

# Volleyball Association of Singapore

## Appeals Panel

Reference: AC/2020/001\_Teo Teck Huat's Participation at FIVB Level III Coaching Course

Version: Final

	Name	Role	Date
Reviewed and Approved by:	Mr Ong Nai Ah Noah	Chairman, Appeals Panel	16.06.2020
	Mr Steven Leoh Chua Lian	Member, Appeals Panel	16.06.2020
	Mr Lee Seow Meng, PBM	Member, Appeals Panel	16.06.2020
Copy to:	Council, Volleyball Association of Singapore		16.06.2020

## I. Introduction

1. On 16 January 2020, Mr Jerry Teo Teck Huat (the “**Appellant**”) was given notice by a letter dated 16 January 2020 from the Disciplinary Committee (“**DC**”) of the Volleyball Association of Singapore (“**VAS**”) that the following disciplinary charges (the “**Charges**”) that had been brought against him:
  - a. The Appellant, having registered and attended the Fédération Internationale de Volleyball (“**FIVB**”) Level III coaching course (the “**FIVB Level III Course**”) that took place in Cairo, Egypt in September 2019 without the endorsement/ recommendation from the National Federation (“**NF**”, and in this case, the VAS), had flagrantly disregarded the rules and regulations of the FIVB (the “**First Charge**”); and
  - b. The Appellant, having being aware of the clear requirement to obtain NF’s endorsement for participation of the FIVB Level III coaching course, “side stepped” the Association, had acted in complete disregard of the authority of the VAS, and in doing so committed an act detrimental to the reputation of the VAS (the “**Second Charge**”).
2. In response to the Charges, the Appellant’s legal counsel, Gravitas Law LLC, sent a letter to VAS dated 6 February 2020 (the “**6 February Letter**”). The 6 February Letter was a detailed 39-page letter, annexing evidence and written correspondence in alleged support of the Appellant’s position that the charges were “*baseless*”. In the same letter, the Appellant stated that he “*will not attend any disciplinary hearing out of protest...and will rely on this response as full and complete response to the Charges*”.
3. The DC convened a hearing on 10 February 2020 which the Appellant was given notice of but did not attend.
4. On 4 March 2020, the Disciplinary Committee (“**DC**”) imposed the following sanctions on the Appellant (the “**Decision**”):
  - a. expulsion as a member of the VAS with immediate effect and disallowed to be registered as a member for a period of three (3) years (36 months) with effect from 4 March 2020; (the “**First Sanction**”)
  - b. repeal of a right, being prohibition from participation, for a period of three (3) years with effect from 4 March 2020, in any official activity or events as a player, a coach, a team manager, and/or an instructor of volleyball within the sphere of the VAS (the “**Second Sanction**”).
5. The Appellant has appealed against the Decision (the “**Appeal**”).
6. An Appeals Panel of VAS (the “**AP**”) was convened to hear the Appellant’s appeal against the Decision in accordance with Section IX Clause 3 of the VAS Constitution (the “**VAS Constitution**”) and Clause 18 of the VAS Disciplinary and Appeal Regulations of 5 March 2020 (the “**VAS Disciplinary Regulations**”).

7. On 21 May 2020, a hearing was conducted (through the video conferencing platform, Google Meet) for the Appellant to address the AP on the Appeal (the "**Hearing**"). The Appellant attended the Hearing and addressed the AP orally. A video-recording of the Hearing was also made. The Appellant also made reference to the 6 February Letter written by his legal counsel.

## II. The Appellant's Position

8. The Appellant did not dispute that he had registered and attended the Level III Course in Egypt. The Appellant also did not dispute that he did not obtain endorsement or recommendation from the VAS before he attended the FIVB Level III Course.
9. In the Hearing, the first key point that the Appellant submitted was that the FIVB did not request for NF endorsement in any way, directly or indirectly during the entire application process (see 17:47 to 17:57 of the Hearing). He submitted that he had applied directly to the Egypt Volleyball Federation ("**EVF**") to obtain acceptance into the FIVB Level III Course being held in Cairo, Egypt (see 11:50 to 11:55 of the Hearing). He also claimed that he had directly liaised with the EVF with regard to the requirements for his application to confirm his acceptance into the FIVB Level III Course (see 14:37 to 15:02 of the Hearing), that EVF had informed him that there was no need for NF endorsement, and that the VAS was aware of this (see 18:08 to 18:30 of the Hearing).
10. To support this assertion, the Appellant referred to correspondence between him and EVF. He also claimed to have spoken to a lady from EVF over the phone, who said he did not need NF endorsement for the FIVB Level III Course (See 13:52 to 14:16 of the Hearing). He claimed that the supporting EVF correspondence (the "**Alleged EVF Correspondence**") was to be found in an annex in the "39 page letter" that he sent to the VAS through his lawyers (see 18:08 to 18:46, and 19:00 to 19:06 of the Hearing). The "39 page letter" was understood to be the 6 February Letter from the Appellant's legal counsel.
11. The second key point that the Appellant submitted was that at the material time, the Appellant was not aware of the requirement by FIVB for coaches to obtain an endorsement from the relevant NF (in the Appellant's case, VAS) in order to attend the FIVB Level III Coaching Course (see 16:17 to 16:26 of the Hearing). When this was put to the Appellant during the Hearing, the Appellant repeated that he was "*unsure*" about this requirement (see 22:10 to 22:26 of the Hearing).
12. This was also the Appellant's position at paragraph 5 of the 6 February Letter, where the Appellant sets out that "*Mr Teo was never made aware of the requirements stated therein until receipt of the 16 January Letter*".

13. The Appellant also made the following submissions during the Hearing:
- a. that he did not flagrantly disregard the FIVB Regulations as he did not intentionally or unintentionally mislead the VAS or FIVB, nor had he forged any documents to get FIVB's approval for his attendance at the course (see 11:34 to 11:49 of the Hearing);
  - b. that the DC did not have concrete evidence for the Charges; (see to 11:06 to 11:10 ,and 16:17 to 16:26 of the Hearing) and
  - c. that his FIVB Level III Course was on "Train the Trainer", and therefore was subject to different regulations (see the 16:38 to 17:12 of the Hearing).

### III. The AP's Findings

14. The AP has considered the Appellant's arguments, and sets out its findings on them below.

**A. Did the FIVB Regulations require the approval/endorsement from the NF before a coach can attend a FIVB Level III Course?**

15. First, the AP considered whether the regulations of the FIVB ("**FIVB Regulations**") require NF endorsement/approval before a coach can attend the FIVB Level III Course.
16. The regulations of the FIVB ("**FIVB Regulations**") are available on the FIVB website – see, for example, <https://www.fivb.com/en/technical-coach/courses> and <https://www.fivb.com/en/development/education/toolsandresourcecentre>.
17. The FIVB Regulations clearly require coaches to obtain an endorsement or recommendation from an NF, in the present case VAS for the Appellant, before they can attend a Level III Coaching Course. In fact, each country's NF can only send in 2 recommended candidates, with the only exception being the NF of the country organizing the Level III Course which was entitled to send in 5 candidates.
18. See the FIVB Regulations for FIVB Level III courses at page 4 ([http://www.fivb.org/EN/Technical-Coach/Document/FIVB\\_2016\\_DEV\\_Coaches\\_Courses\\_Regulations.pdf](http://www.fivb.org/EN/Technical-Coach/Document/FIVB_2016_DEV_Coaches_Courses_Regulations.pdf)):

**"Level III: How to Coach**

...

*Participants: **Must be recommended by their National Federation**, which guarantees that the candidate has experience and is on the peak of his/her career. Participants cannot be over the age of 55 in the year the course is organised. Preferably coaches linked to national programmes that have passed Level II courses minimum two years before the start of the course. **Participants must be active coaches with retraceable record of their coaching activities validated by the National Federation.***

*Extension: **Level III courses must be international.** All National Federations from the respective region or Confederation must be invited. **Each National Federation may send 2 candidates.** In case of a small number of applicants, the number of candidates*

may be increased, but regional participation should always have priority. **The organising National Federation / Development Centre may have maximum 5 participants of the total quota.**

The official invitation letters must be sent to the respective Confederation and **National Federations 3 – 5 months prior to the course. A copy of the invitation must be sent to the FIVB Sports Development Department**

... The organiser is responsible for sending the complete application file of ALL applicants no less than **two months** prior to the start of the course. The required documents are as follows:

- a. FIVB Application form
- b. FIVB Curriculum Vitae form including a digital photo
- c. FIVB Level I & II coach certificates
- d. Recommendation letter from the candidate's National Federation**
- e. ELIGIBLE passport copy

[emphasis added]

19. The first paragraph of the FIVB Regulations cited in the previous paragraph was quoted to the Appellant at paragraph 2 of the 16 January Letter.
20. The AP finds that the phrase "*must be recommended by their National Federation*" indicated that recommendation (i.e. endorsement) from the relevant NF was a necessary requirement for coaches to attend FIVB Level III courses.
21. As previously mentioned, the Appellant claimed that he had submitted the Alleged EVF Correspondence to the VAS in the "39 page letter" that he sent to the VAS through his lawyers. The AC has reviewed the 39 page 6 February Letter. At Annexure A, page 6 of the 6 February Letter, the Appellant adduced an invitation letter from the EVF to the Appellant dated 15 August 2019 officially inviting him to the FIVB Level III Course (the "**Invitation Letter**").
22. The AC finds that the nature of the Invitation Letter appears to be a document "*for extracting visa entry to Egypt*", and proof of the Appellant's acceptance into the FIVB Level III Course. It is not conclusive of whether the FIVB had thereby waived the requirement for NF endorsement or not, or that the NF endorsement requirement was not applicable.
23. Other than the Invitation Letter, the AC has not had sight of any of the Alleged EVF Correspondence in the 6 February Letter. The AC also has not have received any proof of the Appellant's alleged conversation with a lady from EVF that NF endorsement was not required for the FIVB Level III Course in Cairo. This is contrary to the Appellant's claims that he had provided such proof of direct liaison between EVF and himself.
24. As no other correspondence between the EVF and the Appellant was adduced, the AC does not find any proof that the FIVB had agreed there was no need for the Appellant to obtain NF endorsement, before he could register for the FIVB Level III Course.

25. The Appellant tried to argue that his FIVB Level III Course (“*Train the Trainer*”) was somehow subject to different regulations. No evidence was adduced by the Appellant on the different regulations that allegedly applied to his course. In the absence of evidence, the AP is unable to accept the Appellant’s argument. It is, in any event, clear that the course which the Appellant attended was a FIVB Level III Course and the applicable FIVB Regulations at paragraph 18 above would apply.

**B. Was the Appellant aware of the requirement to obtain NF’s endorsement for participation of the FIVB Level III coaching course?**

26. The AP has examined the Appellant’s 6 February Letter together with the annexures.

27. Annexure B of the 6 February Letter sets out correspondence between the VAS and the Appellant in April 2017. The Appellant has submitted that he was not aware of the requirement for NF endorsement in the FIVB Regulations.

28. In 2017, the Appellant exchanged various emails with VAS from 3 April 2017 to 18 April 2017 to ask VAS for approval to attend the FIVB Level II Course held from 19 June to 23 June 2017 in Thailand (the “**Thailand Level II Course**”) – see pages 9 to 17 of the 6 February Letter.

29. In particular:

a. In an email dated 3 April 2017 at 20:19hrs, the Appellant emailed VAS to ask about the application to attend the Thailand Level II Course. See page 17 of the 6 February Letter.

b. In an email dated 7 April 2017 at 05:57hrs, the Appellant emailed VAS to process his application. See page 15 of the 6 February 2017 letter.

c. In an email dated 12 April 2017 at 13:55hrs to the VAS, the Appellant challenges the condition imposed by VAS that a coach must volunteer 90 hours before being granted approval by the VAS. Notably, the Appellant does not actually challenge the fact that he needed prior approval from VAS to attend the Thailand Level II Coaching Course. See page 13 to 14 of the 6 February Letter.

d. In an email dated 18 April 2017 at 11:39hrs, the Appellant wrote to VAS: “*Please advice (sic) of the status as I am preparing the purchase of the air ticket*”. The Appellant was asking about his request for approval from VAS to attend his Thailand Level II Coaching Course. The Appellant’s email indicated that he was not going to fly overseas and attend the course without approval of the VAS. See page 12 of the 6 February Letter.

e. In an email on 19 April 2017 at 12:38hrs, the Appellant wrote to FIVB requesting to attend the Thailand Level II Course as an independent candidate as “*the national federation rejected my application*”. In doing so, the Appellant was acknowledging that he had tried to apply to an NF (i.e. VAS) for approval. See Annexure C, page 20 of the 6 February Letter.

30. All this evidence indicates that the Appellant was aware of the requirement for NF approval. Otherwise, the Appellant would not have applied to VAS for approval in order to attend the Thailand Level II Course in 2017.

31. Moreover, even if the Appellant was not aware of this requirement when he first applied to VAS for approval in 2017, he was subsequently made aware of the requirement for NF approval when he tried to apply directly to FIVB in Thailand, and was informed of the need to obtain a nomination letter from his NF.
32. This was admitted as such by the Appellant at paragraph 7 of his 6 February Letter, where his counsel wrote that:

*“On or about 19 April 2017, we are instructed that Mr Teo, wrote directly to FIVB Thailand to state that VAS had rejected his application given his refusal to commit to volunteering 90 hours and enquired if he could apply and attend the Level II course directly. **FIVB Thailand’s Mr Issara contacted Mr Teo and asked if Mr Teo could resolve the matter with VAS as to have his application approved.** On or about 10 June 2017, Mr Issara emailed Mr Teo an application form and asked him to submit the same with all his certificated and **a nomination letter from VAS.**” [emphasis added]*

33. The Appellant also admitted that after 10 June 2017, he was only able to obtain a place in the Thailand Level II Course when he resolved the issue of volunteer hours with VAS and was able to obtain a nomination letter from VAS – see paragraph 7 of the 6 February Letter.

34. The AP notes that this was also borne out from the objective evidence at hand:

- a. At page 23 of the 6 February Letter, in an email on 10 June 2017 at 13:40hrs, the FIVB representative informed the Appellant that he would need a “*nominated letter from your [national] federation*” before he could apply for the Thailand Level II Coach Course:

*“Dear all,*

*Please submit C-C3 form, Certificate of Coaches Course Level 1 and **Nominated Letter from your federation** to [FIVB]” [emphasis added]*

- b. After 10 June 2020, the Appellant was only able to obtain approval for the Thailand Level II Course after the VAS sent FIVB a nomination letter to FIVB. See the email from Sally Lim of the VAS to FIVB dated 13 June 2017 at 03:58hrs:

*“Refer to your email to Jerry Teo... as requested please find attached the C-C3 form, Certificate of Coaches Course Level 1 and Nominated Letter for all the 4 Singapore candidates”*

(At Annexure C, pages 21 and 22 of the 6 February Letter)

- c. Only upon receipt of the nomination letter from VAS, did the FIVB then accept the Appellant's place in the Thailand Level II Course. See the response from FIVB to VAS in an email at 13 June 2017 at 17:39hrs (see page 21 of the 6 February Letter):

*"Dear,*

*Thank you for the files, all good. I confirm hereby that the four participants of Singapore are approved and you are accepted to join the FIVB Coaches Course Level II held in Bangkok on June 19-23 2017"*

35. The AP therefore finds that contrary to the Appellant's assertions that he was not aware of the requirement for NF approval, there is clear evidence that the Appellant was fully aware of the requirement for NF approval as early as 2017.
36. In the course of the proceedings, the AP had asked the Appellant how he came to know of the FIVB Level III Course, if it was not publicised by VAS at all (see 19:42 to 19:45 of the Hearing). The Appellant told the AP that the FIVB Level III Course was published on the FIVB website, which he saw (see 19:46 to 19:53 of the Hearing).
37. The AP notes that the FIVB Regulations are also readily available on the FIVB website – see, for example, <https://www.fivb.com/en/technical-coach/courses> and <https://www.fivb.com/en/development/education/toolsandresourcecentre>. It would have been easy for the Appellant to come across these Regulations on the FIVB website, when the Appellant was looking at the same website for the FIVB Level III Course. The AP thus finds that the Appellant's evidence - that he was not aware of the FIVB Regulations – is not credible.

**C. The AP's Conclusions**

38. In the course of the Hearing and in the 6 February Letter, the Appellant had told the AP that he was not aware, or was not informed of the requirement for NF approval to attend the FIVB Level III Course in 2019. When asked to clarify by the AP, the Appellant continued to stand by this point.
39. Yet, it is clear from the evidence that the Appellant was aware of the requirement for NF endorsement. In this regard, the Appellant took positions in the Hearing and in the 6 February 2020 letter that were contradicted by the objective evidence provided to the AP. By maintaining that he was not aware of and/or not informed of the requirement for NF endorsement, in spite of the clear and objective evidence, the AP finds that the positions taken by the Appellant were not credible or principled, and possibly untruthful and disingenuous.

1) The First Charge

40. In not seeking the approval of the VAS before registering and attending the FIVB Level III Course in Egypt, the AP finds that the Appellant did breach the FIVB Regulations.
41. The Appellant was in fact aware of the requirement for NF approval. He had thus knowingly committed the breach of the FIVB Regulations. The Appellant was in flagrant disregard of the FIVB Regulations.

42. Accordingly, the First Charge is made out.

2) The Second Charge

43. As it is clear the Appellant was aware of or was informed about the requirement for NF endorsement as early as 2017, there is no justification as to why the Appellant did not seek the approval of the VAS to attend the Level III Course in Egypt 2019.

44. In knowing of the NF endorsement requirement, but “sidestepping” the VAS by attending the Level III Course in Egypt in 2019 without VAS approval, the Appellant had acted in complete disregard of the authority of the VAS, and committed an act detrimental to the reputation of the VAS.

45. The AP therefore finds that the Second Charge is made out.

#### IV. The AP’s Sanctions

46. The VAS, as a governing body of the sport of volleyball in Singapore, reserves the right to administer disciplinary action against any of its members for breaches of rules and regulations, in accordance with its Constitution and Rules & Regulations.

47. The AP has found that both Charges are made out.

48. It will now set out its sanctions in accordance with Clause 9 of the VAS Disciplinary Regulations. Taking into account the facts and surrounding circumstances for the First Charge and the Second Charge, the AP agrees with the DC that these are major offences.

49. With respect to the First Charge, the AP takes into account that the relevant regulations breached by the Appellant are that of FIVB’s, and not of the VAS. The FIVB has not ruled against the Appellant in respect of his breach of the FIVB Regulations.

50. On the Second Charge, it is a requirement of VAS that prior endorsement from VAS is required, before a VAS member can apply for a FIVB course. This requirement is important to the international standing of VAS as the National Federation in its relations with the FIVB. So-called “independent” candidates (not endorsed by a NF like VAS) applying to FIVB for participation in FIVB courses may undermine the legitimacy and authority of VAS to put forward its own VAS-endorsed candidates for the same courses. VAS’ ability to represent the sport of volleyball in Singapore in the international arena, as far as FIVB is concerned, may be affected.

51. The local standing of VAS as a National Sports Association supported by the Singapore Government may also be affected. It is noted from the FIVB Regulations (see paragraph 18 above) that FIVB will only allow **two** candidates from each NF for a FIVB Level III Course. If Singapore candidates are allowed to bypass VAS and apply straight to FIVB for a FIVB Level III Course, those “independent” candidates may take up valuable FIVB course spaces that would otherwise go to VAS-endorsed candidates. With the support of the Government, VAS spends valuable time and resources training its people. The opportunities of VAS-endorsed candidates should not be compromised by “independent” candidates who apply to FIVB for enrolment in FIVB courses without VAS endorsement.

52. Having regard to the facts and surrounding circumstances for the First Charge and the Second Charge, the AP will allow the appeal in respect of the First Sanction (to be replaced by a First Revised Sanction) and the Second Sanction (to be replaced by a Second Revised Sanction). The details of the First Revised Sanction and the Second Revised Sanction (collectively, the “**Revised Sanctions**”) are set out below at paragraph 59 and summarised briefly below.
53. The First Revised Sanction suspends the Appellant’s membership rights in VAS for the period of one year from 4 March 2020. During the period of suspension, the Appellant will remain an ordinary member of VAS as an individual. However, he will not be entitled to exercise privileges such as presenting himself as an eligible candidate to run for election as a member of the VAS Council at an Annual General Meeting of VAS (see Clause 8(b) of the Constitution of VAS).
54. The Second Revised Sanction prohibits the Appellant from participation, for a period of two (2) years (24 months) with effect from 4 March 2020, in any official activity or events as a player, a coach, a team manager, and/or an instructor of volleyball within the sphere of the VAS. In summary, during this period of suspension, the Appellant personally will not be able to participate in VAS activities like competitions or training activities organized by VAS. However, the Second Revised Sanction does not prohibit the Appellant from participating or coaching activities in volleyball activities that are not organized by VAS.
55. In coming to its decision on the sanctions, the AP has taken into account the following factors: (a) the importance of the purposes of the rules breached by the Appellant; (b) the seriousness of the breach of the rules; (c) the impact of the offences to the role and reputation of the VAS in the sphere of volleyball, both internationally and in Singapore.
56. The AP has also taken into account the Appellant’s conduct in the DC proceedings as well as in the Appeal. It was clear that the Appellant had committed a breach of the VAS requirement to obtain VAS endorsement before registering for the FIVB Level III Course. Yet, when confronted with the breach, the Appellant took positions which, as noted above, were not credible or principled, and possibly untruthful and disingenuous, by claiming he was unaware of the VAS endorsement requirement when the objective evidence shows otherwise. The AP disapproves of such conduct, and agrees with the DC’s finding that the Appellant failed to adhere to fundamental principles expected of coaches, i.e. to be honest, principled and honourable.
57. The AP also considered the potential effect (if any) of the sanctions on the Appellant’s profession, which the Appellant suggested may be affected during the Hearing (see 7:22 to 7:31 of the Hearing). The AP is of the opinion that the revised sanctions which the AP is imposing (the First Revised Sanction and the Second Revised Sanction) would not have a significant or material impact on the Appellant’s livelihood.
58. According to the Appellant’s own CV (attached to the 6 February Letter at page 29), the Appellant is currently a volleyball coach to many Singapore schools, such as Republic Polytechnic. The First Revised Sanction and the Second Revised Sanction will not interfere with the Appellant’s provision of volleyball coaching activities to schools, so long as the schools’ activities involved are not VAS-organized activities. The Appellant himself is free to participate or be involved in volleyball activities outside those organized by the VAS.

59. The AP has decided on the following sanctions on the Appellant:

- a. The appeal is allowed in respect of the First Sanction.

In place of the First Sanction, the following Revised First Sanction shall be imposed:

Suspension of the Appellant's membership rights as a member of VAS for a period of 1 years (12 months) with effect from 4 March 2020;

- b. The appeal is allowed in respect of the Second Sanction.

In place of the Second Sanction, the following Revised Second Sanction shall be imposed:

Repeal of a right, being prohibition from participation, for a period of two (2) years (24 months) with effect from 4 March 2020, in any official activity or events as a player, a coach, a team manager, and/or an instructor of volleyball within the sphere of the VAS.

Yours Sincerely,



**Ong Nai Ah Noah**

On behalf of

the Appeals Panel, Volleyball Association of Singapore

comprising:

**Ong Nai Ah Noah**

**Steven Leoh Chua Lian**

**Lee Seow Meng, PBM**