

## 6 PENALTIES, COMPLAINTS, PROTESTS, APPEALS

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### 6.1 PENALTIES

**6.1.1** Any participant in a FAI sporting event may be penalised for an infringement of the FAI Sporting Code.

**6.1.2** Unless specified otherwise in a specialised Section of the Sporting Code, infringements are punishable regardless of whether they have been committed deliberately or by mistake.

**6.1.3** The penalties must be applied in compliance with the provisions defined in the present Sporting Code General Section and in the relevant specialised Section of the Sporting Code.

#### **6.1.4 Categories of offences**

Unless specified otherwise in a specialised Section of the Sporting Code, the offenses may be prioritized and defined as follows. In addition, each ASC may complete or precise what may be evaluated as technical or serious infringements.

**Technical infringements** - Infringements of rules or failure to comply with requirements which may be considered committed:

- by mistake or inadvertence and from which no significant advantage has been gained;
- or deliberately subject no advantage could have been gained.

**Serious infringements** - This may be characterized by:

- Infringements of rules or failure to comply with requirements which cannot be considered as a technical infringement.
- Repetition of technical infringements even if committed by mistake or inadvertence.
- Dangerous or hazardous behaviour or action even if committed by mistake.

**Cheating** - Cheating may be defined as an intentional breaking of rule(s) in order to obtain an advantage over other contenders or teams. So, cheating is correlated to a deliberate violation of a formal rule.

**Unsporting behaviour** – Unsporting behaviour is deemed as behaviour by a participant who violates the sport generally accepted rules of sportsmanship, fair play and participant conduct. Typical examples are:

- Cheating, repetition of serious infringements of rules, falsification of documents, use of a forbidden equipment, tampering with equipment, failure to comply with requirements as reporting back or returning equipment.
- Unfair action in order to gain a competitive advantage.
- Any conscious effort to influence, intimidate, or threaten other participants with the intent of gaining an advantage, irrespective if this occurs directly before, during, or directly after the event.
- Violation of airspace.
- Deliberate attempts to deceive or mislead officials.
- Abusive or taunting language, excessively loud delivery, false accusation.
- Aggressive or violent action, physical abuse, threats.
- Wilful interference with other contenders.
- Use of prohibited substances or drugs.
- Abusive activity on social media.
- Bringing the sport or the FAI into disrepute

### **6.1.5 Types of penalties**

Each ASC may precise in their specialised Section of the Sporting Code what may be evaluated as technical or serious infringements and the associate penalties. As a guide, penalties could be:

- Operational disadvantage such as for example reduction of no less or no more than a defined percentage of the result of the task, or points' penalization.
- Warning.
- Disqualification for the task.
- Disqualification from the event.

### **6.1.6 Disqualification from the event**

Disqualification from the event is the highest penalty that may be imposed.

Unsporting behaviour and cheating may be punishable by a disqualification from the event of the participant(s) concerned.

Cheating or unsporting behaviour of any member of a national team may conduct to penalize, up to a disqualification from the event, the complete team where appropriate, and not only the member of the team concerned.

According to the FAI Ethics & Disciplinary Code 3.2, a violation during any task of the event, including practice sessions, of the alcohol limit defined by FAI and detected according to the FAI alcohol testing procedure will be sanctioned by an immediate disqualification from the event.

Every person disqualified from an event has no right to claim back any part of the entry fee, and will not be eligible for any diploma, medal or prize awarded for the event.

As soon as possible after the event, the Jury President or the Event Director shall send to the President of the relevant ASC and to the President of the NAC concerned, a written summary of the facts justifying the disqualification from the event.

The Jury President or the Event Director may in addition suggest where appropriate that the relevant ASC Bureau considers the opportunity to ask the FAI Executive Board for a disciplinary procedure according to the FAI Ethics and Disciplinary Code.

### **6.1.7 Penalties imposed during the event**

Penalties are imposed by the Event Director.

Penalties may be imposed by another official especially when specified in details in the sporting rules of a class.

A disqualification from the event may only be imposed by the Event Director with the consent of the FAI Jury.

### **6.1.8 ASC Bureau actions**

After a very serious matter has been reported by writing to the President of the relevant ASC, the ASC Bureau may ask the FAI Executive Board to consider a disciplinary procedure according to the FAI Ethics and Disciplinary Code.

This may concern any participant, or the organizer.

Such matters include, but not only, violent conduct, alcohol abuse, cheating, or other unsporting behaviour.

## **6.2 COMPLAINTS**

**6.2.1** The purpose of a complaint is to obtain a correction without the need to make a formal protest. A complaint is free of charge.

### **6.2.2 Complaint prior to an event**

Complaints must be done in writing in English to the host NAC with copy to the President of the relevant ASC.

A joint complaint must be signed by all the complainants.

For a First Category Event, a complaint may only be made by NAC(s). Except for a complaint concerning a failure of the Organizer to comply with regulations for entry or the eligibility or refusal of an entry, the NAC(s) should first ask the Organizer for assistance. If still dissatisfied, the NAC(s) may then complain.

For a Second Category Event, a complaint may be made by individual(s) or NAC(s). For any matter, the individual(s) or the NAC(s) should first ask the organiser for assistance. If still dissatisfied, the individual(s) or the NAC(s) may then complain.

The complaint shall be dealt by the host NAC as far as possible and no later than 15 days after the complaint has been received.

The decision on the complaint shall be sent by the host NAC to the complainant(s) with a copy to the President of the relevant ASC.

### **6.2.3 Complaint during the event**

Complaints may be done orally, or in writing in English or in a language authorized for the event.

In case, of a joint complaint, the written list of the complainants with their signature must be provided.

At any time during the event, contender(s), or a team leader(s) in case of an event with national teams, who is(are) dissatisfied on any matter should first ask the Organizer or the appropriate official for assistance. If still dissatisfied, the contender(s), or the team leader(s) in case of an event with national teams, may then complain to the Event Director or, where applicable, directly to the official concerned.

Complaints must be made as soon as possible after the occurrence giving rise to the complaint, and shall be dealt with expeditiously.

The Jury must take attention not to handle complaints in order to keep its independence in case of a following protest. But, there is no objection that the official concerned by a complaint or the Event Director discusses the matter with the Jury to get some advice which may minimize the risk for the official to be disproved in situation of a following protest.

The Event Director will inform the complainant(s) of the result of the complaint as soon as possible after the complaint had been dealt.

Unless specified otherwise in the relevant specialised Section of the Sporting Code, the opportunity to publish the complaint and the decision is decided by the Event Director.

When the results of the event may be affected by the ruling of a complaint, they shall not be considered as official before the complaint has been ruled upon.

If dissatisfied by the decision, the complainant(s) concerned must inform as soon as possible the Event Director of the eventual intention to submit a protest. The specialised Section of the Sporting Code may define deadlines to submit a protest. If necessary, the Event Director may define a delay to submit the protest taking into account the event schedule.

### **6.2.4 Complaint after the event**

Complaints must be done in writing in English to the Event Director with copy to President of the relevant ASC and, where applicable, to the President of the Jury.

A joint complaint must be signed by all the complainants.

For a First Category event, a complaint may only be made by NAC(s).

For a Second Category event, a complaint may be made by contender(s), or by NAC(s).

The complaint shall be dealt by the Event Director as far as possible and no later than 15 days after the complaint was received.

The decision on the complaint shall be sent to the complainant(s) by the Event Director with copy to the President of the relevant ASC and, where applicable, to the President of the Jury

### **6.2.5 Complaint for a record attempt**

Complaints must be done in writing in English to the FAI Secretary General with copy to the President of the relevant ASC.

A joint complaint must be signed by all the complainants.

A complaint may only be made by NAC(s).

The complaint shall be dealt by the relevant ASC Bureau in cooperation with the FAI Office as far as possible and no later than 15 days after the complaint was received.

The decision on the complaint shall be sent to the complainant by the President of the relevant ASC with copy to FAI.

## 6.3 PROTESTS

**6.3.1** Any protest must be made in writing in English.

**6.3.2** Unless specified otherwise in the relevant specialised Section of the Sporting Code, a protest may be lodged only after a complaint had been filled on the matter concerned. In any case, the protest must be lodged as soon as possible but is without a suspensive effect of the complaint decision.

**6.3.3** The protest must be accompanied by the payment of a protest fee. The amount is established by the relevant ASC for a protest relative to an event, and by CASI for a protest relative to a record attempt.

**6.3.4** In case of a joint protest, every protesting person or NAC must pay the protest fee.

**6.3.5** The protest fee is returnable only if the protest is withdrawn prior to the beginning of the effective treatment of the protest, or is upheld

### **6.3.6 Protest prior to an event**

A protest against a decision on a complaint made prior to an event as described in 6.2.2 must be made prior to the start of the event.

The protest must be sent to the President of the relevant ASC.

For a First Category Event, a protest may only be made by NAC(s).

For a Second Category Event, a protest may be made by individual(s) or NAC(s).

The protest shall be dealt and ruled by the relevant ASC Bureau as far as possible and no later than 15 days after the protest has been received.

The decision on the protest shall be sent by the President of the relevant ASC to the complainant(s).

### **6.3.7 Protest during the event**

If dissatisfied with the decision on a complaint made during the event, a competitor, or a team leader in case of an event with national teams, has the right of protest. If a competitor has no separate team leader, he may lodge the protest himself.

Each ASC may define the time limits considered to be appropriate for lodging protests during the event in situations such as:

- Against the validity of an entry, qualification of the officials, contest rules, flying and contest area, etc.
- After an incident occurs with an event official.
- After a task is finished.
- After publication of the final results before the prize-giving.

The protest must be handed to the Event Director together with the protest fee(s).

Any person (competitor or team leader depending on the event category) is not permitted to present two consecutive protests on the same incident.

Unless specified otherwise in the relevant specialised Section of the Sporting Code, protests relative to an event will be dealt by the Jury appointed for the event.

The Event Director must present the protest to the Jury President without delay. The Jury President shall call a meeting of the Jury as soon as possible and in any case within 24 hours of receiving a protest, unless a different period is specified otherwise in the relevant specialised Section of the

Sporting Code, or the local regulations.

The Jury shall hear all involved parties on the matter of any protest, applying the relevant FAI regulations and the rules for the event.

The President of the Jury shall report the result and a summary of any relevant considerations in writing to the Event Director without delay, who shall make public the President's report.

When the results of the event may be affected by the ruling of a protest, results shall not be considered as official before the protest has been ruled upon.

#### **6.3.8 Protest after the event**

A protest against a decision on a complaint made after an event as described in 6.2.4 must be sent by the NAC(s) concerned to the President of the relevant ASC.

Unless specified otherwise in the relevant specialised Section of the Sporting Code, the protest shall be dealt and ruled by the relevant ASC Bureau as far as possible and no later than 15 days after the protest has been received.

The decision on the protest shall be sent by the President of the relevant ASC to the complainant(s).

#### **6.3.9 Protest for a record attempt**

A protest against a decision on a complaint made for a record attempt as described in 0 must be sent to FAI by the NAC(s) concerned.

Protests shall be dealt and ruled by the FAI Secretary General in cooperation with the CASI Bureau as far as possible and no later than one month after the complaint was received.

The decision on the protest shall be sent to the complainant(s) by the FAI Secretary General with copy to the CASI President and the President of the relevant ASC.

### **6.4 APPEALS**

An NAC may appeal to FAI on matters concerning international sporting events and record attempts and against a decision relating to a dispute of a sporting nature in accordance with the provisions of this chapter.

**6.4.1** The right of appeal to FAI rests with the NAC(s) concerned, except for matters under **4.10.2** for which the person(s) concerned has a right of appeal. The FAI Air Sport General Commission (CASI) is responsible for the treatment of appeals.

Unless the appeal is against a decision imposed by an ASC Bureau under 6.1.8, an appeal may be made only after a protest had been filled by the appellant on the matter concerned.

#### **6.4.2 Notice of appeal**

For each appeal, a Notice of appeal must be made in writing in English and addressed to the FAI Secretary General by the authorized representative of the NAC(s) concerned, or by the individual(s) concerned in matters under **4.10.2**. It shall be accompanied by all necessary documents.

#### **6.4.3 Administrative fee**

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.

#### **6.4.4 Time limit**

An appeal to FAI and the corresponding administrative fee(s) must be received at FAI Headquarters within 90 calendar days from the incident, action or announcement of the decision leading to the appeal. This time limit may, in special circumstances, be extended by the CASI Bureau.

### **6.5 TREATMENT OF APPEALS**

**6.5.1** CASI will establish an International Appeals Tribunal (IAT) of three members -including the Chairperson- who shall be independent of the parties involved.

The three members of the IAT will be appointed by the CASI Bureau upon recommendation from the CASI President.

The IAT Chairperson must be a person selected from the members of the FAI Disciplinary Panel (See FAI Ethics & Disciplinary Code).

One of the two other members of the IAT must be from the ASC concerned, and the other one from the CASI members representing the NACs.

- 6.5.2** The IAT will work in accordance with the provisions of the FAI International Appeals Tribunal Manual.
- 6.5.3** In any case, the FAI has the right to publish the IAT judgement and give the names of the persons concerned. These persons may not use the publication of the judgement in order to institute proceedings against the FAI or against any person who made the publication.
- 6.5.4** A reimbursement of an administrative fee may only be considered if the appellant has withdrawn the appeal prior to the beginning of the effective treatment of the appeal, or if the IAT has decided that the appeal was well founded.
- 6.5.5** Decisions of the IAT are final unless an appeal is filed within 21 calendar days of the publication date of the Tribunal's decision to the Court of Arbitration for Sport (CAS) in Lausanne, or unless major new factual issues which could have affected the decision are revealed after the decision, in which case CASI shall decide on further action.