

October 17, 2020

## **Penalty to Appeal Working Group Final Report to CASI**

After reviewing all comments received, the Penalty to Appeal Working Group suggests:

- The work is restricted to the Disciplinary Code.
- All other matters are put aside until further notice.
- The current FAI Statutes and Sporting Code may need adjustments as consequences of the new Disciplinary Code.
- Terms and wording must be reviewed for unity and coherence throughout the FAI regulation.

### **The Disciplinary Code**

It could be a single document including

- The Code of Ethic
- The complaint to appeal process for Members and Bodies
- The complaint to appeal process for ASC sport-related issues.

It is suggested for CASI to wait for its General Conference meeting and appoint either one person to lead all CASI members or a specific Working Group to work further on the matter.

### **The Code of Ethic**

It could include general statements concerning the FAI and its events.

The inclusion of detailed description of cross-discipline violations and sanctions is a possibility, but will be hard to achieve.

### **The complaint to appeal process for Members and Bodies**

The General Conference could implement the FAI First Instance Disciplinary Tribunal and the FAI Appeal Tribunal.

After consultation of the NACs and ASCs:

- On the proposal of the FAI President, the General Conference would elect Chairpersons for both Tribunals. Their tenure is to be defined.
- The General Conference or the Executive Board would then appoint a FAI Disciplinary Panel of 9 to 12 members for both tribunals. Their tenure is to be defined.

As a principle, for any specific issue, a member of the Disciplinary Panel would serve in only one position (preliminary investigation, first instance or appeal).

### **Members and Bodies, including ASCs**

A process should be defined.

It could involve a preliminary investigation when necessary, the First Instance Disciplinary Tribunal ruling on the protest, the Appeal Tribunal ruling on the appeal.

### **FAI President and Members of the Executive Board**

A specific process should be defined.

They are responsible to the General Conference. Only the General Conference should sanction them.

### **The complaint to appeal process for ASC Sport Related Issues**

#### **Sanctions**

The Code of Ethic may define general reasons to sanction a participant in FAI Events. Some Working Group members believe that ASCs should be trusted to define precisely the reasons to be penalised and the level of the sanctions, some members believe that the Code of Ethic should include such reasons and sanctions.

**During an event**

Issues happening during an event are well defined in the current Sporting Code. Jurors are in place to deal with them. Probably only adjustments are needed.

**Before and after an event**

Issues happening before or after an event are not defined in the current Sporting Code, with the exception of a NAC complaining about entry issues. Current Jury's regulation does not allow to treat these issues.

These issues are very different from the ones that arise during an event.

A specific process must be defined.

**NAC complaint**

As per the current regulation, it can happen only before an event and be only about the 'failure of the organiser to comply with regulations for entry or the eligibility or refusal of an entry in an event'.

It is most probably a very sensitive political issue. A specific process must be defined.

**Sporting licences**

There is no need to define a process in the Disciplinary Code.

**Records flights**

A process should be defined (but maybe not in the Disciplinary Code) when a record claim is refused by the FAI and the NAC disagrees with the FAI decision.

**Proficiency flights**

There is no need to define a process in the Disciplinary Code. ASC should be allowed to define their own process if needed.