

Misconduct in relation to UKLA Events

UKLA Committee

UKLA members want our class to be a welcoming place for all involved with UKLA events, no matter their age or level of experience. We want to encourage a culture where we can all enjoy the sport and display sportsmanship on and off the water. We should show each other respect.

Happily, misconduct at UKLA events is rare, but examples have arisen. UKLA hopes, by publicising the expected standards of behaviour and the applicable rules, to further improve standards of behaviour in relation to our events and in our sport more widely.

The relevant Racing Rules of Sailing (RRS) relating to misconduct are principally RRS 69 and 2. Racing requires compliance with the RRS. UKLA encourages the reporting of misconduct and will not hesitate to take appropriate action when it becomes aware of allegations of misconduct. Depending on the seriousness of the allegation and the circumstances, this may include UKLA seeking to resolve the allegation informally (see below), or reporting the allegation to a protest committee.

The full RRS are at [RRS2021](#). World Sailing (WS) Misconduct Guidance, which drew on RYA guidance, is at [World Sailing Misconduct Guidance](#). Protest Committees and Juries appointed by UKLA are required to have regard to this guidance.

RRS 69

RRS 69 requires competitors, boat owners and support persons not to “*commit an act of misconduct*”.

Support persons include any person who may assist a competitor in relation to a competition, such as a parent or guardian, a coach or a member of team staff.



RRS 69 applies to behaviour by competitors, boat owners and support persons that can reasonably be said to be associated with the sport or the event, whether ashore or afloat. It applies from the earlier of (1) the time a competitor registers for an event and (2) the time a competitor arrives at the venue for the purposes of the event. It continues to apply until, at the earliest, the competitor's departure from the venue after racing, although it may continue to apply later if there is sufficient connection between the misconduct and the event.

Misconduct is very broadly defined. It is (1) "conduct that is a breach of good manners, a breach of good sportsmanship, or unethical behaviour" or (2) "conduct that may bring, or has brought, the sport into disrepute". There is no requirement for misconduct to be "gross misconduct", as was the case under the RRS until 2017.

WS Misconduct Guidance paragraph 10.2 and Appendix A set out non-exhaustive examples of misconduct. The following list is from Appendix A:

1. *Engaging in any unlawful activity (for example, theft, assault, criminal damage)*
2. *Engaging in any activity which may bring, or has brought, the sport into disrepute*
3. *Bullying, discriminatory behaviour and intimidation (including via electronic means such as social media)*
4. *Physical or threatened violence*
5. *Acting recklessly or in manner that does, or is likely to, cause damage or injury*
6. *Disobeying the reasonable instructions of event officials*
7. *Intentionally breaking a rule or inciting others to break a rule*
8. *Interference with another competitor's equipment*
9. *Repeated breaches of a rule*
10. *Failing to act to prevent your boat or team breaking a rule when you are aware of that breach*



11. *Not telling the truth or the whole truth in a hearing or lying to an official*
12. *Other forms of cheating such as falsifying personal, class or measurement documents, entering a boat known not to measure, missing out a mark to gain places, etc.*
13. *Foul or abusive language that causes or may cause offence*
14. *Making abusive or disrespectful comments concerning race officials or their decisions (including via electronic means such as social media)*

Any person may report misconduct. They need not be a competitor. The report should generally be made to the protest committee or international jury, if they have already been appointed, and otherwise to the organising authority, which for UKLA events will include UKLA and the host club or venue.

It is clear that a wide range of behaviour has the potential to be regarded as misconduct and that alleged misconduct may be reported by a wide range of people.

It would therefore be prudent for competitors and support persons to be cautious in their behaviour, to avoid potentially facing enforcement action under RRS 69.

Not all alleged misconduct will require a formal hearing before a protest committee under RRS 69. WS Misconduct Guidance says that some less serious allegations of misconduct may more appropriately be handled by an informal hearing or interview before the protest committee. Some less serious alleged misconduct may be capable of being dealt with informally through UKLA (see below).

There is a wide range of potential penalties that a protest committee may impose under RRS 69 if they determine, after a formal hearing, that there has been misconduct (see WS Misconduct Guidance paragraph 43 and Appendix B). These range from a warning, with no further penalty, to disqualification from a race or races (which may not be discardable), to disqualification from an event and/or a recommendation of further action by the relevant Member National Authority (MNA) (for



British competitors, the RYA). MNAs may have the power to impose a greater range of penalties, such as suspending or banning a competitor from competition.

WS Misconduct Guidance says that the assessment of conduct is context-dependent. There is a wide spectrum of misconduct and thus a wide range of appropriate penalties. There is specific WS guidance on misconduct by youth and junior competitors (see Appendix L).

RRS 2

RRS 2 is also relevant to standards of behaviour in relation to UKLA events. It concerns “*fair sailing*” and provides that

“A boat and her owner shall compete in compliance with recognized principles of sportsmanship and fair play. A boat may be penalized under this rule only if it is clearly established that these principles have been violated. The penalty shall be a disqualification that is not excludable.”

RRS 2 usually concerns a competitor’s behaviour whilst racing and does not normally cover incidents occurring ashore.

WS Misconduct Guidance provides non-exhaustive examples of breaches of the principles at Appendix F. As under RRS 69, a wide range of behaviour may potentially fall within RRS2. The same behaviour may breach both rules. It would therefore be prudent for competitors to be cautious in their behaviour to avoid potentially facing enforcement action. The following list is from Appendix F:

Respect for the rules

- 1. Knowingly breaking a rule and not taking a penalty*
- 2. Deliberately breaking a rule*
- 3. Deliberately breaking a rule to gain an unfair advantage*
- 4. Collusion with another competitor to ignore rule breaches which may aggrieve or disadvantage other competitors*
- 5. Gamesmanship, defined as behaviour of questionable fairness but not strictly illegal tactics*



Respect for other competitors

6. *Bullying, intimidating or harassing others*
7. *Verbal abuse, unnecessary shouting or foul language*
8. *Ungracious acceptance of defeat*
9. *Sailing to benefit another competitor to the detriment of own position (not applicable in team racing events)*
10. *Deliberately making misleading hails*

Respect for race officials

11. *Use of language that might convey incompetence or prejudice of race officials*
12. *Use of language which personally offends a race official*
13. *Dissent against a race official decision*

Respect for property

14. *Breaches of this principle include:*
15. *Reckless sailing likely to result in damage or injury*
16. *Abuse of boats or equipment supplied by an Organizing Authority or belonging to a competitor*
17. *Careless damage to property*

The penalty for a breach of RRS 2 is a disqualification that is not excludable. The procedures under RRS 69 are different from those that apply to other RRS, including RRS 2. The interaction between the two rules is described at WS Misconduct Guidance Appendix G.



UKLA procedure on alleged misconduct

1. If UKLA becomes aware of alleged behaviour that might amount to misconduct, such as from a report to UKLA from a competitor or support person, and a report has not already been made to a protest committee, it will take appropriate action.
2. UKLA will not attempt to determine the truth of the facts contained in the allegation or in any response to the allegation, or whether there has been a breach of the RRS. That is the role of the protest committee, if a protest committee becomes involved.
3. Any action taken by UKLA when it becomes aware of alleged misconduct will be determined, taking into account WS Misconduct Guidance, by not fewer than two members of the UKLA Committee, and/or appropriate persons appointed by UKLA for the purpose, who have no significant conflict of interest. A conflict of interest shall be as defined under RRS 63.4. UKLA's consideration of whether a conflict of interest is significant shall take into account the factors identified at RRS 63.4(c).
4. Some allegations are sufficiently serious that the appropriate UKLA response would be to report the allegation to the protest committee, and/or to encourage the complainant to do so.
5. Where, however, UKLA considers that the allegation is less serious and that an informal resolution may be possible, it may seek to resolve the allegation informally. In that case, UKLA may, with the consent of the person alleging misconduct ("A"), decide to inform the person against whom the allegation is made ("B") of the allegation and seek B's response to it. If UKLA does so decide, it shall provide B with reasonable detail of the allegation. UKLA may, with B's consent, decide to provide the substance of B's response to A.



6. After B has responded to the allegation, or B has had a reasonable opportunity to respond without doing so:
 - (1) if A does not wish to take further action and UKLA considers, in the circumstances, that no further action is required, UKLA will take no further action;
 - (2) if A does wish to take further action, UKLA will determine the next step as far as UKLA is concerned. This may be to report the allegation to the protest committee and/or to inform A of A's right to do so;
 - (3) if UKLA considers that further action is required, it may report the allegation to the protest committee and/or encourage the complainant to do so.
7. If UKLA seeks to resolve an allegation informally, that will not prevent a report being made to a protest committee by any person, including UKLA.

UKLA Committee
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