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IRSA Policy: Prohibited Events

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ABBREVIATIONS

DNM	Designated National Member of IRSA
EC	Executive Committee of IRSA
ERS	Equipment Rules of Sailing
ICA	International Class Association
IRSA	International Radio Sailing Association
MNA	Member National Authority of WS
WS	World Sailing (formerly International Sailing Federation, ISAF)

DEFINITIONS

The following words and phrases have these definitions in this document.

Associate Membership	Membership granted to an ICA that has received IRSA Designation for its class.
IRSA Class	A class of boat which has received IRSA Designation.
Member	A DNM, an Associate Member, or a Provisional Member.
Membership	The Members of IRSA.
Provisional Membership	Membership granted to an ICA that has yet to receive IRSA Designation for its class.
<i>rule</i>	As defined in the RRS "Definitions".
<i>misconduct</i>	As defined in RRS 69.
will/should	In this document, the word "will" specifies an intention, and the word "should" specifies a policy.

NOTES

Unless the context indicates otherwise, where not explicitly stated in this document it is understood that "events" are Radio Sailing events, "classes" are Radio Sailing classes, "competitors" are Radio Sailors, and a "championship" is a Radio Sailing event for a Radio Sailing class.

A summary of this Policy is available as "IRSA Guide to Policy on Prohibited Events".

1 Eligibility

Eligibility for Radio Sailing events run under the RRS occurs in two areas -- whether an event requires a certain kind of eligibility on the part of the competitor, and whether the competitor has a certain kind of eligibility.

World Sailing identifies two kinds of eligibility, "World Sailing Eligibility" and "Competition Eligibility" (Regulation 19). In brief, anyone and everyone normally has Competition Eligibility, while competitors who have an affiliation (directly, or through a club) to a World Sailing MNA normally have WS Eligibility in addition.

2 Events requiring eligibility

WS Eligibility is required for all competitors who wish to enter Radio Sailing World Championships. In addition, *any* event which appoints International Judges, International Umpires, International Race Officers, or International Measurers also requires WS Eligibility of the competitors. This may mean that European and other Continental Radio Sailing Championships require WS Eligibility of the competitors depending upon the exact wording of the Notice of Race. Certainly, if the Notice of Race says that an International Jury will be appointed then the event requires WS Eligibility. Note that WS Eligibility as such is not required by events which are non-World or non-Continental events.

Competition Eligibility is required (Regulation 19.2) for all competitors who wish to enter any Radio Sailing event.

3 Suspension or revocation of eligibility

WS Eligibility (and Competition Eligibility) can be revoked (Regulation 19.19) if the competitor is guilty of a RRS 69.1 infraction (*gross misconduct*), a RRS 5 infraction (drug abuse), or participates in a Prohibited Event in the previous 2 years. Note that a competitor may have their WS Eligibility revoked or suspended without their Competition Eligibility being affected.

Eligibility can only be suspended or revoked by World Sailing, or by a MNA for events within its jurisdiction (Regulation 19.19). Hence a DNM, if a delegated authority, would request revocation from its MNA, and IRSA would request revocation from World Sailing.

Revocation or suspension of eligibility is a form of disciplinary action or sanction that may be made against a competitor. In the same way, a sanction may be made against a Race Official who officiates at a Prohibited Event, against a club or organisation which provides the venue for a Prohibited Event, and against a person involved in the organisation of a Prohibited Event. Such a person may hold office in a body or association such as an IRSA DNM, IRSA ICA, or WS MNA, or may hold informal office in an unaffiliated body such as an association of class owners.

4 Prohibited Events

A Prohibited Event, amongst a number of other criteria, is mainly where the claim of being a World championship has not received IRSA approval (through World Sailing delegated authority as per Regulation 25.3), or where the event is organised by an authority not affiliated to World Sailing (Regulation 19.19(a)(ii), Regulation 19.20, and RRS 89.1). World

Sailing maintains a list of Prohibited Events and publishes this list at <http://www.sailing.org/sailors/prohibitedevents.php>.

The following are three examples of common ways in which a Radio Sailing event may be a Prohibited Event. There are numerous other ways, but examples are less common.

- The event is said to be, or held out as, a World Championship when it has not received IRSA approval (through World Sailing delegated authority as per Regulation 25.3). Typically this is when a non-IRSA Class attempts to promote a World Championship.
- The event does not include an affiliated body in its organisation as per RRS 89.1. Typically this is because an unaffiliated class organises an event without officially involving an MNA-affiliated club as per RRS 89.1(e). (IRSA's interest here is in an event which sets out to attract competitors from a number of countries and is reasonably described as "International", and excludes an event which is reasonably described as "National, open to competitors from other countries", which falls under the jurisdiction of the applicable DNM).
- The event is not run under the RRS as per RRS 84. Typically Naviga events fall into this category.

It may be noted that a "Prohibited Event" is simply a World Sailing label for a specific situation that occurs because of some deliberate action or inaction by an event organiser, where the situation concerns an undesirable breach of the *rules*.

5 Principles

In formalising IRSA policy on taking action if it learns of an event that might be a Prohibited Event, some general principles and ideas may be worth considering.

- The *rules* provide for equality, consistency, and quality in racing, and impartiality, confidence, and trust in event results.
- The amounts and degrees of "consistency", "quality", "confidence", and "trust" are whatever is considered desirable by the community of Radio Sailors.
- Harm is a reduction in consistency or quality of racing and/or confidence or trust in results.
- Sanctions may be needed to prevent or reduce harm, that is, to ensure that quality of racing and/or confidence in results is maintained. Other actions include education, training, providing more or better resources, improving information, changing organisational structures, changing organisational culture, and changing the *rules*.
- Sanctions are fair if in proportion to the harm suffered by an individual or by the community. Specifically, no sanctions may be fair if the harm is considered to be slight.
- Harm, and the need for sanctions, is more related to the degree to which an individual or community in fact suffered, rather than the degree to which a *rule* was or was not followed.
- IRSA's focus is on international Radio Sailing and the prevention of harm to and at international events.
- Prevention is better than cure.
- "Victimless crime" is a topic of wide discussion in legal and political circles. It concerns the freedom an individual has to pursue any action they choose provided they do not violate the rights of others or place others at risk of harm. A "victimless crime" has no specific, identifiable, individual victim, and hence has no one, apart from the police, asking that the law be enforced. Some argue that the violation of a rule such as RRS 89.1 is a

“victimless crime” and should therefore not lead to sanctions because no one was specifically harmed. Others argue that, regardless of the presence or absence of a specific victim, an action that harms the interests of a society or a community as a whole is a violation for which sanctions may be completely appropriate.

- “Surrogate criminalization” is another topic in legal and political circles. It concerns the process by which an individual may be transformed into a criminal when “relatively innocently” involved in a criminal situation where the “true criminals”, the originators and promoters of the situation, are difficult to identify or lie outside an authority’s jurisdiction. Some argue that the inability to reach the “true criminals” means that the “relatively innocent” should not be subject to sanctions, or only to mitigated sanctions. Others argue that precisely because the “true criminals” cannot be reached is it necessary to strongly deter others from involvement, otherwise the situation becomes effectively tolerated and the law falls into disrepute.

6 IRSA policy on Prohibited Events

IRSA policy is:

IRSA will judge the actions needed to ensure equality, consistency, and quality in racing, and impartiality, confidence, and trust in event results, particularly in international events, as desired and expected by the community of Radio Sailors and as laid down in the *rules*.

If it so judges, following the issue of a Notice of Race, IRSA will notify an event as a Possibly Prohibited Event in order that affected parties may receive advance warning, and in order that the event organiser may seek timely advice and assistance from IRSA.

If it so judges, IRSA will pursue sanctions against competitors, Race Officials, or IRSA Members, proportionate to the harm actually suffered and which is proportionate to the fault and responsibility inherent in the actions of those involved.

IRSA will always consider whether other actions, such as education or *rule* change, may be needed in addition to or instead of sanctions.

7 Categories of sanction

In general, IRSA will seek a sanction by submitting a report to World Sailing, an MNA, an ICA, or a DNM as may be applicable. The report will be submitted under Regulation 35 “Disciplinary, Appeals and Review Code” to WS or an MNA, or under an applicable Regulation or *rule* to an ICA or a DNM. In overview, IRSA will seek a sanction at one of four levels as shown in Table 1. In detail, Table 2 shows the possible sanctions according to competitor, Race Official, office holder, and body.

Table 1. Overview of sanctions

Sanction	Sub-level	Acronym	Description	Duration (yrs)*
Level 1		WAR	Warning, admonishment, or reprimand	1
Level 2		DNO	Direction not to act, compete, officiate, or participate	1**
Level 3	i	SREi	Suspension of privilege, right, eligibility, certificate, or office	2**
	ii	SREii	Revocation, removal, withdrawal, or cancellation of privilege, right, eligibility, certificate, or office	3**
Level 4	i	SRMi	Suspension of membership	2**
	ii	SRMii	Revocation, removal, withdrawal, or cancellation of membership	3**

(*) In the first instance. Repeated, aggravated, or gross violation may have a longer duration.

(**) Before re-application, re-examination, re-nomination, reinstatement, or replacement for the lost privilege, right, eligibility, certificate, office, or membership.

Table 2. Sanctions applicable to competitors, Race Officials, office holders, and bodies
FOR A COMPETITOR

WAR	Warning, admonishment, or reprimand
DNO	Direction not to compete in a particular Radio Sailing event or class
SREi/ii-WSE	Suspension/revocation of WS Eligibility (a) in a particular Radio Sailing class, or (b) for all Radio Sailing classes
SREi/ii-CE	Suspension/revocation of Competition Eligibility (a) in a particular Radio Sailing class, or (b) for all Radio Sailing classes
SRMi/ii	Suspension/withdrawal of DNM membership.

FOR A RACE OFFICIAL

WAR	Warning, admonishment, or reprimand
DNO	Direction not to officiate (a) in a particular Radio Sailing event or class or (b) in any Radio Sailing event or class
SREi/ii	Suspension/removal of a certificate of appointment
SRMi/ii	Suspension/withdrawal of MNA membership

FOR AN OFFICE HOLDER*

WAR	Warning, admonishment, or reprimand
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DNO	Direction not to participate in a particular administrative capacity or committee
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SREi/ii	Suspension/removal from office or position
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SRMi/ii	Suspension/withdrawal of DNM or ICA membership
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(*) A person who holds a position or an office in an association, body, club, or organisation acting as an organising authority or which holds authority for the venue, regardless of whether or not the position or office is formal, informal, temporary, permanent, by appointment (including self-appointment), or by election.

FOR A BODY**

WAR	Warning, admonishment, or reprimand
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SRMi/ii	Suspension/cancellation of WS membership
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(**) An association, body, club, or organisation acting as an organising authority or holding authority for the venue.

Note that any sanction is time-limited, as listed in Table 1. Note that a sanction, normally given at a certain level or for a certain duration in the first instance, may be given at a higher level or for a longer duration in the case that the *rule* violation is repeated, aggravated, or considered to be gross. Finally, note that a sanction is appropriate for a *rule* violation that would be considered as *misconduct* or deliberate, and not for a *rule* violation considered to be no more than a misjudgement.

8 Examples of issues arising from a Prohibited Event

The kinds of issues that may arise in a Prohibited Event are illustrated using the three examples from Section 4, and are connected to the concerns expressed in the IRSA policy on Prohibited Events shown in Section 6.

- Where a non-IRSA Class runs a Radio Sailing World Championship, the major issues are likely to be that the class rules are poorly written or impractical to implement, that the class has insufficient international following with regard to geographic distribution or numbers being sailed, and/or that the class does not have an effective ICA or effective owner representation.

Poorly written or impractical class rules are likely to reduce equality and consistency in the boats raced, leading to reduced confidence in the fairness of the event and reduced trust in the declaration of a World Champion.

An insufficient international following reduces the meaning, truth, and value of the designation “World Champion”, leading to reduced trust in other events sanctioned as World Championships.

An ineffective ICA or ineffective owner representation is likely to lead to reduced equality and reduced impartiality, leading to reduced confidence in the fairness of the event and reduced trust in the declaration of a World Champion.

- Where a non-IRSA Class organises an international event without officially involving an MNA-affiliated club as per RRS 89.1 (e), the major issues are likely to be the lack of trained and certified Race Officials (Measurers, Judges, Umpires, and Race Officers) and/or the inadequacy of the venue.

The lack of appropriately qualified Measurers is likely to reduce equality and consistency in the boats raced.

The lack of appropriately qualified Race Officers is likely to reduce the quality of the racing and thus lead to reduced impartiality, confidence, and trust in the event results.

The lack of appropriately qualified Judges or Umpires is likely to reduce the impartiality, confidence, and trust in the event results, and is likely as well to reduce the quality of racing.

An inadequate venue similarly is likely to reduce the quality of the racing and reduce confidence in the event results.

- Where an event is not run under the RRS as per RRS 84, and therefore not run according to the *rules*, the major issue is the systematic reduction in confidence and trust of everything connected with the event: fairness and impartiality of competitor eligibility and entry acceptance; equality and consistency in the boats raced; adequacy of the venue; quality and fairness of racing and race organisation; and impartiality of the event results.

These descriptions of issues arising from an event that fails to be run under the *rules* are made at a very high level. There are a large number of specific benefits which follow from running an event under the RRS which collectively either ensure or support quality of racing and trust in results. These specific benefits include: fairness in entry to an event and the prohibition of arbitrary rejection of entrants; ability to properly appeal against race official decisions which may be incorrect; appropriate attention to health, safety, insurance, and legal liability issues at an event.

9 Response to a possibly Prohibited Event

Given the issue of a Notice of Race or of any notice with similar intention or effect, there may be *prima facie* grounds for considering that an event will be a Prohibited Event if it takes place as advertised. In consultation with the IRSA Events Committee, the IRSA Executive Committee may promptly notify its membership of an event as a Possibly Prohibited Event. The intention will be to give interested parties advance warning of this possibility, and to give the event organiser the opportunity to seek timely advice and assistance from IRSA and their national authority. It would be expected that effective action by the event organiser will lead to IRSA withdrawing such a notification.

Whether a notification of a Possibly Prohibited Event is made or not, and whether such a notification is subsequently withdrawn or not, will have no bearing on whether IRSA takes subsequent action, such as that listed in Section 10, with regard to the event in question. However, where an event was notified as a Possibly Prohibited Event, the event organisers were contacted and advised, and the event was subsequently listed as a Prohibited Event, the level of sanctions sought by IRSA will be increased, this being a canonical example of an aggravated *rule* violation.

10 Examples of responses to a Prohibited Event

If it so judges, IRSA will first approach World Sailing (or the relevant MNA) and request the listing of the event as a Prohibited Event. Following successful listing, IRSA may then pursue sanctions.

The example Prohibited Events from Section 4 and discussed in Section 8 are used to illustrate the likely allocation of a level of sanction to a category of participant (competitor, Race Official, office holder, or body). In these illustrative allocations, the level of sanction should be proportionate to fault or responsibility, where lower levels of sanction are sought for “relatively innocent” competitors, certainly in the first instance; intermediate levels of sanction are sought for Race Officials; and higher levels of sanction are sought for the office holders and/or event organisers who initiated and/or promoted the Prohibited Event.

- Where a non-IRSA Class runs a Radio Sailing event held out to be a World Championship.

If the class rules are actually in WS SCR format, if the event shows the class indeed has a sufficient international following, and if the class seems to have an effective ICA and effective owner representation (ie the class seems to meet all the major criteria for Provisional Membership of IRSA), then in the first instance seek Level 1 WAR for the competitors and Race Officials, and Level 2 DNO for the ICA office holders. If the class clearly fails one or other of the criteria for Provisional Membership, seek Level 2 DNO for the competitors and Race Officials, and Level 3 SRE for the ICA office holders. Otherwise for repeated, aggravated, or gross violation, seek Level 3 SRE for the competitors and Race Officials, and Level 4 SRM for the ICA office holders.

- Where a non-IRSA Class organises an international event without complying with RRS 89.1.

In the first instance, seek Level 1 WAR for the competitors, and Level 2 DNO for the class office holders and Race Officials. For repeated, aggravated, or gross violation, seek Level 2 DNO for the competitors and Race Officials, and Level 3 SRE or Level 4 SRM for the class office holders.

- Where an event is not run under the RRS.

In the first instance, seek Level 1 WAR for the MNA body having jurisdiction over the venue, Level 2 DNO for the competitors, and Level 3 SRE for the class office holders and Race Officials. For repeated, aggravated, or gross violation, seek Level 4 SRM for the MNA body having jurisdiction over the venue, Level 3 SRE for the competitors, and Level 3 SRE or Level 4 SRM for the class office holders and Race Officials.

It may be useful to have these illustrative sanctions shown as a table.

Table 3. Illustrative levels of sanction for example Prohibited Events*

Example Prohibited Event		Com- petitor	Race Official	Office holder
Non-IRSA class runs a "World Championship"	Class seems to meet all major criteria to be an IRSA Class	1 WAR	1 WAR	2 DNO
Non-IRSA class runs a "World Championship"	Class fails one or more of the criteria	2 DNO	2 DNO	3 SRE
Event fails to conform to RRS 89.1		1 WAR	2 DNO	2 DNO
Event is not run under the RRS		2 DNO	3 SRE	3 SRE

(*) In the first instance. Level or duration of sanction increased for repeated, aggravated, or gross violations.