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IRSA Guidelines for Disciplinary Procedures

Status: Approved by the EC 2016-05-31

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ABBREVIATIONS

NM	National Member of IRSA
EC	Executive Committee of IRSA
IRSA	International Radio Sailing Association
WS	World Sailing (formerly International Sailing Federation, ISAF)
MNA	Member National Authority of WS

DEFINITIONS

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

IRSA Member	A NM, an Associate Member, or a Provisional Member.
Associate Member	An International Class Association, accepted into Membership, that has achieved IRSA Designation for its class.
Provisional Member	An International Class Association, accepted into Membership, that has yet to achieve IRSA Designation for its class.
IRSA Committee	The General Assembly, the EC, an EC committee, or an EC sub-committee.
IRSA Meeting	A meeting of an IRSA committee.
Officer	A member of the IRSA EC.
Office holder	An Officer; any person working as a member of an IRSA committee or sub-committee.
Office	A position held by an Officer or Office holder.
Person	An IRSA Member or an Office Holder.

Justice	The opportunity for a Person to answer to a matter and to present their own case; to have a fair and due process.
Publish	Provide a record on the IRSA Web site of the disciplinary action and the tally of votes cast in the ballot by member name.
shall/may	In this document, the word "shall" specifies a mandatory action or procedure, while the word "may" is permissive.
will/should	In this document, the word "will" specifies an intention, and the word "should" specifies a policy.

Actions within or outside IRSA meetings

Disciplinary matters may arise in two areas, concerning matters either within or outside IRSA Meetings.

Where a matter arises within an IRSA Meeting, in broad terms it is for the meeting and the members present and participating in the meeting to conduct a disciplinary hearing and decide disciplinary action while following principles of Justice. Provided the meeting acts promptly there is no requirement for prior notice, and because everyone in the meeting has seen, heard, or read what was done or said, there is no formal requirement that evidence be provided.

Where a matter arises outside of an IRSA Meeting, it is necessary for the relevant IRSA Committee to provide prior notice of any allegation, to exchange evidence, and then to conduct a disciplinary hearing which follows principles of Justice.

Jurisdiction

Provided that a matter is not being dealt with under any rule of the Racing Rules of Sailing or under any provision of World Sailing Regulation 35, an IRSA Meeting is authorised to consider a disciplinary matter and conduct a disciplinary hearing as follows:

- Where a matter concerns the conduct of an Office holder -- the committee or sub-committee concerned.
- Where a matter concerns the conduct of a committee chair -- the EC.
- Where a matter concerns the conduct of an Officer -- the EC.
- Where a matter concerns the conduct of an IRSA Member -- the EC under Article 5.3 of the IRSA Constitution.

IRSA's disciplinary procedures should not normally apply to individuals because IRSA is an association of IRSA Members (DNMs, Associate Members, and Provisional Members). Individuals are members of their NM and of their Associate Member or Provisional Member as applicable, and it is the individual's IRSA Member which should consider disciplinary action. It may be that the conduct of an individual falls within the remit of IRSA as contemplated by Article 2 of the IRSA Constitution, and in this case the matter is within the jurisdiction of the EC. This is particularly likely when a matter concerns an individual's actions with respect to an IRSA Designated class, where it is IRSA which acts as the ICA for that class.

The EC is authorised to recommend (or require) that disciplinary action may (or shall) be taken by an IRSA Member:

- Where a matter concerns the conduct of an individual radio sailor.

Appeal

An appeal against a disciplinary outcome shall be made as follows:

- Where a matter concerns the conduct of an Office holder -- the EC.
- Where a matter concerns the conduct of a committee chair or an Officer, or concerns an appeal from a disciplinary decision of the EC -- the General Assembly.
- Where a matter concerns the conduct of a NM -- the General Assembly under Article 5.3 of the IRSA Constitution.

Under Article 6.1 of the IRSA Constitution, the GA is the final authority for all matters relating to IRSA, and a GA may at its discretion deal with any appeals against its disciplinary decisions by using the procedures of World Sailing Regulation 35.

Disciplinary outcomes

There are four outcomes of a disciplinary hearing. All disciplinary outcomes from an EC meeting or a General Assembly shall be published.

- The matter is dismissed.
- A Person is given a warning as to their behaviour.
- A Person is suspended from the privileges of being an IRSA Member or an Office Holder for a specified period of time.
- An Office holder is expelled from Office.

Warning

A warning requires a simple majority of the IRSA Meeting in favour of a resolution to give a warning to a Person. The period of time of the warning may be specified in the resolution.

A warning may be given for any reason deemed appropriate by the meeting.

Suspension

A suspension requires a simple majority of the IRSA Meeting in favour of a resolution to suspend a Person. The period of time of the suspension shall be specified in the resolution.

A suspension may be given for any reason deemed appropriate by the meeting, including.

- For any misconduct or any conduct which brings into disrepute, damages, or prejudices the work of any IRSA committee, World Sailing, a MNA, or any Person.

- For any misconduct or any conduct which brings into disrepute, damages, or prejudices working relations within or between any IRSA committee(s), World Sailing, any MNA(s), or any Person(s).
- For violation of the Class Rules of any IRSA Designated class.
- For any failure to uphold or follow the prescriptions of the IRSA Constitution or IRSA Regulations.
- For dereliction of duty or non-performance of their duties, responsibilities, and/or functions as required by the IRSA Constitution, IRSA Regulations, or a resolution of an IRSA Committee.

Where the Person is an IRSA Member, a suspension may be given for committing an unlawful act in relation to any IRSA committee, World Sailing, a MNA, or a Person.

Expulsion

Expulsion is not an available or applicable disciplinary action that may be taken by the EC against an IRSA Member. As contemplated by Article 5.3 of the IRSA Constitution, the most serious disciplinary action is suspension, and it should be understood that expulsion of an IRSA Member from IRSA Membership is a disciplinary matter for the General Assembly.

Expulsion requires a two-thirds majority of the IRSA Meeting in favour of a resolution of expulsion of an Office holder, for the following reasons:

- For committing an unlawful act in relation to any Person, any IRSA committee, World Sailing, or a MNA.
- For any misconduct or any conduct which brings into disrepute, damages, or prejudices the work of any IRSA committee, World Sailing, a MNA, or any Person.
- For any misconduct or any conduct which brings into disrepute, damages, or prejudices working relations within or between any IRSA committee(s), World Sailing, any MNA(s), or any Person(s).
- For intentional violation of the Class Rules of any IRSA Designated class.
- For any failure to uphold or follow the prescriptions of the IRSA Constitution or IRSA Regulations.
- For dereliction of duty or non-performance of their duties, responsibilities, and/or functions as required by the IRSA Constitution, IRSA Regulations, or a resolution of the EC.

Informal warning

An informal warning may be given by the chair of an IRSA Meeting to a Person. The period of time of the warning may be specified. An informal warning may be given for any reason deemed appropriate by the chair. An informal warning shall not be published.