. Alexandra Kiroi-Bogatyreva good luck for the next day as she had qualified for the finals. In addition, Ms. Sepalika Weerasinghe confirmed that there was no team dinner during the Commonwealth Games.
122. In addition, Ms. Sepalika Weerasinghe explained that on 21 June 2023, she wrote a letter to the CEO of GA, i.e. Ms. Alexandra Ash, and the members of the GA Rhythmic Gymnastics National Commission. This letter was written entirely by herself, on behalf of PRGC and was intended as being in the best interests of the PRGC's gymnasts and the sport in general. Ms. Kateryna Logachova did not have any involvement in writing this letter. The purpose of this letter was to demonstrate that inconsistent and unfair application of processes and policies of GA was having a detrimental impact on the sport and on the wellbeing of rhythmic gymnasts and coaches across Australia. Ms. Sepalika Weerasinghe emphasized that she did not write this letter in response to Ms. Alexandra Kiroi-Bogatyreva nominating another coach for the 2022 Commonwealth Games instead of Ms. Kateryna Logachova, nor

does this letter say that it was Ms. Alexandra Kiroi-Bogatyreva's fault that Ms. Kateryna Logachova was not selected as Commonwealth Games coach.

123. On 21 April 2023, after Ms. Alexandra Kiroi-Bogatyreva had already left PRGC to join Le Ray Gymnastics Academy in New South Wales, she requested to train at the PRGC between 13 May 2023 and 27 May 2023 whilst she was visiting Melbourne. Neither Ms. Kateryna Logachova nor Ms. Sepalika Weerasinghe were authorised to approve this request. Therefore, Ms. Sepalika Weerasinghe forwarded the request to the rest of the PRGC Committee for consideration as decisions regarding requests for training space by non-fee paying members are dealt with by the PRGC Committee and not by the head coach or individual Committee members. The PRGC Committee rejected this request as it needed to prioritise the needs of PRGC gymnasts who were preparing for Nationals, and there was not enough space to offer Ms. Alexandra Kiroi-Bogatyreva training times during her requested days. However, the Committee offered her alternate days and times to train at the PRGC venue on Tuesday and Thursday mornings between 7am and 10am on one of her requested weeks (e-mail exchange included in the written submissions). On 25 September 2023, Ms. Alexandra Kiroi-Bogatyreva made another request to train at the PRGC gym by email. On 29 September 2023, the Club emailed Ms. Alexandra Kiroi-Bogatyreva to inform her that the PRGC Committee determined that it could not offer Ms. Alexandra Kiroi-Bogatyreva floor space due to safety and space limitations and recommended that Ms. Alexandra Kiroi-Bogatyreva book the training space outside of PRGC times.
124. Finally, Ms. Sepalika Weerasinghe emphasized that during her time on the PRGC Committee, she did not recall ever receiving complaints or feedback from exiting gymnasts or their parents regarding Ms. Kateryna Logachova or her coaching. However, at least two gymnasts including Ms. Chloe Hay and Ms. Mila Saltikova left the Club a few years ago because of the bullying behaviours of Ms. Alexandra Kiroi-Bogatyreva and her parents.

Witness statement of Mr. Masayuki Akiya (dated 25 January 2024)

125. Mr. Masayuki Akiya is the father of Miyabi Akiya, a 15-year-old rhythmic gymnast who is a member of PRGC. Ms. Kateryna Logachova has coached her for five years and she trains with her 22-hours a week. Ms. Miyabi Akiya is very happy with Ms. Kateryna Logachova as her coach, and she trusts and feels safe with her. Ms. Miyabi Akiya has nominated Ms. Kateryna Logachova as her coach for all FIG events in 2024, and she will rely heavily on her ongoing support and training over the next few months in preparation for the upcoming competitions. Ms. Kateryna Logachova's absence would substantially disadvantage Ms. Miyabi Akiya.

Witness statements of Ms. Ashari Gill (dated 8 February 2024, 6 March 2024)

126. Ms. Ashari Gill is a rhythmic gymnast at PRGC and has trained with Ms. Alexandra Kiroi-Bogatyreva and Ms. Miyabi Akiya for over 10 and 5 years respectively. She has been

coached by Ms. Kateryna Logachova for over 10 years. Ms. Kateryna Logachova was always a strong role model for her and other gymnasts at PRGC. Her coaching style was always respectful, calm, caring and encouraging. Ms. Ashari Gill emphasized that she has not witnessed Ms. Kateryna Logachova use negative coaching styles or emotionally or verbally abuse any gymnasts.

127. In addition, Ms. Ashari Gill explained that she and Ms. Alexandra Kiroi-Bogatyreva were best friends for over 10 years until the end of August 2022. However, as they grew up Ms. Alexandra Kiroi-Bogatyreva's priority was always on gymnastics and winning and not the friendship. By August 2022, Ms. Ashari Gill realised that her values no longer aligned with Ms. Alexandra Kiroi-Bogatyreva's and that she did not agree with the way she treated other people. This is the reason why they are no longer friends. Ms. Ashari Gill emphasized in her witness statement that she was not manipulated by Ms. Kateryna Logachova in ending her friendship with Ms. Alexandra Kiroi-Bogatyreva in any way.
128. In relation to the allegation that Ms. Kateryna Logachova acted in a verbally aggressive way towards Ms. Alexandra Kiroi-Bogatyreva, told her to "stop crying" and singled her out following the Tokyo Olympic announcement at a training session in mid-2021, Ms. Ashari Gill stated that she was present at this training session and that Ms. Alexandra Kiroi-Bogatyreva's representation of the events is not accurate. Ms. Alexandra Kiroi-Bogatyreva came to training already teary, upset and in a sensitive mood following the announcement that she did not qualify for the Olympics. She (a) sat down with her back to Ms. Kateryna Logachova; (b) ignored Ms. Kateryna Logachova while she was speaking to her; (c) began to get visibly upset, frustrated and cry; (d) began throwing her hoop without any aim or direction; and (e) refused to line up with the rest of the gymnasts despite being asked several times by Ms. Kateryna Logachova. At the end of training, Ms. Kateryna Logachova asked the gymnasts to line up together in front of her as was their usual practice at the end of training. Ms. Alexandra Kiroi-Bogatyreva was crying and Ms. Kateryna Logachova tried to console her by: (a) referring to the gymnasts in the men's gym who also did not qualify for the Olympics; and (b) encouraging Ms. Alexandra Kiroi-Bogatyreva to focus on preparing for the upcoming 2021 Commonwealth Games. It was clear that Ms. Kateryna Logachova did so to demonstrate to the gymnasts that they need to accept losses and to try to move on and focus on training and future events. Ms. Kateryna Logachova did not say anything in a mean or aggressive tone.
129. In relation to the allegation that in May 2022, after Ms. Alexandra Kiroi-Bogatyreva's return from training overseas, she received a "cold welcome", Ms. Ashari Gill stated that she witnessed Ms. Alexandra Kiroi-Bogatyreva with Ms. Kateryna Logachova training together as they normally did; Ms. Alexandra Kiroi-Bogatyreva appeared to be happy and was actively seeking and receiving feedback from Ms. Kateryna Logachova.

130. After Ms. Alexandra Kiroi-Bogatyreva did not nominate Ms. Kateryna Logachova as her coach for the Commonwealth Games, Ms. Ashari Gill never witnessed Ms. Kateryna Logachova speak negatively about Ms. Alexandra Kiroi-Bogatyreva, exclude or neglect her in any way at training or discuss her non-selection publicly. She watched Ms. Alexandra Kiroi-Bogatyreva and Ms. Kateryna Logachova train together as normal in the weeks after the non-selection announcement.
131. In relation to the allegation that Ms. Kateryna Logachova refused to watch and attend Ms. Kateryna Logachova's competitions at the 2022 Commonwealth Games and the statement that she was "excluded" from a team dinner, Ms. Ashari Gill stated that Ms. Kateryna Logachova attended as a spectator and was watching both gymnasts compete. After the medal ceremony on day 1, Ms. Kateryna Logachova shook both Ms. Alexandra Kiroi-Bogatyreva's and Ms. Ashari Gill's hands and congratulated them on their efforts. Ms. Alexandra Kiroi-Bogatyreva was not excluded from a team dinner. The only "team dinner" that was hosted during this period was organised by GA officials and Ms. Alexandra Kiroi-Bogatyreva attended.
132. In relation to the allegation that Ms. Kateryna Logachova stared at her at the Australian Gymnastics Championships in May 2023, Ms. Ashari Gill stated that she competed at this event and she did not witness Ms. Kateryna Logachova staring at Ms. Alexandra Kiroi-Bogatyreva. In fact, Ms. Ashari Gill and the Respondent tried to avoid having contact with Ms. Alexandra Kiroi-Bogatyreva given that she had made multiple complaints against Ms. Kateryna Logachova.

Witness statement of Ms. Ellie Robinson (dated 9 February 2024)

133. Ms. Ellie Robinson confirms that she would be unavailable to coach Ms. Miyabi Akiya as she has a full-time employment external to gymnastics.

Witness statement of Ms. Gina Peluso (dated 9 February 2024)

134. Ms. Gina Peluso confirms that Ms. Kateryna Logachova demonstrated a high level of professionalism with her coaching towards other coaches and athletes. In addition, she emphasized the strong bond between Ms. Kateryna Logachova and Ms. Miyabi Akiya and stated that the absence of Ms. Kateryna Logachova would seriously disadvantage Miyabi Akiya, especially if she must select a new coach whom she does not have the same close relationship with.

Witness statement of Ms. Anya Tabolkina (dated 6 March 2024)

135. Ms. Anya Tabolkina confirmed that she attended the 2023 Australian National Championships as a member of the judging panel. She stated that Ms. Katie Sigsworth, i.e. the new coach of Ms. Alexandra Kiroi-Bogatyreva, did not leave the judging area during the competition sessions.

Witness statement of Ms. Alicia Regula (dated 6 March 2024)

136. Ms. Alicia Regula has been the Head Coach of the Victorian State Rhythmic Gymnastics Team since April 2021, and the Deputy Head Coach at PRGC since January 2022. Between 2021 and 2023, she did not witness Ms. Kateryna Logachova (i) display any verbal aggression towards Ms. Alexandra Kiroi-Bogatyreva or any other team members during training or at line-ups at the end of training; (ii) make disparaging remarks about Ms. Alexandra Kiroi-Bogatyreva or spread any rumours about her; (iii) attempt to turn other coaches and gymnasts against Ms. Alexandra Kiroi-Bogatyreva; (iv) act in a passive aggressive way towards Ms. Alexandra Kiroi-Bogatyreva such as by boycotting her, not speaking to her or giving hostile looks to her either when she periodically came back to the club to train after returning from overseas or after Ms. Kateryna Logachova was not selected as a coach for the 2022 Commonwealth Games; or (iv) neglect Ms. Alexandra Kiroi-Bogatyreva in training. Ms. Alicia Regula emphasized that Ms. Kateryna Logachova is very professional in that she does not trouble the gymnasts with her own disappointments such as when she was not selected for the Commonwealth Games. In October 2022, she witnessed that the Respondent congratulated and gave flowers to Ms. Alexandra Kiroi-Bogatyreva on her return to the club after she had competed at the 2022 World Championships. In May 2023, Ms. Alexandra Kiroi-Bogatyreva returned to the club after one of her regular periods of training and competing overseas. The coaching team supported her and her parents' desire to train overseas, and, on her return, Ms. Alicia Regula did not witness any cold reception from Ms. Kateryna Logachova, nor did she display any unwelcoming behaviour.
137. The parents of Ms. Alexandra Kiroi-Bogatyreva spoke badly about Ms. Kateryna Logachova and attempted to influence Ms. Alicia Regula's perception of Ms. Kateryna Logachova by making negative comments about her.
138. In or about mid-2021, following the non-selection of Ms. Alexandra Kiroi-Bogatyreva for the Olympic Games, Ms. Alicia Regula witnessed a shift in her attitude towards her coach. For example, she began to question instructions and corrections given by the coach, she sometimes walked away from the coach when she was talking to her; and she was sometimes reluctant to share the training floor with other gymnasts and would express frustration and anger when they inadvertently crossed her path. Her behaviour created a tense atmosphere during training and caused discomfort to other gymnasts who were apprehensive about training alongside her. Despite this, Ms. Kateryna Logachova and the coaching team consistently tried to accommodate Ms. Alexandra Kiroi-Bogatyreva's needs as she was an elite athlete and the team wanted to support her.

Witness statement of Ms. Anna Logachova (dated 6 March 2024)

139. Ms. Anna Logachova was a gymnast at PRGC between 2006 until the beginning of 2018. From 2018 to mid-2022, she became a rhythmic gymnastics coach at the club. Since 2014,

Ms. Alexandra Kiroi-Bogatyreva has travelled overseas to train and compete. As she started travelling more, Ms. Anna Logachova noticed her behaviour become more egotistical, selfish and arrogant whenever she would return to training at PRGC. Between 2021 to 2022, her behaviour became increasingly bad. For example, she demanded extra time on the training mat from Ms. Kateryna Logachova; she purposely threw her apparatus across the mat and at the wall; she purposely fell to the ground and made mistakes; she rejected or ignored feedback given by Ms. Kateryna Logachova; and she rolled her eyes when Ms. Kateryna Logachova would give her coaching points or advice on topics such as mat etiquette.

140. Ms. Kateryna Logachova has a positive, supportive and fair coaching style. She prioritises maintaining a respectful relationship with her gymnasts. For example, Ms. Anna Logachova emphasized that she has never witnessed that she criticises, disciplines, punishes or psychologically, emotionally or physically abuses her gymnasts.
141. Following the non-selection for the Olympic Games of Ms. Alexandra Kiroi-Bogatyreva, she was in a bad mood, initially very quiet and teary at training. She would only stay at training for short periods of time and was not motivated to practice her routines. After the announcement of her non-selection, Ms. Anna Logachova saw her mother spending a lot of time communicating with her and her parents through phone calls and emails every day. On a number of instances in June and July 2021, she saw her mother trying to console Ms. Alexandra Kiroi-Bogatyreva at training by saying comforting words (“look towards your future”, “take the time you need before getting back into training”, “I am here for you”, “I will continue working with you towards your next goals”). Ms. Anna Logachova is aware that Ms. Alexandra Kiroi-Bogatyreva’s parents were making many abusive phone calls to Ms. Kateryna Logachova as she could sometimes hear her on the phone and would witness her become distraught after the calls ended. Ms. Kateryna Logachova’s mental health visibly diminished over the following months. She became emotionally disconnected, restless and tired every morning due to lack of sleep. Nevertheless, she never let the abuse from Ms. Alexandra Kiroi-Bogatyreva’s parents impact the quality of her work nor did she let it impact her relationship and approach to training Ms. Alexandra Kiroi-Bogatyreva. Ms. Kateryna Logachova continued to treat Ms. Alexandra Kiroi-Bogatyreva with respect, as she treated all her gymnasts.
142. In or around May 2022, Ms. Alexandra Kiroi-Bogatyreva returned to the club after departing Australia to train overseas in July 2021. Ms. Anna Logachova witnessed her mother facilitating a welcoming and inclusive environment for her by giving flowers, warmly announcing in lineup, saying “welcome back Sasha”, and prompting the other gymnasts to clap for her. Ms. Alexandra Kiroi-Bogatyreva’s presence at the gym created an uneasy environment for the other younger gymnasts.

143. In August 2022, the Respondent attended the Commonwealth Games as a spectator to support Ms. Alexandra Kiroi-Bogatyreva and Ms. Ashari Gill. Despite not being selected as Team Coach by Ms. Alexandra Kiroi-Bogatyreva, Ms. Kateryna Logachova still showed support and clapped for her. Ms. Kateryna Logachova also went to the front of the audience area and shook the hands of both and congratulated them personally after their performances.

Witness statement of Ms. Elizabeth Robinson (dated 4 March 2024)

144. Ms. Elizabeth Robinson, a coach at PRGC, confirmed that she had coached together with Ms. Kateryna Logachova during the 2023 Australian Gymnastics Championships. Ms. Elizabeth Robinson stated that Ms. Kateryna Logachova did not stare at Ms. Alexandra Kiroi-Bogatyreva or make any attempt to upset or distract her. She did not negatively interact with Ms. Alexandra Kiroi-Bogatyreva at all. Ms. Elizabeth Robinson emphasized that Ms. Kateryna Logachova demonstrated composure and professionalism in all her interactions in the sport.

Witness statement of Ms. Sally Hardy (dated 4 March 2024)

145. Ms. Sally Hardy was the Floor Manager at the 2023 Australian Gymnastics Championships. She emphasized in her witness statement that during this event, she did not see Ms. Kateryna Logachova stare at Ms. Alexandra Kiroi-Bogatyreva or had any interaction with her. To the contrary, Ms. Kateryna Logachova went out her way to avoid any unnecessary contact with Ms. Alexandra Kiroi-Bogatyreva. Ms. Sally Hardy stated that Ms. Kateryna Logachova spent the entire day focused on her own athlete, Ms. Ashari Gill. In addition, Ms. Sally Hardy explained that there is a rule that judges are not allowed to act as coaches. As the co-coach of Ms. Ashari Gill became sick due to her pregnancy on the day of the competition, Ms. Kateryna Logachova was exceptionally admitted as coach in this event.

Witness statement of Ms. Chloe Hay (dated 5 March 2024)

146. Ms. Chloe Hay was a rhythmic gymnast at PRGC. She trained together with Ms. Alexandra Kiroi-Bogatyreva and was coached by Ms. Kateryna Logachova. Ms. Chloe Hay testified that Ms. Alexandra Kiroi-Bogatyreva was bullying her and that her behaviour significantly impacted her mental health and caused anxiety. Ms. Chloe Hay described Ms. Kateryna Logachova as a funny coach who was very successful. She emphasized that she was not aware of any kind of psychological distress or anything that could be classified as bullying by Ms. Kateryna Logachova.

Witness statement of Ms. Galrina Yegoroba (dated 5 March 2024)

147. Ms. Galrina Yegoroba is a coach at the Elite Rhythmic Gymnastics Club. In this capacity, she participated at the 2023 Australian Gymnastics Championships. In her witness statement, she emphasized that she did not witness Ms. Kateryna Logachova stare at Ms. Alexandra

Kiroi-Bogatyreva or have anything to do with her. She confirmed that Ms. Kateryna Logachova focused on her own gymnast.

Witness statement of Ms. Ryo Yamakura (dated 5 March 2024)

148. Ms. Ryo Yamakura has been a rhythmic gymnast at PRGC since 2017. In her witness statement, Ms. Ryo Yamakura explained that in May 2022, Ms. Kateryna Logachova welcomed Ms. Alexandra Kiroi-Bogatyreva in the club after her stay overseas. Ms. Ryo Yamakura emphasized that she never observed Ms. Kateryna Logachova expressing herself negatively, such as saying something or doing anything negative like rolling her eyes or turning away from Ms. Alexandra Kiroi-Bogatyreva. She has never heard Ms. Kateryna Logachova making disparaging remarks or spreading rumours about Ms. Alexandra Kiroi-Bogatyreva. Ms. Kateryna Logachova consistently treated Ms. Alexandra Kiroi-Bogatyreva with respect and fairness. Furthermore, Ms. Ryo Yamakura confirmed that Ms. Kateryna Logachova gave flowers to Ms. Alexandra Kiroi-Bogatyreva upon her return after the World Championships. Finally, Ms. Ryo Yamakura emphasized that Ms. Kateryna Logachova has never verbally or emotionally abused her gymnasts or neglected gymnasts as a form of punishment.

Witness statement of Ms. Tatiana Loukianenko (dated 6 March 2024)

149. Ms. Tatiana Loukianenko confirmed in her witness statement that in 2007, she joined PRGC as coach together with her athletes and that she has left the club in 2011 due to different views about running a gymnastics club. She emphasized that her decision to leave the club has nothing to do with Ms. Kateryna Logachova.

Witness statement of Ms. Naila Dos Santos (dated 6 March 2024)

150. Ms. Naila Dos Santos was a gymnast at PRGC between 2012 and 2017. In her witness statement, she described Ms. Kateryna Logachova as an always friendly and approachable face to everyone. Ms. Kateryna Logachova was extremely professional, who always wanted the gymnasts to give their best as a gymnast and as an individual. Ms. Naila Dos Santos emphasized that the allegations by the GEF do not align with her experience.

Respondent's arguments regarding the expert reports

151. During the hearing, the Respondent emphasized that the expert reports provided by the GEF (i.e. of Drs Mountjoy and Lang) are irrelevant as they wrongly assume that the evidence given in support of Ms. Alexandra Kiroi-Bogatyreva is correct. Furthermore, these expert reports do not take into account the rebuttal evidence submitted by the Respondent. The same concerns have been raised by the Respondent regarding the expert report of Dr. Golouf, i.e. the psychiatrist of Ms. Alexandra Kiroi-Bogatyreva.

VII. Legal issues to be addressed

1. *Did the GEF violate the principle of fair proceedings?*
2. *If the answer to issue 1 is “no”, did Respondent breach FIG policies, in any of the alleged incidents as asserted by the GEF in its notification of charges?*
3. *Did Respondent’s conduct in one or more of the alleged incidents amount to a pattern of behaviour that can be considered a breach of FIG policies, asserted by the GEF in its notification of charges?*
4. *If the answer to issue 2 and/or issue 3 are “yes”, what are the appropriate sanctions?*

VIII. Discussion

Issue 1: Did the GEF violate the principle of fair proceedings?

152. The Respondent argues that the GEF violated principles of “justice, fairness and equality” in several respects during these proceedings. First, during the investigation stage when the GEF failed to interview the Respondent, second when the GEF issued the Notice of Charges without interviewing the Respondent, third when the GEF imposed an order of provisional suspension before allowing the Respondent to present evidence on the merits of her case, fourth, when the GEF refused to clarify the specifics of its allegations, and fifth, when the GEF refused to provide additional evidence upon the Respondent’s request.
153. The GEF argues that its decision not to interview the Respondent during its investigation, its decision to issue the Notice of Charges without interviewing the Respondent and its decision to order a provisional suspension is part of its assessment process.
154. The FIG Safeguarding Policy, Part 2, section 1.1 states:

“Any allegation or concern pursuant to this policy received by the FIG, will be referred to the Gymnastics Ethics Foundation. The latter shall make an initial assessment of the complaint to determine whether the complaint relates to a participant and whether the complaint is under its jurisdiction. The Gymnastics Ethics Foundation will assess the seriousness of the complaint and may: – refer the matter to the police, other relevant authorities and/or regulatory bodies where it meets the relevant criminal threshold; in accordance with the event safeguarding plan – refer the matter to an NF; – refer the complaint to another organization; – proceed with further internal investigation and; – either dismiss the complaint as unfounded or as insufficiently serious to require any further action or The Gymnastics Ethics Foundation may decide a temporary suspension.”

Irrespective of jurisdiction, consideration will be given towards any support required for the affected parties.

155. The Panel is mindful that this matter is a disciplinary matter for the Respondent, but a safeguarding matter for Ms. Kiroi-Bogatyreva. As such, the fairness of the proceedings must be considered in light of the need to protect complainants in safeguarding matters.
156. In the Panel's view, the GEF exercised the discretion provided to it under the relevant FIG and GEF rules in the assessment phase of this case. It was up to the GEF to determine whether to investigate and how much investigation was needed. The Panel accepts that in the GEF's assessment of this case, based on its investigation, protective measures were needed to safeguard the complainant, Ms. Kiroi-Bogatyreva.
157. With regard to the arguments regarding failure to clarify the specifics of the allegations and failure to provide additional evidence, the GEF argues that the Notice of Charges will stand or fall based on the evidence the GEF has provided.
158. Article 19 of the FIG Code of Discipline describes the right to be heard in matters before the GEF Disciplinary Commission:

"The Parties have the right to be heard (in writing or orally). They also have the right to consult the file, subject to the restrictions set out in Article 11 above. In addition, the Disciplinary Authority shall allow them to express their opinion on the whole of the proceedings, respectively on the charges against them and on the intended sanctions before the Disciplinary Authority gives its verdict."

159. Article 18 of the FIG Code of Discipline is entitled "Evidence" and contains the following provisions:

"Infringement of FIG Statutes and regulations may be established by various types of evidence such as written statements, audio or video recording, confession or others.

The Disciplinary Authority may ask the Parties and/or independent experts to provide a submission. It may hear the Parties and any other person likely to provide a perspective on the disciplinary matter before giving its verdict.

Apart from the proof provided by the Parties, the Disciplinary Authority may order the submission of any other exhibit they consider useful for the resolution of the case. They may request the Parties to provide additional evidence including expert testimony or opinions by setting deadlines for additional

submissions or scheduling additional hearings. Additional cross-examination of witnesses may be instructed.”

160. Accordingly, under the FIG Code of Discipline, Parties do not have a right to demand a more detailed explanation of the charges. The Disciplinary Authority has the authority under the the FIG Code of Discipline to order the production of documents form the Parties. Given that the GEF’s position that the charges would stand or fall based on the evidence it had provided, the Panel exercised its discretion under the FIG Code of Discipline not to order the production of more documents from the GEF. The Panel concludes that this procedure offers Respondent a fair process.
161. Therefore, the Panel concludes that the GEF did not violate the principle of fair proceedings.

Issue 3. Did the Respondent breach FIG policies, in any of the alleged incidents as asserted by the GEF in its notification of charges?

162. The Notice of Charges alleges that the Respondent’s conduct violates the FIG Safeguarding rules regarding psychological abuse, bullying and poor practice and includes alleged conduct that occurred during training and at competitions. The GEF argued that there were 13 incidents of infringements and also argued that even if one or more of the alleged incidents did not amount to an infringement, and/or could serve as the basis for a sanction, then the cumulation of incidents showed a pattern of behaviour which was an infringement, and therefore, sanctionable. As noted above, the Respondent offered different views of what happened at each incident, and the Respondent’s involvement in the alleged incident. The Panel will address each incident individually, assessing the evidence regarding the incident and reaching a conclusion as to whether the GEF has met its burden to show that an infringement has occurred. Then, the Panel will address the GEF’s argument that the Respondent can be sanctioned for a pattern of behaviour.

Incident 1

163. In June or July 2021, after the announcement of the Olympic team in which Ms. Kiroi-Bogatyreva was not nominated, the Respondent said words to the effect of “stop crying, do you see me cry? No, look boys in the men’s gym don’t cry”. At hearing, the Respondent admitted that both before and after she said these words, Ms. Kiroi-Bogatyreva was upset and in tears. The Respondent asserted that she was trying to get Ms. Kiroi-Bogatyreva to line up with the other gymnasts so that practice could be concluded due to strict Covid curfews that were in place at the time. According to the statutory declaration of Ms. Ashari Gill, Respondent was trying to console Ms. Kiroi-Bogatyreva and encourage her to focus on training for upcoming competitions. Regardless of the Respondent’s intent and actual words, the Panel finds that Ms. Kiroi-Bogatyreva was upset both before and after Respondent’s words.

164. The GEF asserts that this incident constitutes an infringement of the FIG Safeguarding Policy, Part 1, section 3 relating to “psychological abuse”, the FIG Code of Conduct section 1 “courtesy and politeness”, the FIG Code of Conduct section 2(2), and the FIG Code of Ethics 2022 Article 1(d) relating to “psychological abuse”.
165. The FIG Safeguarding Policy¹ Part 1, section 3 defines “psychological abuse” as:
- “any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment, which may diminish an individual sense of identity, dignity and self-worth.”*
166. By comparing Ms. Kiroi-Bogatyreva’s crying to how the male gymnasts were handling their non-qualification to the Olympic Games and asserting that Ms. Kiroi-Bogatyreva should handle the situation more like the male gymnasts, the Respondent made an unwelcome act that diminished Ms. Kiroi-Bogatyreva’s sense of self-worth. Accordingly, the GEF has made out its charge that Incident 1 is an infringement of FIG Safeguarding Policy Part 1, section 3.
167. The FIG Code of Conduct² section 1, entitled “General Principles of Integrity and Respect” states that *“All participants commit to behave with courtesy and politeness, and report any difficulties or concerns in accordance with existing procedures.”*
168. By comparing Ms. Kiroi-Bogatyreva’s crying to how the male gymnasts were handling their non-qualification to the Olympic Games, and asserting that Ms. Kiroi-Bogatyreva should handle the situation more like the male gymnasts, the Respondent was not behaving with courtesy or politeness. Accordingly, the GEF has made out its charge that Incident 1 is an infringement of FIG Code of Conduct, section 1.
169. The FIG Code of Conduct section 2(2), entitled “Coach specific principles” states that the coach commits to:
- “Provide feedback in an honest, positive manner and ensure a factual and constructive approach that allows athletes to express their own views without fear of repercussions.”*
170. By comparing Ms. Kiroi-Bogatyreva’s crying to how the male gymnasts were handling their non-qualification to the Olympic Games, and asserting that Ms. Kiroi-Bogatyreva should handle the situation more like the male gymnasts, the Respondent was not providing feedback in a positive manner. Instead, the Respondent was providing feedback in a negative manner that did not allow Ms. Kiroi-Bogatyrevato express her own view without

¹ https://www.gymnastics.sport/site/pdf/safeguarding/Policy%20and%20Procedures_Clean.pdf

² https://www.gymnastics.sport/publicdir/rules/files/en_Code%20of%20Conduct%20-%20Edition%202022.pdf

fear of repercussions. Accordingly, the GEF has made out its charge that Incident 1 is an infringement of FIG Code of Conduct section 2(2).

171. The FIG Code of Ethics 2022³ Article 1(d) entitled “Respect and Human Dignity” states that *“All forms of non-accidental violence which include sexual harassment, sexual abuse, physical abuse, psychological abuse and neglect will not be tolerated and will be disclosed.”*
172. As noted above, the Panel has found that Incident 1 constitutes an infringement of FIG Safeguarding Policy, Part 1, section 3, “psychological abuse.” Accordingly, the GEF has also made out its charge that Incident 1 is an infringement of the FIG Code of Ethics 2022, Article 1(d).

Incident 2

173. During a PRGC meeting in October 2021, the Respondent informed Ms. Kiroi-Bogatyreva’s parents that Ms. Virginia Elliot, Technical Director of GA had told the Respondent to tell Ms. Kiroi-Bogatyreva’s parents to stop making accusations against those involved with the 2021 Oceania Championships but rather to allow her daughter to focus on her training for the 2022 Commonwealth Games. The Panel finds that it was reasonable for the Respondent to foresee that Ms. Kiroi-Bogatyreva’s parents would relay this message to their daughter. According to the Respondent, she passed this message on to them with an open heart as she genuinely wanted the best for her and wanted her to be able to focus on her training without the distraction of repeated appeals and negativity. According to the GEF, passing on this message is equivalent to a threat.
174. The GEF asserted that this constitutes an infringement of FIG Safeguarding Policy, Part 1, section 3 “psychological abuse” and “poor practice”, FIG Code of Conduct, section 2(2) and FIG Code of Ethics Article 1(d) “psychological abuse”.
175. Although the Respondent asserted that she intended for Ms. Kiroi-Bogatyreva to focus on upcoming competitions, in the Panel’s view it is reasonable that conveying the statement that the Technical Director recommended not making accusations regarding the 2021 Oceania Championships could be interpreted as a threat, or discouraging Ms. Kiroi-Bogatyreva from pursuing her legal options. This is an unwelcome act that diminished Ms. Kiroi-Bogatyreva’s sense of identity, dignity and self-worth, and therefore, represents an infringement of the FIG Safeguarding Policy Part 1, section 3 “psychological abuse” and the FIG Code of Ethics, Article 1(d) “psychological abuse”.
176. Section 2(2) of the FIG Code of Conduct states that the coach must:

³ https://www.gymnastics.sport/publicdir/rules/files/en_Code%20of%20Ethics%202022.pdf

“Maintain vigilance that the training process continues to respect and consider each athlete’s specific physiological abilities and psychological characteristics, and that the current and long-term physical and mental health, safety and welfare of each athlete remains the priority over any goal or result.”

This provision of the FIG Code of Conduct refers to the “training process” and the coach’s obligation to make sure that the “training process” is suited to be appropriate, and to prioritize the gymnast’s long term health over other goals. This statement, however, was made at a PRGC meeting to Ms. Kiroi-Bogatyreva’s parents and not part of the training process. Therefore, in the Panel’s view, this statement cannot be the basis of an infringement of section 2(2) of the FIG Code of Conduct.

177. The FIG Safeguarding Policy in Part 1, section 3 defines “poor practice” as:

“Behaviours or inaction which may not always be immediately harmful, but which falls below the required standards and/or code of conduct and should be addressed. Some poor practice may lead to suspicions about an individual’s motivation, even where no harm is intended e.g. being alone with a child, excessive or inappropriate touching etc.”

178. The GEF did not articulate a specific standard or Code of Conduct infringement. However, as noted above, this incident constitutes an infringement of Part 1, section 3 of the FIG Safeguarding Policy as concerns “psychological abuse” and Article 1(d) of the FIG Code of Ethics relating to “psychological abuse”.

Incident 3

179. The GEF first asserts that Ms. Kiroi-Bogatyreva received a cold welcome from Respondent upon her return from overseas in May 2022. The GEF also asserts that the Respondent ignored a request from Ms. Kiroi-Bogatyreva to have another coach, i.e., Ms. Alicia Regula walk her out to the floor at the 2022 Australian National Championships. The GEF asserts that this incident constitutes an infringement of Part 1, section 3 of the FIG Safeguarding Policy that provide for “poor practice” and the relevant provisions of the FIG Code of Ethics relating to “psychological abuse”.

180. With regard to the cold welcome, the evidence available for the Panel to review does not support this allegation. The statutory declarations from Ms. Alicia Regula, Ms. Ryo Yamakura and Ms. Ashari Gill indicate that Ms. Kiroi-Bogatyreva trained under the Respondent as normal during this period and that Ms. Kiroi-Bogatyreva was welcomed upon her return from overseas.

181. With regard to the allegation of ignoring the request to have another coach walk Ms. Kiroi-Bogatyreva out to the mat for 2022 Australian National Championships, the evidence

available for the Panel to review does not support this assertion. On May 5, 2022, Ms. Alexandra Kiroi-Bogatyreva's mother sent an e-mail requesting that the Respondent and another coach, i.e. Ms. Alicia Regula, be registered as coaches at the Continental Championships. Neither Ms. Alexandra Kiroi-Bogatyreva nor her parents had indicated to the Respondent that they did not want her to coach her at the 2022 Australian National Championships. The statutory declaration of Ms. Alicia Regula does not support the GEF's assertion that the Respondent ignored Ms. Kiroi-Bogatyreva's request to have Ms. Alicia Regula walk Ms. Kiroi-Bogatyreva out onto the mat for the 2022 Australian National Championships.

182. Therefore, the Panel concludes that the GEF has not shown that Incident 3 amounts to an infringement of the FIG Safeguarding Policy, Part 1, section 3 relating to "poor practice" and the relevant provision of the FIG Code of Ethics governing "psychological abuse".

Incident 4

183. The GEF asserts that in June and July 2022, the Respondent blamed and boycotted Ms. Kiroi-Bogatyreva in retaliation for not being selected as Commonwealth Games 2022 coach, as evidenced by talking behind Ms. Kiroi-Bogatyreva's back, turning away and rolling eyes, making public accusations, turning other gymnasts against Ms. Kiroi-Bogatyreva, telling other coaches "what is she [Ms. Kiroi-Bogatyreva] doing in my gym", spreading rumours to other coaches and gymnasts, refusing to coach Ms. Kiroi-Bogatyreva, and asking Ms. Kiroi-Bogatyreva to pick up her 10-year state award.
184. The GEF asserts that this incident is an infringement of the FIG Safeguarding Policy, Part 1, section 3 relating to "psychological abuse", the provisions of the FIG Safeguarding Policy, Part 1, section 3 relating to "poor practice", section 1 of the FIG Code of Conduct providing for "unsportsmanlike language or conduct", the FIG Code of Conduct, section 1 relating to "harassment, violence, abuse or cause harm", FIG Code of Conduct section 2(2) to "Treat all athletes with equity, respect, and fairness and avoid any kind of conflict of interest, impropriety, or favouritism", and the FIG Code of Ethics 2022, Article 1(d) relating to "psychological abuse".
185. The Respondent denies the allegations of talking behind Ms. Kiroi-Bogatyreva's back, turning away and rolling eyes, making public accusations, turning other gymnasts against Ms. Kiroi-Bogatyreva, telling other coaches "what is she [Ms. Kiroi-Bogatyreva] doing in my gym", spreading rumours to other coaches and gymnasts, refusing to coach Ms. Kiroi-Bogatyreva. The Respondent acknowledges that she was surprised and disappointed that she was not nominated as coach for the Commonwealth Games 2022. The Respondent's position is that since she was no longer coaching Ms. Kiroi-Bogatyreva, it would be more appropriate for Ms. Kiroi-Bogatyreva's nominated coach, i.e. Ms. Katie Sigsworth, to collect

the award. The Respondent's position is that she did not feel safe coaching Ms. Kiroi-Bogatyreva because she received rude and aggressive emails from Ms. Kiroi-Bogatyreva's parents.

186. The evidence before this Panel does not support the allegations of talking behind Ms. Kiroi-Bogatyreva's back, turning away and rolling eyes, making public accusations, turning other gymnasts against Ms. Kiroi-Bogatyreva, telling other coaches "what is she [Ms. Kiroi-Bogatyreva] doing in my gym", spreading rumours to other coaches and gymnasts, refusing to coach Ms. Kiroi-Bogatyreva. In fact, the statutory declaration of Ms. Ryo Yamakura and Ms. Ashari Gill indicate that the Respondent coached Ms. Kiroi-Bogatyreva during this period.
187. The emails from Ms. Kiroi-Bogatyreva's parents during this period also support the Respondent's position that the Respondent did not feel safe coaching Ms. Kiroi-Bogatyreva because she received rude and aggressive emails from Ms. Kiroi-Bogatyreva's parents, rather than the GEF's position that the Respondent was retaliating against Ms. Kiroi-Bogatyreva for not being selected as the Commonwealth Games 2022 coach. The email from Respondent to Ms. Kiroi-Bogatyreva and her parents, dated September 6, 2022 also supports the Respondent's position about why she no longer wanted to coach Ms. Kiroi-Bogatyreva. (Appendix 15 of the Notice of Charges).
188. The only allegation supported by the record before the Panel for this incident is the Respondent asking Ms. Kiroi-Bogatyreva's current coach to pick up Ms. Kiroi-Bogatyreva's 10-year award. In the Panel's view, this was reasonable, given that the Respondent was no longer coaching Ms. Kiroi-Bogatyreva. Therefore, the GEF has not shown that Incident 4 amounts to an infringement of the above-mentioned provisions of the FIG Safeguarding Policy, the FIG Code of Conduct or the FIG Code of Ethics 2022.

Incident 5

189. The GEF asserts that, in August 2022, the Respondent refused to watch and attend Ms. Kiroi-Bogatyreva's competitions at the Commonwealth Games, despite that she was still a member of PRGC. Instead, the Respondent allegedly chose to attend only the competition of Ms. Ashari Gill. In addition, the GEF asserts that Ms. Kiroi-Bogatyreva was excluded from a team dinner. In summary, the GEF concludes that the Respondent has thereby violated the FIG Safeguarding Policy Part 1, section 3 relating to "poor practice" and the FIG Code of Conduct, Section 2(2) relating to the requirement to "Treat all athletes with equity, respect, and fairness and avoid any kind of conflict of interest, impropriety, or favouritism".
190. The Respondent argues that she: (i) attended the Commonwealth Games as private person with her family and not in an official function, (ii) watched the competitions of both athletes, i.e. Ms. Kiroi-Bogatyreva and Ms. Ashari Gill, (iii) cheered for both of them, (iv) shook hand with them after their performances and (v) could not buy tickets for the finals

as the event was already sold out. In addition, the Respondent put forward that she was not part of the official Australian team who would ordinarily be expected to organize any team dinners.

191. The evidence before this Panel does not support the allegations that the Respondent refused to watch and attend Ms. Kiroi-Bogatyreva's competitions at the Commonwealth Games and that she excluded Ms. Kiroi-Bogatyreva from a team dinner. It is undisputed that Ms. Kiroi-Bogatyreva has not nominated the Respondent as coach for the Commonwealth Games. In addition, three other persons, i.e. Ms. Sepalika Weerasinghe, Ms. Ashari Gill and Ms. Anna Logachova, confirmed in their witness statements that the Respondent did not attend the Commonwealth Games in an official function. Moreover, it was Ms. Kiroi-Bogatyreva herself, who decided not to be coached by the Respondent during the Commonwealth Games. Consequently, she cannot expect the Respondent to support her in any way. Nonetheless, three persons (i.e. Ms. Sepalika Weerasinghe, Ms. Ashari Gill and Ms. Anna Logachova) confirmed in their witness statements that the Respondent also watched the competitions of Ms. Kiroi-Bogatyreva and later congratulated her on her performance. As the Panel concludes that the Respondent did not attend in an official function the Commonwealth Games, she could also not have excluded Ms. Kiroi-Bogatyreva from a team dinner. In addition, Ms. Ashari Gill explicitly confirmed that "*Sasha was not excluded from a team dinner. The only 'team dinner' that was hosted during this period was organized by Gymnastics Australia officials and Sasha attended*". Furthermore, the GEF has not been able to provide accurate information about the alleged team dinner.
192. Therefore, the Panel concludes that the GEF has not shown that Incident 5 amounts to an infringement of the FIG Safeguarding Policy, Part 1, section 3 relating to "poor practice" and section 2(2) of the FIG Code of Conduct.

Incident 6

193. The GEF asserts that at the PRGC's Annual General Meeting in August 2022, the Respondent together with Ms. Sepalika Weerasinghe breached confidentiality of Ms. Kiroi-Bogatyreva's financial records and claimed that she is not a member of the club. The GEF concludes that the Respondent has thereby violated the FIG Safeguarding Policy, Part 1, section 3 relating to "poor practice" and section 1 of the FIG Code of Conduct that requires participants to "Work and communicate co-operatively, respecting the specific roles, responsibilities and takes of all other Participants and the rules and regulations guiding the activity" and "Refrain from unsportsmanlike language or conduct".
194. The Respondent argues that she said nothing about Ms. Kiroi-Bogatyreva during the Annual General Meeting and that the question about her membership was raised by Ms. Sepalika Weerasinghe to determine whether her parents are entitled to be re-elected to the Committee of the PRGC (as required by the internal rules).

195. The evidence before this Panel does not support the allegations that the Respondent has violated the confidentiality rights of Ms. Kiroi-Bogatyreva at the PRGC's Annual General Meeting in August 2022. According to para. 4.2 of the Minutes of the PRGC's Annual General Meeting (Appendix 16 of the Notice of Charges), it was Ms. Sepalika Weerasinghe, who claimed that the parents of Ms. Kiroi-Bogatyreva did not have the right to stand for election as they are only entitled to nominate themselves to the Committee if their daughter is not only a Participating Member, but also a Financial Member of the club. There is no evidence in the case file that Ms. Sepalika Weerasinghe was acting on behalf of the Respondent when she asked this question during the Annual General Meeting. To the contrary, according to the Minutes, "*Kateryna chose not to comment on the topic*". The behaviour of Ms. Sepalika Weerasinghe can, therefore, not be attributed to the Respondent. Furthermore, to determine the right to vote and the right to be elected within an association, it must be possible to clarify the question of membership. This has nothing to do with a breach of confidentiality, but rather with the right of an association to set its own rules and act accordingly.
196. Therefore, the Panel concludes that the GEF has not shown that Incident 6 amounts to an infringement of the FIG Safeguarding Policy, Part 1, section 3 "poor practice" and section 1 of the FIG Code of Conduct.

Incident 7

197. The GEF asserts that, in October 2022, Ms. Kiroi-Bogatyreva returned to the PRGC for six weeks and that she once again was made to feel unwelcome and left to train alone. In addition, the GEF asserts that Ms. Ashari Gill was acting in a "hostile" way towards Ms. Kiroi-Bogatyreva and appeared to be under the Respondent's influence. The GEF asserts that these incidents constitute an infringement of the FIG Safeguarding Policy, Part 1, section 3 governing psychological abuse, the FIG Safeguarding Policy, Part 1, section 3 relating to "poor practice" and section 2(2) of the FIG Code of Conduct, which provides to "Maintain vigilance that the training process continues to respect and consider each athlete's specific physiological abilities and psychological characteristics, and that the current and long-term physical and mental health, safety and welfare of each athlete remains the priority over any goal or result" and "Treat all athletes with equity, respect, and fairness and avoid any kind of conflict of interest, impropriety, or favouritism".
198. The Respondent argues that she welcomed Ms. Kiroi-Bogatyreva warmly and even bought her flowers. In addition, she put forward that she is unable to comment on Ms. Ashari Gill's relationship with Ms. Alexandra Kiroi-Bogatyreva, but emphasized that she has not exerted any influence over Ms. Ashari Gill to create any hostility between them.
199. The evidence available for the Panel to review does not support the GEF's assertions. The witness statements of Ms. Ryo Yamakura, Ms. Alicia Regula and Ms. Anna Logachova indeed indicate that the Respondent gave Ms. Kiroi-Bogatyreva flowers as a welcome gift

in October 2022. The submitted confirmation of a flower purchase by the Respondent also indicates that she is telling the truth, even if it could not be proven for what purpose she bought the flowers. In addition, the Panel concludes that there is no evidence that Ms. Ashari Gill was under the influence of the Respondent and that, therefore, she acted in a “hostile” way towards Ms. Kiroi-Bogatyreva. In her witness statement, Ms. Ashari Gill stated the following:

“In relation to the allegation that in October 2022, I began acting “hostile” towards her as I was ‘under the influence’ of Kateryna I say that this allegation is false.

I deny the allegation that I began acting in a hostile manner towards Sasha. In the period in question, I:

(a) sent her various messages wishing her good luck for competitions;

(b) sent her a birthday message;

(c) gave her a 21st birthday present; and

(d) hugged her after Nationals in 2023.

As discussed in paragraphs above, the breakdown of our friendship was a result of years of manipulation and bullying from Sasha and I was not influenced by Kateryna. Kateryna has never said a bad word to me about Sasha.”

200. The GEF failed to provide more details and evidence as to how the Respondent should have influenced the relationship between Ms. Kiroi-Bogatyreva and Ms. Ashari Gill.

201. Therefore, the Panel concludes that the GEF has not shown that Incident 7 amounts to an infringement of the FIG Safeguarding Policy, Part 1, section 3 relating to “psychological abuse”, the FIG Safeguarding Policy, Part 1, section 3 relating to “poor practice” and section 2(2) of the FIG Code of Conduct.

Incident 8

202. The GEF asserts that, in December 2022, not only Ms. Kiroi-Bogatyreva left the PRGC due to the Respondent’s behaviour but also other athletes did as well. The GEF sets forth that this incident constitutes an infringement of Article 1(d) of the FIG Code of Ethics 2022 relating to “psychological abuse”.

203. The Respondent explains that the parents of gymnasts who were not re-elected to the PRGC’s Committee took their children to another club but that this has nothing to do with her behaviour. In addition, she explained that she is not able to comment on this allegation in detail as there is no information available about the athletes reference is made to.

Moreover, she emphasized that the witness statement of Ms. Alisa Gimgina is not credible as she has never lodged a complaint against the Respondent.

204. The evidence before this Panel does not support the allegations that other athletes have left PRGC due to the Respondent's behaviour. It is not clear to the Panel which gymnasts have allegedly left the club and for what reasons. There is no evidence in the case files to suggest that athletes have complained about the Respondent's behaviour. The Panel is also not aware of any complaint regarding Ms. Alisa Gimgina, whose witness statement is said to support Ms. Kiroi-Bogatyreva's allegations. However, there are several witness statements of gymnasts and coaches (i.e. Ms. Sepalika Weerasinghe, Ms. Ashari Gill, Ms. Gina Peluso, Ms. Alicia Regula, Ms. Anna Logachova, Ms. Chloe Hay, Ms. Ryo Yamakura and Ms. Naila Dos Santos) in the case file that emphasize the Respondent's exemplary coaching style.
205. Therefore, the Panel concludes that the GEF has not shown that Incident 8 amounts to an infringement of Article 1(d) of the FIG Code of Ethics 2022 with respect to "psychological abuse".

Incident 9

206. The GEF alleges that in May 2023 Ms. Kiroi-Bogatyreva requested access to the State Gymnastics Centre facilities during PRGC training times. She was told that their capacity was full and there was no space for her to train when actually the facility was allegedly almost empty. This decision was made by the Respondent and Ms. Sepalika Weerasinghe.
207. The Respondent submits that Ms. Kiroi-Bogatyreva's ex-club was not obliged to let her train at the facilities. The capacity of the club was full. It was not the Respondent's decision if Ms. Kiroi-Bogatyreva could train at the facilities, but the decision of the club's Committee managing the facility.
208. The Panel concedes that the Committee managing the club probably asked the Respondent (its head coach) if Ms. Kiroi-Bogatyreva was allowed to train at their gym and that the Respondent had a significant influence on the decision, especially considering the difficult relationship between Ms. Kiroi-Bogatyreva, Ms. Kiroi-Bogatyreva's parents and the Respondent. However, the club was not obliged to let Ms. Kiroi-Bogatyreva train at its facilities, since she was not a member of the club anymore at that time. Due to the difficult relationship between the Respondent and the PRGC club on the one hand and Ms. Kiroi-Bogatyreva and Ms. Kiroi-Bogatyreva's parents on the other, it was not reasonable for the club to take efforts to let its former gymnast train together with other gymnasts preparing for their next competitions. Several witnesses – Ms. Alicia Regula, Ms. Chloe Hay, Ms. Ashari Gill, Ms. Anna Logachova – stated that Ms. Kiroi-Bogatyreva showed a difficult personality, especially towards other gymnasts. Furthermore, the evidence does not support that the gym was in fact empty at the time Ms. Kiroi-Bogatyreva asked to train. There were plenty of valid reasons for the club not to let Ms.

Kiroi-Bogatyreva train along with the other gymnasts of the club. The club also offered exclusive trainings outside the normal training times.

209. For the reasons outlined above, the Panel considers that the decision of the PRGC did not infringe any FIG rules.

Incident 10

210. Incident 10 concerns the Australian Gymnastics Championships held in May 2023. The GEF alleges the Respondent, who had attended as an accredited judge and hence should not have had access to gymnasts and training areas, was granted exceptional access to the training venue where she stayed for the duration of Ms. Kiroi-Bogatyreva's training. She continuously stared at Ms. Kiroi-Bogatyreva during pre-competition practice to distract her and put psychological pressure on her. According to a medical report, this incident has had a significant negative impact on Ms. Kiroi-Bogatyreva's mental health.
211. The Respondent answers that she was exceptionally allowed to attend the training, as one of her Club's coaches had to leave because of illness. She denies having stared at or having put psychological pressure on Ms. Kiroi-Bogatyreva.
212. The Incident 10 contains two different allegations: the Respondent's participation at a training while being a judge and the Respondent's alleged negative behaviour towards Ms. Kiroi-Bogatyreva during this training to put psychological pressure on her.
213. As the floor manager of the Championships, Ms. Sally Hardy, confirms, the Respondent was exceptionally allowed to participate at the training as one of the two coaches had to leave the competition and the club did not have enough coaches to properly train the gymnasts. Therefore, GA exceptionally allowed the Respondent to attend the training even though she was accredited as a judge. Thus, the Respondent cannot be blamed for violating competition rules.
214. The evidence does not support that the Respondent stared at Ms. Kiroi-Bogatyreva to put psychological pressure on her. Several witnesses – Ms. Sally Hardy, Ms. Elizabeth Robinson, Ms Galrina Yegoroba, Ms. Ashari Gill stated that the Respondent behaved in a normal way at the training sessions and coached her gymnast Ashari Gill. The main task for the Respondent was to prepare her gymnast for the Championships. It seems unlikely that she would waste training time to intimidate her former gymnast. On the other hand, due to the backstory, it is quite probable that Ms. Kiroi-Bogatyreva, who believes that the Respondent acted against her at the Olympic qualification for the Tokyo Olympic Games, misconceived some actions of the Respondent. As such, no breach of FIG rules can be stated concerning incident 10.

Incident 11

215. The GEF alleges that Ms. Sepalika Weerasinghe circulated an open letter on behalf of the Respondent to every rhythmic gymnastics club in Australia defaming Ms. Kiroi-Bogatyreva and stating that it was Ms. Kiroi-Bogatyreva's fault that Ms. Logachova was not selected as a coach for the Commonwealth Games in 2022. The GEF alleges that Respondent's conduct in this incident infringes Article 1(d) of the FIG Code of Ethics 2022 relating to "psychological abuse".
216. The Respondent stated that the letter was not sent on her behalf and only addressed to the CEO of GA and to members of the Gymnastics Australia Rhythmic Gymnastics National Commission. Ms. Kiroi-Bogatyreva was not blamed in the letter for the non-selection of the Respondent as a coach for the Commonwealth Games.
217. The open letter, written by Ms. Sepalika Weerasinghe to the CEO of Gymnastics Australia and the members of the Gymnastics Australia Rhythmic Gymnastics National Commission, demands that not only the voice of the gymnasts, but also the voice of the coaches should be heard on important decisions, naming as an example the non-nomination of the Respondent as a coach for the Commonwealth Games. The Panel notes that a club has a right to address – actual or alleged – problems to the authority or authorities that have the power to deal with them. The letter did not contain any inappropriate accusations but kept the level of a reasoned discussion. Blaming the Respondent for starting such a discussion (through Ms. Weerasinghe) would inadmissibly violate her right to freedom of speech. Consequently, this Panel does not see any misbehaviour concerning this letter.
218. Accordingly, the Panel concludes that the GEF has not shown that Respondent infringed Article 1(d) of the FIG Code of Ethics 2022 relating to "psychological abuse" concerning Incident 11.

Incident 12

219. The GEF alleges that Ms. Kiroi-Bogatyreva was again refused access to the PRGC training facilities during her 3-week stay in Australia in October 2023 by Ms. Logachova and Ms. Weerasinghe. The GEF asserts that the Respondent infringed the FIG Safeguarding Policy Part 1, section 3 relating to "poor practice", section 1 of the FIG Code of Conduct governing "unsportsmanlike language or conduct" and Article 1(d) of the FIG Code of Ethics 2022 with respect to "psychological abuse".
220. The Respondent answers that it was not her who decided on behalf of the club, but its Committee.
221. The Panel concedes that the Committee managing the club probably asked the Respondent (its head coach) if Ms. Kiroi-Bogatyreva was allowed to train at their gym and that the Respondent had a significant influence on the decision, especially considering

the difficult relationship between Ms. Kiroi-Bogatyreva, Ms. Kiroi-Bogatyreva's parents and the Respondent. However, the club was not obliged to let Ms. Kiroi-Bogatyreva train at its facilities, since she was no longer a member of the club at that time. Due to the difficult relationship between the Respondent and the PRGC club on the one hand and Ms. Kiroi-Bogatyreva and Ms. Kiroi-Bogatyreva's parents on the other, it was not reasonable for the club to take efforts to let its former gymnast train together with other gymnasts preparing for their next competitions. Several witnesses – Ms. Alicia Regula, Ms. Chloe Hay, Ms. Ashari Gill, Ms. Anna Logachova – stated that Ms. Kiroi-Bogatyreva showed a difficult personality, especially towards other gymnasts. Furthermore, the evidence does not support that the gym was in fact empty at the time Ms. Kiroi-Bogatyreva asked to train. There were a plenty of valid reasons for the club not to let Ms. Kiroi-Bogatyreva train along with the other gymnasts of the club. The club also offered exclusive trainings outside the normal training times.

222. Accordingly, the Panel concludes that the GEF has not shown that Respondent infringed the FIG Safeguarding Policy, Part 1, section 3 relating to “poor practice”, section 1 of the FIG Code of Conduct as concerns “unsportsmanlike language or conduct”, or Article 1(d) of the FIG Code of Ethics 2022 relating to “psychological abuse” concerning Incident 12.

Incident 13

223. The GEF alleges that the Respondent and Ms. Weerasinghe used the National Selection Policy information sessions to challenge the grounds on which Gymnastics Australia had accorded Ms. Kiroi-Bogatyreva's extenuating circumstances that led to her exemption from the HP selection event held in November 2023. They confronted people associated with Ms. Kiroi-Bogatyreva. The GEF asserts that the Respondent infringed FIG Safeguarding Policy, Part 1, section 3 as concerns “poor practice”, section 1 of the FIG Code of Conduct with regard to “courtesy and politeness”, “work and communicate cooperatively”, “unsportsmanlike language or conduct”, “harassment, violence, abuse or cause harm”, section 2(2) of the FIG Code of Conduct to ““Treat all athletes with equity, respect, and fairness and avoid any kind of conflict of interest, impropriety, or favouritism”, and Article 1 (d) of the FIG Code of Ethics 2022 governing “psychological abuse”.
224. The Respondent submits that she didn't even speak at all about the selection process for international competitions during the information session. Ms. Sepalika Weerasinghe explained in her statutory declaration her reasons for raising this topic: *“I raised the topic of Sasha's exemption in order to seek clarification from Gymnastics Australia regarding what factors, other than injury, would exempt an athlete from the event. This is because I believed that injury was unlikely to be the reason as Sasha was training in Australia at the time and had contacted Prahlan seeking to train at our Club as well.”*

225. Similar to the analysis outlined above in Incident 11, the Panel holds that a club has a right to address – actual or alleged – problems to the authority or authorities that have the power to deal with them. There is no evidence before this Panel that Ms. Weerasinghe made inappropriate accusations. Blaming the Respondent for starting such a discussion (through Ms. Weerasinghe) would inadmissibly violate her right to freedom of speech. As such, this Panel does not find any misbehaviour on the part of the Respondent concerning this letter.
226. Accordingly, the Panel concludes that the GEF has not shown that the Respondent infringed the relevant provisions, as outlined above, of the FIG Safeguarding Policy, the FIG Code of Conduct, the FIG Code of Conduct, and the FIG Code of Ethics 2022.

Issue 4: Did Respondent’s conduct in one or more of the alleged incidents amount to a pattern of behaviour that can be considered a breach of FIG policies, asserted by the GEF in the notice of charges?

227. The GEF also asserts that, while certain incidents may not meet the requirement threshold of seriousness to establish specific rule violations, there is a continuous pattern of behaviour over an extended period of time that has had an effect on Ms. Kiroi-Bogatyreva’s health.
228. The Respondent argues that there has not been a continuous pattern of behaviour and that the GEF has not articulated a specific provision in GEF or FIG rules on which to sanction Respondent on this basis.
229. The Panel has found that the Respondent infringed FIG rules and policies regarding Incidents 1 and 2, which were occurred in June/July 2021 and October 2021. In the Panel’s view, this does not constitute a continuous pattern of behaviour over an extended period of time.
230. Accordingly, the Panel concludes that the GEF has not shown that there was a continuous pattern of behaviour over an extended period of time and therefore there is no basis on which to sanction Respondent for this.

IX. Sanction

231. As noted above, out of 13 incidents alleged by the GEF, the Panel has found an infringement in only two: Incident 1 and Incident 2.
232. The Panel has found that Incident 1 constitutes an infringement of FIG Safeguarding Policy Part 1, section 3 relating to “psychological abuse.” Accordingly, the GEF has also demonstrated its charge that Incident 1 is an infringement of Article 1 (d) of the FIG Code of Ethics 2022.

233. The Panel has found that Incident 2 constitutes an infringement of the FIG Safeguarding Policy, Part 1, section 3 relating to “psychological abuse” and section 1(d) of the FIG Code of Ethics with respect to “psychological abuse”.

234. Article 25 of the FIG Code of Discipline provides for sanctions as follows:

“The Disciplinary Authority shall set out the type and the scope of the disciplinary sanctions, in accordance with the FIG Statutes and regulations, by considering both the objective and subjective elements of the infringement.

The sanctions imposed shall take into account mitigating and aggravating circumstances.

Aggravating circumstances shall include in particular, but shall not be limited to, the repetition of an infringement. Each second or subsequent offence must take place within five (5) years after a former final ruling on disciplinary sanction in order to be considered as such.

In the event of a combination of infringements, the sanction imposed shall correspond to the most serious infringement, increased at the maximum by half of the sanction of the least serious infringement.

In the event of minor cases or of mitigating circumstances, a financial fine may be imposed and combined with total or partial suspension, for a minimal duration of 1 year and a maximum of 5 years.

In the event of extremely minor cases or of appropriate justified reasons, all disciplinary sanctions may be withdrawn.”

235. Turning to Incident 1, objectively the Respondent could see that Ms. Kiroi-Bogatyreva was crying before she called her over to line up so that she could end the practice session before the Covid curfew. Subjectively, the Respondent asserted that she was trying to console Ms. Kiroi-Bogatyreva and to urge her to focus on training for upcoming competitions. However, the Respondent compared how Ms. Kiroi-Bogatyreva was acting to how the male gymnasts were handling their non-selection to the Tokyo Olympic Games. It is this comparing that invalidates Ms. Kiroi-Bogatyreva’s feelings that the Panel finds to be an infringement of the FIG rules. In mitigation, the Panel notes that this was an isolated incident reflecting two unique circumstances – non-selection to the Olympic Games, and a need to end a practice session due to a Covid curfew lockdown. The Panel finds that there are no aggravating circumstances regarding Incident 1.

236. Turning to Incident 2, objectively it is reasonable to conclude that Ms. Kiroi-Bogatyreva’s parents would pass on the message to Ms. Kiroi-Bogatyreva, and that both Ms. Kiroi-Bogatyreva and her parents would perceive the message as a threat from Ms. Virginia Elliot

and/or the Respondent, who was at the time, her coach and a judge. Subjectively, it could be concluded that the Respondent intended that Ms. Kiroi-Bogatyreva would be better off to concentrate on training for upcoming competitions, rather than continuing to pursue legal challenges. In mitigation, the Panel notes that this was a singular incident. The Panel finds that there are no aggravating circumstances regarding Incident 2.

237. The Notice of Charges sought to sanction Ms. Logachova for one year from all FIG activities and national and international events, pursuant to Article 34 of FIG Statutes, order Respondent to undergo safeguarding training, order that Respondent contribute to the cost of the disciplinary proceedings in the amount of 500 CHF and confirm that the Panel's Final Decision should be published.
238. The January 12, 2024, Notice of Charges also imposed a temporary suspension of 6 months, beginning December 20, 2023.
239. On February 13, 2024, the Panel President issued its Decision on Provisional Measures, which confirmed the temporary suspension from December 20, 2023 to June 20, 2024.
240. In deciding the sanction to impose upon the Respondent, the Panel notes that it has found only 2 out of 13 alleged incidents asserted by the GEF. The Panel also considers the objective, subjective, mitigating and aggravating factors as noted above, and determines that it is not necessary to sanction the Respondent for these violations and that the provisional suspension is lifted with immediate effect.

X. Costs

241. Article 27 of the FIG Code of Discipline provides for the costs of the proceedings and states as follows:

"The Disciplinary Authority shall decide whether the costs incurred by the disciplinary proceedings shall be borne entirely or partly by the sanctioned Party, or shared by the Parties at the percentage to be decided by the Disciplinary Authority or born by the Gymnastics Ethics Foundation.

In principle, the Parties shall bear their own expenses and costs, but the Disciplinary Authority may request the unsuccessful Party to pay to the successful Party a fair contribution to or all the expenses (costs of the Party and the lawyer) incurred.

The Parties which have requested the hearing of witnesses or of experts shall pay the expenses related to the appearance of these persons."

242. The Panel has determined that nearly all the allegations were unfounded. The fundamental rule on the costs would implicate that both the GEF and the Respondent bear their own

costs. As this case is also on safeguarding, it was up to the GEF to decide on the question if the Respondent should be heard prior to bringing the case to the Disciplinary Commission or not. As the GEF chose not to hear the Respondent prior to starting a proceeding, the Respondent did not have the opportunity to avoid a formal disciplinary proceeding by offering evidence to the GEF. Moreover, the time and expense of obtaining witness statements and documents was shifted from the GEF to the Respondent. Therefore, the Panel holds that the GEF should partly compensate the Respondent for her costs in the appropriate amount of CHF 1'500.

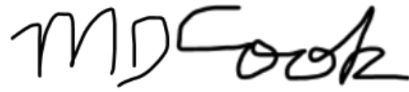
XI. Decision

243. In summary and as outlined above, with respect to the allegations set forth in the Notice of Charges against the Respondent, the Panel issues the following decision:

- i. The Panel finds that only 2 out of 13 alleged incidents (Incidents 1 and 2) set forth by the GEF constitute violations of the FIG rules;
- ii. Taking into account the objective, subjective, mitigating and aggravating factors as noted above, the Panel determines that it is not necessary to sanction the Respondent for these violations and that the provisional suspension is lifted with immediate effect;
- iii. The Parties are to each bear their own costs of the proceedings however GEF is to pay the Respondent's contribution to the costs of these proceedings before the GEF Disciplinary Commission in the amount of CHF 1'500;
- iv. The Panel confirms that the decision is to be published.

Lausanne, 18 May 2024.

Gymnastics Ethics Foundation Disciplinary Commission



Mr. Mike Cook
Panel President



Dr. Mirjam Koller Trunz
Panel Member



Mr. Thomas Hayn
Panel Member

**Notice of Appeal
(Article 30 of the FIG Code of Discipline)**

“ARTICLE 30 APPEAL

With the exception of decisions and sanctions rendered in connection with the FIG Anti-Doping Rules and the WADA Code including its international standards, which may be appealed directly to the CAS, and unless provided otherwise in specific provisions, only the decisions rendered by the Disciplinary Commission may be appealed to the Appeal Tribunal.

Only the Parties directly involved in the proceedings shall be eligible to lodge an appeal to the Appeal Tribunal.

Upon request of a majority of the Executive Committee or of the FIG President, the FIG shall in all cases be eligible to lodge an appeal. The appeal shall be lodged by the FIG Secretary General. Likewise the majority of the Council of the Gymnastics Ethics Foundation or its President shall be eligible to lodge an appeal in all cases. Appeals of the Gymnastics Ethics Foundation shall be lodged by its Director.

In order to be admissible, the appeal shall be lodged in writing and contain:

- o the factual argument*
- o the reasons for the appeal*
- o the submission of any and all means of proof relied upon by the Appellant or an offer to submit any and all means of proof (such as the request for the hearing of witnesses or the request for an independent expert)*
- o the request of a hearing if wished so by the Appellant*
- o the conclusions of the Appellant*

If the Appellant wishes to call witnesses or experts, a hearing shall be held.

Once his/her statement of the case is submitted, the Appellant shall not be authorised to produce new means of proof unless he/she justifies that he/she has not been able to do so for reasons beyond his/her control or his/her behest. The Appeal Tribunal may automatically conduct the necessary investigations.

The appeal shall be signed by the Appellant and sent in writing to the Director of the Gymnastics Ethics Foundation to the attention of the Appeal Tribunal within 21 days from the notification of the decision rendered by the Disciplinary Commission.

Should the appeal be submitted by email it shall be admissible provided that it contains an electronic signature officially certified and dated via a secure server.

Should the appeal be sent by mail, it shall be delivered to a Swiss post office at the latest by midnight of the last day of the time limit or be delivered at the Office of the Gymnastics Ethics Foundation, at the attention of the Appeal Tribunal during its usual opening hours not later than the last day of the time limit.

The Appellant is responsible for showing proof, within a time limit to be determined by the President of the Appeal Tribunal, that his appeal has been lodged in due time, otherwise, the appeal shall be considered inadmissible.

In order for the appeal to be admissible, the Appellant shall transfer in advance the expenses of CHF 5,000.- onto the account of the Gymnastics Ethics Foundation at the same time the appeal is lodged or at the latest by the end of the appeal deadline. This amount shall be refunded to the Appellant if his appeal is granted. It shall be kept by the Gymnastics Ethics Foundation if the appeal is considered inadmissible or is fully or partly rejected. The Gymnastics Ethics Foundation is exempt from the obligation to pay the expenses in advance for its appeal."
