



## **FAI Ethics & Disciplinary Code**

Approved by the xxx<sup>th</sup> FAI General Conference xxxx



**Effective xxxxx**

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## RIGHTS TO FAI INTERNATIONAL SPORTING EVENTS

All international sporting events organised wholly or partly under the rules of the Fédération Aéronautique Internationale (FAI) Sporting Code<sup>1</sup> are termed *FAI International Sporting Events*<sup>2</sup>. Under the FAI Statutes<sup>3</sup>, FAI owns and controls all rights relating to FAI International Sporting Events. FAI Members<sup>4</sup> shall, within their national territories<sup>5</sup>, enforce FAI ownership of FAI International Sporting Events and require them to be registered in the FAI Sporting Calendar<sup>6</sup>.

An event organiser who wishes to exploit rights to any commercial activity at such events shall seek prior agreement with FAI. The rights owned by FAI which may, by agreement, be transferred to event organisers include, but are not limited to, advertising at or for FAI events, use of the event name or logo for merchandising purposes and use of any sound, image, program and/or data, whether recorded electronically or otherwise or transmitted in real time. This includes specifically all rights to the use of any material, electronic or others, including software that forms part of any method or system for judging, scoring, performance evaluation or information utilised in any FAI International Sporting Event<sup>7</sup>.

Each FAI Air Sport Commission<sup>8</sup> may negotiate agreements, with FAI Members or other entities authorised by the appropriate FAI Member, for the transfer of all or parts of the rights to any FAI International Sporting Event (except World Air Games events<sup>9</sup>) in the discipline<sup>10</sup>, for which it is responsible<sup>11</sup> or waive the rights. Any such agreement or waiver, after approval by the appropriate Air Sport Commission President, shall be signed by FAI Officers<sup>12</sup>.

Any person or legal entity that accepts responsibility for organising a FAI Sporting Event, whether or not by written agreement, in doing so also accepts the proprietary rights of FAI as stated above. Where no transfer of rights has been agreed in writing, FAI shall retain all rights to the event. Regardless of any agreement or transfer of rights, FAI shall have, free of charge for its own archival and/or promotional use, full access to any sound and/or visual images of any FAI Sporting Event. The FAI also reserves the right to arrange at its own expense for any and all parts of any event to be recorded.

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- 1 FAI Statutes, ..... Chapter 1, ..... para. 1.6
  - 2 FAI Sporting Code, Gen. Section, ..... Chapter 4, ..... para 4.1.2
  - 3 FAI Statutes, ..... Chapter 1, ..... para 1.8.1
  - 4 FAI Statutes, ..... Chapter 2, ..... para 2.1.1; 2.4.2; 2.5.2 and 2.7.2
  - 5 FAI By-Laws, ..... Chapter 1, ..... para 1.2.1
  - 6 FAI Statutes, ..... Chapter 2, ..... para 2.4.2.2.5
  - 7 FAI By-Laws, ..... Chapter 1, ..... paras 1.2.2 to 1.2.5
  - 8 FAI Statutes, ..... Chapter 5, ..... paras 5.1.1, 5.2, 5.2.3 and 5.2.3.3
  - 9 FAI Sporting Code, Gen. Section, ..... Chapter 4, ..... para 4.1.5
  - 10 FAI Sporting Code, Gen. Section, ..... Chapter 2, ..... para 2.2.
  - 11 FAI Statutes, ..... Chapter 5, ..... para 5.2.3.3.7
  - 12 FAI Statutes, ..... Chapter 6, ..... para 6.1.2.1.3

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## **1 GENERAL PROVISIONS**

### **1.1 ESTABLISHMENT AND AMENDMENTS**

The initial FAI Ethics & Disciplinary Code is approved by the FAI General Conference.

CASI will be responsible for maintaining the FAI Ethics & Disciplinary Code but every change will be subject to approval by the FAI General Conference.

### **1.2 SCOPE OF APPLICATION**

The following legal and individual persons (hereinafter the "FAI Parties") shall be bound by, respect of and comply with the present document:

- FAI and each of its Members.
- Executive Board and every member of it.
- Every FAI Air Sport Commission, or Technical Commission, and every member of their Bureau.
- FAI Working Groups.
- Any FAI representative and person, official or body, subject to the FAI Constitution or FAI rules.
- Any candidate for election to a FAI function.
- Organising Committees of any FAI event.
- Every participant in a FAI sporting event other than salaried persons who are in Organising Committees under the terms of their employment.

### **1.3 OTHER**

Any other regulations or provisions regarding ethics and conduct in respect of FAI Parties continue in force unchanged provided they do not conflict with the provisions included in the present document.

For FAI sporting events and record attempts, the detailed provisions of the General Section of the FAI Sporting Code relative to disciplinary matters prevail.

## **2 ETHICS**

### **2.1 FUNDAMENTAL PRINCIPLES**

- 2.1.1 Safeguarding the dignity of all individuals who participate in air sports in any capacity is a fundamental requirement of the FAI.
- 2.1.2 Discrimination of any kind on whatever grounds, including, but not limited to, race, colour, gender, sexual orientation, ethnic origin, age, religion, philosophical or political opinion, marital status cannot not be tolerated and will be prosecuted and sanctioned.
- 2.1.3 All FAI participants have a duty to uphold the good name of the FAI and the air sports community.
- 2.1.4 All forms of harassment and abuse, be it physical or sexual, and any voluntary physical or mental injuries cannot be tolerated and will be prosecuted and sanctioned.
- 2.1.5 Officials and participants in any FAI sanctioned event must not, in any manner whatsoever, infringe the principle of fair play, show non-sporting behaviour, or attempt to influence the result of a competition in a manner contrary to best

sporting ethics. Cheating in any form cannot be tolerated and will be prosecuted and sanctioned.

## 2.2 INTEGRITY OF CONDUCT

### 2.2.1 Obligation of care

- 2.2.1.1 FAI Parties must use due care and diligence in performing any function for FAI. At all times, they must act with the highest degree of integrity, and particularly when taking decisions, they must act with impartiality, objectivity, independence and professionalism.
- 2.2.1.2 When representing FAI, FAI Parties must be impartial and refrain from defending the specific interests of their own country or air sport.
- 2.2.1.3 FAI Parties must refrain from any act involving fraud or corruption. They must not act in a manner likely to tarnish the reputation of FAI or air sports in general.
- 2.2.1.4 FAI Parties shall not be involved with firms or persons whose activity or reputation is inconsistent with the principles set out in the present document.
- 2.2.1.5 FAI Parties shall not bribe third parties or urge or incite others to do so in order to gain an advantage for themselves or third parties.

### 2.2.2 Independence

- 2.2.2.1 FAI Parties, or their representatives, must not be involved with legal entities or persons whose activity or reputation is inconsistent with the principles set out in the FAI Constitution and in the present document.
- 2.2.2.2 FAI Parties shall neither give nor accept instructions to vote or intervene in a given manner with the organs of FAI.

### 2.2.3 FAI Parties must not directly, or indirectly:

- i) solicit, accept or offer any form of remuneration or commission other than that included in a contract of employment, nor any concealed benefit or service of any nature, connected with the organisation of any FAI event; the only exceptions may concern indemnity or compensation of FAI sporting events' officials according to the provisions defined in the Sporting Code General Section or specialised Sections;
- ii) accept intended gifts and other benefits that exceed the average relative value of local cultural customs from any third parties. If in doubt, gifts shall be declined. Accepting gifts of cash in any amount or equivalent form is not permitted;
- iii) accept any gift or other advantages that are offered, promised or sent to them to incentivise or cause a breach of duty or dishonest conduct. Any such offered gifts or advantages shall be refused.

### 2.2.4 Hosting principles

Hospitality shown to FAI Parties or FAI staff, and the persons accompanying them, shall not exceed the standards prevailing in the host country.

## 2.3 CONFLICT OF INTEREST

### 2.3.1 General provisions

- 2.3.1.1 Conflicts of interest arise when a FAI Party has, or appears to have, a personal or business interest that detracts from its ability to perform its function with integrity in an independent and purposeful manner. Interests include gaining any

actual or possible advantage for a person, their family, relatives, friends or acquaintances, or business associates or partners.

- 2.3.1.2 Conflict of interest may be the result of direct personal relations, or indirectly through the interests of a closely related third person (parent, spouse, partner, etc). Typical circumstances in which conflicts of interest arise are involvement with suppliers, sponsors, professional advisers, event organisers and contracting parties (shareholdings, payments, hospitality, gifts or other benefits).
  - 2.3.1.3 Any FAI Party shall avoid a situation that could lead to a conflict of interest.
  - 2.3.1.4 Considering any member of a decision-making body should be independent in its decisions, no-one with a personal or business interest in an issue under discussion should be involved in the discussion.
- 2.3.2 Types of conflict of interest (potential and real)
- 2.3.2.1 A potential conflict of interests is any situation in which a person's judgments or decisions on matters affecting FAI might be influenced by relations that this person has (or is on the point of having) with other persons or organisations that might be affected (positively or negatively) by his(her) judgments or decisions.
  - 2.3.2.2 The conflict of interest becomes real when the person fails to reveal the potential for conflict and then expresses an opinion or makes a decision in favour of, or against, the person or organisation concerned, or accepts any benefit from that person or organisation.
- 2.3.3 Disclosures
- 2.3.3.1 All those to whom the conflict-of-interest provisions above apply must, if facing a possible conflict of interest must make a declaration of interest. This can be made in one of two ways:
    - i) A public oral statement to a FAI body such as during a Commission meeting.
    - ii) A written disclosure to the FAI Executive Director responsible for Ethics.
  - 2.3.3.2 Any FAI Party before being elected or appointed to any FAI function must disclose any personal or business potential conflict of interest to the FAI Secretary General and the FAI Executive Director responsible for Ethics. When the disclosure is considered to be relevant for the election or appointment concerned, the candidature or nomination must be refused.
  - 2.3.3.3 Any person performing a decision-making function in a FAI body who considers being at a moment in situation of a potential conflict of interest must disclose it by writing to the appropriate FAI authority. When the disclosure is considered to be relevant for the considered function, the person concerned may be requested to withdraw from the function.
  - 2.3.3.4 In case of doubt, or if there is no appropriate authority to consider an existing or potential conflict of interest, the case shall be referred to the FAI Executive Board for determination.
  - 2.3.3.5 Failure to disclose potential conflicts of interest may lead to action under FAI Statutes 2.9 (Enforcement Standards for FAI Members and Bodies).

#### 2.3.4 Treatment of disclosures

The FAI Executive Board, on the advice of the FAI Executive Director responsible for Ethics, will take the necessary decisions. The options may include, but are not limited to:

- i) Registering the declaration without further action when it is considered that the conflict of interest is not relevant.
- ii) Removing the person from part or all of the action or decision-making opportunities that create the potential for conflict.
- iii) Eliminating the person's involvement in the external interest causing the conflict.

#### 2.3.5 Preventive action

All FAI Commissions and other legislative and executive organs of FAI shall have as a standing item on their meeting agendas "Declaration of Conflicts of Interest", in order to provide a formal opportunity for people to make disclosures of potential conflicts.

### 2.4 GOOD GOVERNANCE

2.4.1 The basic universal principles of good governance, in particular transparency, responsibility and accountability, must be respected by all FAI Parties.

2.4.2 Decisions and enforcement thereof are done in accordance with rules and regulation. It includes that adequate information is provided to the affected FAI Parties

2.4.3 The resources of the FAI must be used only for FAI purposes and in a most effective way. Performance management shall be done to evaluate and enhance efficiency and effectiveness.

2.4.4 In carrying out their functions, all income and expenditures of FAI Parties shall be properly recorded in accordance with generally accepted accounting principles.

2.4.5 In order to avoid any abuse of powers of representation (in particular signing) adequate rules shall be set up, approved and monitored at highest level. Individual signature shall be avoided for binding obligations.

2.4.6 Effective controlling systems and checks shall be put in place.

2.4.7 In cases where FAI gives financial support:

- i) The use of such support must be clearly demonstrated in FAI's accounts and the counter party encouraged to do so as well in his accounts.
- ii) Any account of the FAI Parties may be subject to auditing by an expert designated by FAI.

2.4.8 FAI Parties recognise the significant contribution that broadcasters, sponsors, partners and other supporters of sports events make to the development and prestige of air sports throughout the world. However, such support must be in a form consistent with the rules and the principles defined in the present document. They must not interfere in the running of sport.

2.4.9 FAI Parties shall take into account the needs of future generations, as e.g. sustainability. Decisions strive to internalise all costs possible and not to transfer problems and tensions, be they structural, financial, economic or environmental.



## 2.5 CONFIDENTIALITY

- 2.5.1 FAI Parties shall not disclose information entrusted to them in confidence by FAI other than in accordance with applicable laws or rules. To avoid any doubt, this includes any information received because of their status of FAI Parties. The principle of confidentiality shall be strictly respected.
- 2.5.2 Where disclosure of such information becomes necessary in accordance with applicable rules, or where required by law, such disclosure shall not be for person a gain or benefit and shall not be undertaken maliciously to damage the reputation of any person or organisation.

## 2.6 REPORTING OBLIGATION

FAI Parties shall inform the FAI Executive Director responsible for Ethics, in the strictest confidentiality, of any information related to a violation of these regulations relative to Ethics, in order to refer this information to the FAI Executive Board for its review.

## 3 OTHER OFFENCES SUBSTANTIVE PROVISIONS

### 3.1 DOPING

- 3.1.1 Global regulations applicable for an anti-doping rule violation are defined in the World Anti-Doping Code, published by the World Anti-Doping Agency (WADA).
- 3.1.2 Regulations applicable for anti-doping rule violation in air sports are defined in the FAI Anti-Doping Rules document. This document is based on the World Anti-Doping Code and on WADA's Model Rules for International Federations.
- 3.1.3 The "FAI Anti-Doping Rules" document includes:
  - i) Definition of doping.
  - ii) Specification of the circumstances and conduct which constitute anti-doping rule violation.
  - iii) Reference to the Prohibited List.
  - iv) Provisions relative to testing and investigations for anti-doping purpose.
  - v) Detailed process to apply anti-doping rules violation matters including possibility to appeal.
- 3.1.4 Considering the above-mentioned, the present document does not apply for doping matters. The official document to refer to is the FAI Anti-Doping Rules document.

### 3.2 ALCOHOL

- 3.2.1 Considering the impact of alcohol on the human body, FAI has defined for safety reasons an alcohol limit in blood applicable during a FAI international sporting event.
- 3.2.2 In case the law applicable in the host country states a lower alcohol limit applicable during a sporting event, the national law will prevail. Then, the organiser is responsible for informing the Air Sport Commission and persons concerned.
- 3.2.3 The alcohol limit applies to the competitors and to the other participants for whom a FAI Sporting Licence is mandatory for the event concerned. This limit also applies to the officials for the event concerned.

- 3.2.4 Any violation of the alcohol limit during any task of the event, including practice sessions, detected according to the FAI alcohol testing procedure will be sanctioned by an immediate disqualification from the relevant event. Further sanctions resulting from a disciplinary procedure may be applied.
- 3.2.5 In that situation, the concerned persons may be subject to alcohol breath testing at the venue. The testing is conducted under the responsibility of the Event Director to the alcohol testing procedure defined by FAI.
- 3.2.6 For the avoidance of doubt, the possession, use and consumption of alcohol during the award ceremony will not be considered a violation providing that the ceremony takes place at the end of the event.

### 3.3 VIOLENT BEHAVIOUR

- 3.3.1 Any action, attitude or public statement displaying improper use of physical or emotional force may be considered violent behaviour.
- 3.3.2 Violent behaviour concerns sporting activities, but also non-sporting activities such as meetings.
- 3.3.3 Violent behaviour may be subject to a disciplinary procedure.

### 3.4 INSTITUTIONAL OFFENCES

- 3.4.1 A violation by FAI Members and Bodies, or their constituents, of the FAI Constitution and Sporting Code, other FAI rules and decisions will be considered an institutional offence.
- 3.4.2 Failing of a FAI member organisation to deal appropriately with individual member violations or the failure of a FAI member organisation to carry out its obligations to FAI, including payment of dues, will be considered institutional offence.
- 3.4.3 The following violations by an organiser and/or the concerned NAC in FAI sporting events can be considered institutional offences:
  - i) Organisation of a FAI sporting event without respecting the bidding and registration process defined by FAI or the Air Sport Commission concerned.
  - ii) Participation in a First or Second category sporting events of contenders not holding a valid FAI Sporting Licence as specified in the FAI Sporting Code.
  - iii) Participation in a First Category sporting event of a non-eligible National team. This may, but not only, concern a NAC which is not in good standing, or a country which is not a member of FAI.
  - iv) Withdrawal from the organisation of a First Category sporting event without a prior agreement of the Air Sport Commission Bureau, or withdrawal of a Second Category sporting event with insufficient delay and without a duly justified reason.

## 4 DISCIPLINARY

### 4.1 OFFENCES SUBJECT TO A DISCIPLINARY PROCEDURE

- 4.1.1 Offences subject to a disciplinary procedure as regulated in the present document can be categorised as follows:
  - i) Violation of the Ethics regulations (See 2).
  - ii) Alcohol issue (See 3.2).
  - iii) Violent behaviour (See 3.3).

iv) Institutional offence (See 3.4).

v) Sport-related issue.

#### 4.1.2 Institutional offence from FAI Members and Bodies

4.1.2.1 A violation of the FAI Constitution and other FAI rules and decisions may be sanctioned according to the respective provisions defined in the FAI Statutes, and in addition as provided herein.

4.1.2.2 The FAI Statutes state provisions for the following cases:

i) Violation by an individual member of a FAI member organisation.

ii) Violation by a FAI member organisation or other FAI body or one of its individual members.

4.1.2.3 Unless otherwise specified, offences will be sanctioned regardless of whether they have been committed intentionally or unintentionally.

#### 4.1.3 Sport-related issue

4.1.3.1 Except for an anti-doping rule violation (See 3.1) or an alcohol offence (See 3.2), regulations and provisions defined in the FAI Sporting Code General Section will prevail in case of infringements to the FAI Sporting Code in a FAI International Sporting event or record attempt.

4.1.3.2 For a very serious matter such as, but not only, violent conduct, alcohol abuse, cheating or other unsporting behaviour which led to the disqualification from the event of the event the person in question, the Air Sport Commission Bureau concerned may ask the FAI Executive Board to consider a disciplinary procedure. If such a disciplinary procedure is decided, it will be held according to the regulations of the present document.

## 4.2 INVESTIGATION OF AN OFFENCE ALLEGATION

4.2.1 Any person or body who is suspected of having committed an offence covered by the present document must be informed by the competent FAI body of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions. Notices shall be sent directly to the person concerned. If the contact details of the person or body in question are not known to FAI, the NAC concerned will be requested to provide those details.

4.2.2 Upon request by the competent FAI body, the concerned person or body in question must provide any information considered being relevant to the investigation of the alleged violation, such as a statement setting out the relevant facts and circumstances around the alleged violation or records relating to the alleged violation.

## 4.3 LAUNCHING OF A DISCIPLINARY PROCEDURE

4.3.1 For an offence concerning the FAI Executive Board, or a member of the Executive Board including the FAI President, launching of a disciplinary procedure may only be decided by the FAI General Conference.

4.3.2 For any other offence, the FAI Executive Board has the power to decide launching of a disciplinary procedure respecting the FAI Statute provisions when concerned.

4.3.3 Before launching a disciplinary procedure under 4.3.2, the FAI Executive Board may appoint one person, or more, to conduct a preliminary investigation.

4.3.4 The person(s) appointed for the preliminary investigation shall carry out their mission in complete impartiality and objectivity. They may hear any person whose hearing appears useful or request information necessary for the procedure from

any person. At the end of the preliminary investigation, they must send a written summary investigation report to the FAI Executive Board.

- 4.3.5 In any case, the person(s) in charge of a preliminary investigation do not have the authority to decide the case.

#### 4.4 RIGHT OF A PROSECUTED PERSON OR BODY

- 4.4.1 In every disciplinary procedure launched in application of the present document, the following rights must be respected for a person or body prosecuted:

- i) Information regarding the charges.
- ii) Fair, timely and impartial hearing and/or possibility to submit a defence in writing.
- iii) Be represented and/or accompanied by a legal counsel subject to supporting the corresponding expenses.

- 4.4.2 Except in case of provisional measure for urgent matters, a sanction may not be imposed before the person or body concerned has had the opportunity to present the case.

#### 4.5 CONFIDENTIALITY

- 4.5.1 The principle of confidentiality must be strictly respected by the competent FAI body during all the procedures; information should only be exchanged with persons and bodies on a need-to-know basis.

- 4.5.2 Confidentiality must also be strictly respected by any person or body concerned by a disciplinary procedure until there is public disclosure of the case.

#### 4.6 FAI DISCIPLINARY TRIBUNALS

- 4.6.1 A Disciplinary First Instance Tribunal is appointed to deal with any matter for which a disciplinary procedure has been launched.

- 4.6.2 In case of an appeal against a decision of the Disciplinary First Instance Tribunal, a Disciplinary Appeal Tribunal is appointed to deal with the appeal.

- 4.6.3 Those two Disciplinary Tribunals have powers of sanction. They shall decide independently and may not receive instructions.

- 4.6.4 The Disciplinary Appeal Tribunal is the FAI final authority.

- 4.6.5 FAI President or FAI Executive Board cannot change the decision of the First Instance or Disciplinary Appeal Tribunals.

- 4.6.6 Members of those Disciplinary Tribunals are bound by an obligation of confidentiality in respect of facts, acts and information of which they have knowledge by reason of their duties.

- 4.6.7 The Chairperson of each of the two Tribunals will be proposed by the FAI President and approved by the FAI General Conference. They must have the appropriate human qualities, and, as much as possible, an experience of similar legal matters. Each is appointed for a term of four (4) years which may be renewed without limitation.

- 4.6.8 In case the First or Second Instance Disciplinary Tribunal Chairperson resigns before the end of his(her) term, or is unavailable, or deficient, the FAI President may, when necessary, appoint a new person in replacement without waiting for the next FAI General Conference. In such a situation, the FAI General Conference will be requested to confirm the replacement with a retroactive effect.

- 4.6.9 If one of the Tribunal Chairpersons is subject to a potential conflict of interest in a case, or is not available for any reason, the FAI President appoints a substitute Chairperson for the case concerned from among the members of the FAI Disciplinary Panel.
- 4.6.10 For each case, the Disciplinary First Instance Tribunal and, if need be, the Disciplinary Appeal Tribunal must each include three (3) persons including the Chairperson. The two additional persons will be chosen by the Tribunal Chairperson from the members appointed to the FAI Disciplinary Panel. When it may be duly justified for case, the Tribunal Chairperson may appoint one person who is not a member of the FAI Disciplinary Panel.
- 4.6.11 The choice of the two persons other than the Tribunal Chairperson must be made taking care that they are not of the same nationality as the parties directly concerned by the disciplinary procedure, and more globally a potential conflict of interest in the case concerned.
- 4.6.12 A person appointed to the Disciplinary First Instance Tribunal cannot be appointed, for the same case, to the Disciplinary Appeal Tribunal.
- 4.6.13 If a member of the FAI Disciplinary Panel has been appointed for the preliminary investigation, he/she cannot be appointed as a member of either of the two Disciplinary Tribunals.

#### 4.7 FAI DISCIPLINARY PANEL

- 4.7.1 The FAI Disciplinary Panel is composed of a minimum of seven (7) and a maximum of eleven (11) persons will be nominated by the FAI Executive Board considering their qualifications for the function and confirmed by the FAI General Conference.
- 4.7.2 The FAI President may ask the FAI Members to propose for the FAI Disciplinary Panel a person from their country.
- 4.7.3 The FAI President may also ask the President of each Air Sport Commission Presidents to propose for the FAI Disciplinary Air Sport Commission Delegate(s), or member(s) of their Committees.
- 4.7.4 Each member is appointed for a term of four (4) years which may be renewed without limitation.
- 4.7.5 In case a member resigns before the end of his/her term, or is unavailable, or is failing, the FAI Executive Board may appoint a new person in replacement when the minimum of seven persons stated for the FAI Disciplinary Panel is not satisfied. In such a situation, the FAI General Conference will be requested to confirm the appointment with a retroactive effect.

#### 4.8 COMMON PROVISIONS TO BOTH DISCIPLINARY TRIBUNALS

- 4.8.1 The Tribunal Chairperson may appoint either a member of the Tribunal or another person to act as secretary who shall, in particular, be in charge of establishing and maintaining an appeal file including adequate records of the proceedings during the hearing(s). The hearing records can be written minutes (summary) and/or audio or video recordings.
- 4.8.2 Any party concerned (person or body prosecuted, or appellant) which wants to be represented and/or accompanied by a legal counsel must inform the Tribunal Chairperson as soon as possible and provide the name of the representative and/or legal counsel.
- 4.8.3 The working language for each Tribunal will be English. Proceedings will be written in English unless otherwise decided by FAI.

- 4.8.4 The transmission of documents and decisions shall be carried out by electronic mail. It is considered that the use of electronic mail offers acceptable reliability of the identification of the parties, integrity of the documents sent and security and confidentiality of exchanges between persons. It also enables the establishment of the date and time of the transmission of the documents and their receipt by the recipient.
- 4.8.5 The Tribunal Chairperson will organise an oral hearing with the parties concerned. The oral hearing may be done with physical presence, and/or using a video conference tool giving possibility to identify the participants and record the debates. The time of an oral hearing using video conference means will be defined taking into account the time zone differences in order that every remote participant may, as much as is possible, participate at a reasonable time.
- 4.8.6 If the Tribunal considers it is in a position to decide without an oral hearing, the parties concerned must agree not to have one. In that case, the parties concerned will submit their position and arguments in writing to the Tribunal.
- 4.8.7 Upon request before the oral hearing, the parties concerned may have access to the entire file which may be sent by electronic means.
- 4.8.8 A party concerned who does not speak or understand English sufficiently may ask, at their own expense, to be assisted for the oral hearing by an interpreter.
- 4.8.9 The parties concerned may request that the Tribunal hear witness(es) of their choice but must indicate in advance on which points each witness will testify. The Tribunal Chairperson will then determine the relevance of the witness(es) who will either be heard or not. Any witness who is no longer available or is not present at a hearing will not be a cause to prevent the oral hearing from being conducted
- 4.8.10 The Tribunal may contact witnesses at its own discretion at any moment before or after the oral hearing.
- 4.8.11 The hearing shall be conducted by the Tribunal Chairperson who shall issue all appropriate directions to allow an orderly conduct of the hearing. The person(s) and/or body(ies) prosecuted or, if need be, the appointed representative(s) shall be entitled to present their arguments.
- 4.8.12 The Tribunal will deliberate "in private". This deliberation will take place in a time frame and in a manner established by the Tribunal Chairperson. Where the duties of secretary are performed by a person who is not a Tribunal member, that person may attend the deliberation but shall not take part in the discussion.
- 4.8.13 The deliberation must be kept strictly confidential.
- 4.8.14 After due deliberation, the Tribunal will deliver the decision. The Tribunal decision requires a simple position. The decision will be established in a written summary form, dated and signed by the Tribunal Chairperson on behalf of the Tribunal. It shall, where appropriate, mention the date(s) on which the sanction(s) take effect and the details of their implementation.
- 4.8.15 The Tribunal decision must be notified by the Tribunal Chairperson to the parties concerned, with a copy to the FAI President and FAI General Secretary.
- 4.8.16 The decision or the notification letter shall state the possibility and deadline for appeal.
- 4.8.17 The Tribunal's decision shall become enforceable as soon as it had been notified. It will be put into effect on behalf the FAI Secretary General.
- 4.8.18 The issuance of the decision closes the Tribunal proceedings.

- 4.8.19 The Tribunal Chairperson must forward the complete file of the procedure to the FAI Secretary General.
- 4.8.20 The FAI may publish the Tribunal decision, and/or a summary of the judgement. The names of the person(s) and/or body(ies) concerned may be mentioned when appropriate. These person(s) and/or body(ies) may not use the publication in order to institute proceedings against FAI, or against any person who has been involved in the publication.
- 4.8.21 The FAI Secretary General is in charge of the publication. In any case, the decision may not be published until it has been put into effect.

#### 4.9 DISCIPLINARY PROCEDURE

- 4.9.1 The following provisions must be considered in addition to the provisions common to both Disciplinary Tribunals stated in 4.8.
- 4.9.2 The FAI President will request, in writing, the Disciplinary First Instance Tribunal Chairperson to handle any matter for which a disciplinary procedure has been launched by the FAI General Conference under 4.3.1, or by the Executive Board under 4.3.2. The disciplinary procedure will from that moment be considered officially launched.
- 4.9.3 The FAI General Secretary will transfer to the Tribunal Chairperson by an electronic means all documents available relative to the matter, including the report to the Executive Board of the preliminary investigation, if one has been conducted.
- 4.9.4 The FAI General Secretary will inform by writing the person(s) and/or body(ies) being prosecuted that a referral to the Disciplinary First Instance Tribunal has been made for disciplinary proceedings against them, this must include the name and email address of the Tribunal Chairperson. It will also be mentioned that the written document is the reference document for disciplinary procedure provisions.
- 4.9.5 The Tribunal must decide within ten (10) weeks after the disciplinary procedure has been officially launched. In exceptional circumstances, this period may be extended by a reasoned decision of the Tribunal Chairperson notified to the person(s) and/or body(ies) being prosecuted with a copy to the FAI Secretary General and all relevant parties concerned.

#### 4.10 SANCTIONS

- 4.10.1 The Disciplinary First Instance Tribunal decides the sanction to be applied in accordance with the type and seriousness of the violation. The following sanctions, but not only, may be considered depending on the violation or offence concerned:
  - i) Warning, admonishment, reprimand.
  - ii) Fine, financial penalty.
  - iii) Provisional withdrawal or suspension of the FAI Sporting Licence for either a specified period or permanently.
  - iv) Temporary or permanent suspension from a FAI function or position, or ineligibility to be elected for a FAI function for a specified period.
  - v) Temporary or permanent ban from participating in FAI sporting events.
  - vi) Temporary or permanent ban from directly or indirectly organizing FAI sporting events.
  - vii) Withdrawal of FAI sporting powers.
  - viii) Suspension or expulsion from FAI

- 4.10.2 One or more sanctions may be applied subject to the principle of proportionality.
- 4.10.3 The sanctions, other than a warning, admonishment or reprimand, may be totally or partially conditional.
- 4.10.4 In application with the FAI Statute provisions, suspension or expulsion of a Member must be decided by the FAI General Conference. Consequently, the Disciplinary First Instance Tribunal may only recommend such a sanction.
- 4.10.5 The decision to impose the sanction(s) may include a financial contribution by the person(s) and/or body(ies) sanctioned to the costs incurred, on condition that they are duly justified as being in connection with the disciplinary procedure.

#### 4.11 PROVISIONAL MEASURE

- 4.11.1 For a disciplinary procedure launched under 4.3.2 and when the circumstances justify it, in particular with regard to the seriousness of the facts, the FAI Executive Board may decide a provisional measure against the person(s) and/or body(ies) prosecuted, pending the decision of the Disciplinary First Instance Tribunal.
- 4.11.2 The FAI Executive Board provisional measure decision shall be notified to the person(s) and/or body(ies) prosecuted.
- 4.11.3 The provisional measure ends if it is withdrawn by the FAI Executive Board or the Disciplinary First Instance Tribunal. It shall also end if the Disciplinary First Instance Tribunal is not able to take its decision within the time limit set.

#### 4.12 PROCEDURE TO APPEAL

- 4.12.1 An appeal may be filed against decisions of the Disciplinary First Instance Tribunal imposing a sanction. The following sanctions, including a combination thereof, are final and not subject to appeal.
- 4.12.2 Only the person(s) and/or the body(ies) sanctioned may appeal against the decision of the Disciplinary First Instance Tribunal to the Disciplinary Appeal Tribunal.
- 4.12.3 The appellant(s) shall present their arguments to FAI, in writing in English, in a Notice of Appeal.
- 4.12.4 The Notice of Appeal must be addressed to the FAI Secretary General. It shall be accompanied by a copy of the decision appealed against.
- 4.12.5 An administrative fee must be paid to appeal. In case of a joint appeal, each of the appellants must pay the administrative fee. The amount of the administrative fee is CHF 3,000.
- 4.12.6 The Notice of Appeal must be received at FAI within a period of thirty (30) calendar days from notification of the Disciplinary First Instance Tribunal decision, failing which the appeal will be considered inadmissible. Absence of receipt by FAI of the administrative fee within an additional ten (10) calendar days will result in the appeal being considered withdrawn.
- 4.12.7 Upon receipt of a Notice of Appeal, the FAI Secretary General must ensure that it has been filed in accordance with the provisions above. If the appeal is admissible, the FAI Secretary General will transmit the Notice of Appeal and the First Instance procedure file to the Disciplinary Appeal Tribunal Chairperson for management of the appeal.

#### 4.13 MANAGEMENT OF THE APPEAL

- 4.13.1 The following provisions must be considered in addition to the provisions common to both Disciplinary Tribunals stated in 4.8.



- 4.13.2 The Disciplinary Appeal Tribunal Chairperson shall begin to organise the Tribunal and the treatment of the appeal as soon as he/she received the Notice of Appeal.
- 4.13.3 The Tribunal will instruct the matter on the basis of the Notice of Appeal and of the file disciplinary procedure conducted by the Disciplinary First Instance Tribunal.
- 4.13.4 The Tribunal shall decide within four(4) months after receipt of the Notice of Appeal and the First Instance procedure file. In exceptional circumstances, this period may be extended by one (1) month by a reasoned decision of the Tribunal Chairperson notified to the appellant, with a copy to the FAI Secretary General and parties concerned.
- 4.13.5 The appeal does not have suspensive effect unless otherwise decided by the Tribunal.
- 4.13.6 The appellant or, if need be, the appointed representative can withdraw the appeal in writing at any moment until the oral hearing has been held. A withdrawal made orally at the oral hearing must be confirmed in writing within the two days following the oral hearing. As soon as an appeal is withdrawn, the Tribunal Chairperson shall inform the FAI President with a copy to the FAI Secretary General.
- 4.13.7 The Tribunal may set aside the Disciplinary First Instance Tribunal decision against which the appeal is lodged. According to the circumstances, the Tribunal may reduce or increase the sanction(s) imposed by the Disciplinary First Instance Tribunal. Nevertheless, in case the person(s) and/or body(ies) sanctioned are the only appellants, the sanction imposed by the Disciplinary First Instance Tribunal may not be increased.
- 4.13.8 The Tribunal may decide a total or partial reimbursement of the administrative fee only if the appellant has withdrawn the appeal according to 4.13.6, or if the Tribunal considers that the appeal was well founded.

#### 4.14 FURTHER APPEAL

- 4.14.1 Decisions of the Disciplinary Appeal Tribunal are final unless an appeal is filed within twenty-one (21) calendar days following receipt of the Tribunal's decision to the Court of Arbitration for Sport (CAS) in Lausanne.



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