

# **FAW DISCRIMINATION REGULATIONS**

## **1. Introduction**

This Regulation is to address the growing culture of discriminatory attitudes and behaviours including, but not limited to, the use of words and/or actions within and/or connected to the game of football regulated by the Association. It is the Association's intention to take vigorous action against all forms of discrimination and to impose appropriate sanctions against Members, Associate Members and/or Subordinates who breach these Regulations. These Regulations are set out in accordance with Article 15 of the FIFA Disciplinary Code and Article 14 of the UEFA Disciplinary Regulations. Reference to the "appropriate authority" is a reference to the relevant association with jurisdiction over the incident, which may be the Football Association of Wales ("FAW"), or the relevant Area Association.

## **2. Offences**

It is an offence for any Member, Associate Member and/or Subordinate, to engage in conduct which offends, or is likely to offend, the dignity of a person or group of persons, either directly or indirectly through contemptuous, discriminatory or denigratory words or behaviour concerning, but not limited to the following characteristics:

- 2.1 age
- 2.2 disability
- 2.3 gender
- 2.4 gender reassignment
- 2.5 sex
- 2.6 sexual orientation
- 2.7 ethnicity or race (which includes skin colour, national or ethnic origin)
- 2.8 religion or belief
- 2.9 language

In determining whether the dignity of a person or group of persons is, or is likely to be offended, there is no requirement to prove that a specific person, or group of persons heard or saw the words or conduct in question, or that they were offended by it. The Judicial Body will be entitled to conclude that by their very nature, the words or conduct would be likely to offend the dignity of a person or group of persons based upon the relevant characteristic.

## **3. Reporting**

3.1 Any person who witnesses, or is made aware of, an alleged incident of discriminatory conduct should report the incident to the match referee, where applicable, and to the appropriate authority.

3.2 The match referee must report to the appropriate authority any alleged incident of discriminatory conduct witnessed, or any allegation of discriminatory conduct brought to the attention of the match official. This should be reported by the submission of an Additional Misconduct Report.

#### **4. Investigation**

Upon receipt of a report of alleged discriminatory conduct, the appropriate authority will:

4.1 acknowledge receipt of the report within two (2) Business days.

4.2 where the report is from the victim of the alleged discrimination, provide the victim with a copy of the FAW's Discrimination in Football – Victim Support Guide (“the Guide”).

4.3 where the report is from a third party, notify the victim of the alleged discrimination of the report. The appropriate authority will also offer to provide the victim with the guide and confirm if the victim wishes to be kept informed of the progress of the investigation/any proceedings either directly or through a third party.

4.4 fully investigate the report, including requesting a statement from the victim of the alleged discrimination, and update the relevant parties as to the status of the investigation and/or proceedings at least every four (4) weeks, until the matter is concluded.

#### **5. Issue of Charge(s)**

5.1 Where there is sufficient evidence of an offence under these Regulations, the appropriate authority will issue a Disciplinary Charge(s), unless, at the sole discretion of the appropriate authority, it determines there is an exceptional reason not to do so. Where the alleged offender is aged under 16, the provisions set out in paragraph 8 will apply.

5.2 The relevant authority will forward a copy of the charge to the alleged offender by email to the alleged offender's email address as listed on the FAW Comet system (if registered, or other known email address if not so registered) or otherwise by first-class post to the alleged offender's home address; a copy of the charge will also be forwarded by email to the alleged offender's Club. If the alleged offender is under 18, a copy will also be forwarded to the parent or guardian of the alleged offender.

5.3 The appropriate authority may issue a charge against a Member or Associate Member (including, without limitation, a Club) if any of its Subordinates is alleged to have engaged in discriminatory conduct, in breach of these Regulations.

5.4 Where a charge is issued against a spectator for an offence contrary to paragraph 2 above, the relevant authority will take all reasonable and necessary measures to impose an interim ground suspension upon the spectator, which will remain in force until such time as the charge is heard by a Judicial Body. Should the charge be found proven, the Judicial Body must consider imposing a sanction of a ground suspension upon the spectator.

## **6. Conduct of the Hearing**

6.1 A Judicial Body of the appropriate authority will, whenever reasonably possible, be held within twenty-one (21) Business Days of the date the disciplinary charge is sent to the alleged offender.

6.2 The disciplinary proceedings will be conducted as set out in Section E of the FAW Rules or the relevant section of the Area Association Rules, as applicable. Written notification of the decision will be issued to the relevant parties within three (3) Business Days of the decision.

6.3 Unless the victim has indicated they do not wish to be so advised, the decision of the Judicial Body will be shared with the victim(s) directly by the appropriate authority and through their member Club.

6.4 A copy of the decision relating to any Area Association hearing must be forwarded to the discipline department of the FAW within three (3) Business Days of the decision.

## **7. Sanctions**

7.1 Where a charge under these Regulations is found proven against an alleged offender, a suspension of between nine (9) and fifteen (15) matches (“the Sanction Range”) will be imposed in respect of offenders aged 18 and over. For alleged offenders aged 13 years to 17 years inclusive, the Sanction Range will be between six (6) and twelve (12) matches. In determining the appropriate length of suspension, the Judicial Body will have regard to the seriousness of the offence and any relevant mitigating and aggravating factors as set out at Appendix 1. In cases where a match-based suspension is not appropriate eg due to the role of the alleged offender or where they are no longer registered with a Club, the Judicial Body may assess that a time-based suspension is appropriate. In such circumstances, the Judicial Body should have regard to the factors set out in Appendix 1 to determine the appropriate length.

7.2 In addition to a suspension, a financial penalty as set out at Appendix 2 must be considered.

7.3 The Judicial Body must also impose upon any offender proven to have committed an offence under these Regulations, a requirement to complete a Challenging Discrimination in Football Education (CDIF) course. If the offender is a Club, the Judicial Body shall impose a requirement for all or some of the registered Club officials to complete the CDIF

course.

7.4 Regardless of whether an offence under these Regulations is found proven, the Judicial Body may at their discretion, require a party to complete the CDIF course. This may include a requirement for the course to be undertaken by other members of a club.

7.5 Where a Club is charged with an offence under these Regulations, a financial penalty will be imposed as set out at Appendix 3. If the breach relates to the conduct of a Club's spectators, in addition to imposing a financial penalty, a Judicial Body may impose a partial or full ground closure if necessary..

7.6 Nothing in these Regulations restricts the power of a Judicial Body to impose additional sanctions as set out under FAW Rule 46/Standard Area Association Rule 31, if appropriate. This includes a points deduction or disqualification from a competition where no points are awarded, for repeated breaches of these Regulations or where the offence is highly serious.

7.7 The Judicial Body will also consider directing the Club to develop an action plan to ensure action against discrimination and to prevent repeated incidents. Such action plan should include measures such as educational activities (including a communication campaign aimed at supporters) and stadium security and dialogue measures.

## **8. Specific Provisions Concerning Minors**

8.1 Where there is evidence that an alleged offender aged 12 or under has engaged in discriminatory conduct, no disciplinary charge will be issued against the alleged offender. Instead, the appropriate authority will require the alleged offender, and if appropriate, his or her team, to complete the Challenging Discrimination in Football educational course. The appropriate authority will require the alleged offender's club to make the necessary arrangements with the specified course provider for the course to be completed. The course must be satisfactorily completed within 31 days of the request from the relevant authority, unless the relevant authority provides additional time to do so. Should the offender fail to complete the course within the required time, the registration of the offender will be suspended until such time as the course is satisfactorily completed.

8.2 Where there is evidence that an offender aged over 12 but under 16, has engaged in discriminatory conduct, there is a presumption that a disciplinary charge will be issued. However, the relevant authority may use its discretion not to issue a charge and instead to require the offender to complete the Challenging Discrimination in Football educational course. Such discretion will only be considered if **ALL** of the following criteria are met:

- the offence seriousness is low (having regard to the Appendix 1)
- the offender admits the offence and has co-operated with the relevant authority
- the offender has shown remorse

- in cases where there is an identified victim, the victim is agreeable to such a course of action
- the offender has not previously completed the Challenging Discrimination in Football educational course

## **9. Referee Measures:**

9.1 . In the event of racist abuse from the crowd occurring during a match, the referee will implement FIFA's three-step anti-discrimination procedure. For a first incident the referee may stop a match and a public warning given. For a second incident the referee may suspend the match for a period of time. If the discriminatory behaviour has not ceased, and after coordination with any security /safety officers present, the referee may abandon the match.

9.2 Any player or official who is the victim of racist abuse by the crowd during a match may inform the referee using the appropriate gesture, as outlined in the relevant FIFA rules, or by any means. The referee may then immediately implement the first step of FIFA's three-step anti-discrimination procedure, as described in paragraph 9.1 above. Subsequently, the host club shall immediately deploy the necessary personnel to the relevant section of the of the crowd with the aim of stopping the racist abuse. The player or official may also identify the person(s) involved and request they may be removed from the crowd whenever possible. If they cannot be removed for security reasons, and the discriminatory abuse continues, the referee may implement the second step of FIFA's three-step anti-discrimination procedure until the abuse stops.

9.3 If a match is subsequently abandoned by the referee because of discriminatory conduct, it will be open to a Judicial Body hearing misconduct proceedings arising from such conduct to declare the match as forfeited.

## APPENDIX 1

### Step 1: Offence Seriousness

*Assess the seriousness of the offence by reference to whether some or all of the following factors are present and any other relevant matters to the offence that the Panel accepts from the facts. Some cases might not fall neatly into one category and the entry point might require an adjustment up or down.*

<b>Low</b> <b>Entry Point (Adult) – 9 matches</b> <b>(Youth 13-17 years) – 6 matches</b>	<b>Medium</b> <b>Entry Point (Adult) – 12 matches</b> <b>(Youth 13-17 years) – 9 matches</b>	<b>High</b> <b>Entry Point (Adult) – 15 matches*</b> <b>(Youth 13-17 years) – 12 matches*</b>
<p>Not directly targeted at an individual and/or limited impact on those present.                      Limited impact on match or general public.                      No escalation, violence or threats of violence.                      One off incident where offender has shown insight into behaviour.</p>	<p>Some impact on the victim or causes reaction from those present.                      Misconduct causes further incident requiring significant intervention from others.                      Public behaviour impacts reputation of the game.                      Limited insight into behaviour and impact on others.</p>	<p>Considerable impact on the victim or those present.                      Violence or threats of violence.                      Match abandoned as a result                      Police involvement.                      No insight into behaviour and impact.                      Repeated discriminatory conduct during offence.                      Long-lasting impact on others and reputation of the game.</p> <p><small>*For HIGH offences, it may be necessary to choose an entry point greater than that recommended to appropriately reflect the seriousness of the misconduct.</small></p>

### Step 2: Personal Factors

*Having determined the appropriate entry point, consider any relevant personal mitigating or aggravating features to identify whether any of these, or any combination of these, require an upward or downward adjustment to the entry point. However, such adjustment shall only be to a maximum of 2 matches. The factors listed below are not exhaustive.*

<b>Mitigating Features</b>	<b>Aggravating Features</b>
<p>Acceptance of the discriminatory misconduct at the earliest opportunity and cooperation with authorities.                      Demonstration of genuine remorse.                      Previous good disciplinary history.                      Inexperience or immaturity of participant at the time of the offence, by reference to age or other relevant factors.</p>	<p>No acceptance of the discriminatory misconduct                      No evidence of remorse                      Offender in a leadership position or position of responsibility.                      Poor disciplinary history particularly previous discrimination offences.                      Failure to cooperate with investigating authorities.                      The extent of any premeditation</p>

### Suspending Part of a Sanction

*There should be no automatic suspending of a sanction/part of a sanction. This can only be considered when satisfied that the unique circumstances and facts of a particular case are of such significance that suspending part of the sanction is justified to avoid an unjust outcome for the party charged. Any suspension of a sanction in such circumstances is to a maximum of 2 matches and reasons must be given.*

## APPENDIX 2

### Recommended Standard Minimum Penalties – Individual Offenders

#### Based upon final categorization in Appendix 1

	LOW	MEDIUM	HIGH
Adult	<i>£150.00 &amp; costs</i>	<i>£200.00 &amp; costs</i>	<i>£250.00 &amp; costs</i>
Youth (16/17)	<i>£80.00 &amp; costs</i>	<i>£130.00 &amp; costs</i>	<i>£180.00 &amp; costs</i>
Youth (13-15)	<i>No fine/costs</i>		

## APPENDIX 3

In assessing the financial sanction to be imposed upon a club, the following are the recommended standard minimum penalties to be imposed. The fine may be increased or decreased dependent on consideration of aggravating and mitigating factors including, but not limited to:

- The seriousness of the incident (consideration of the factors set out in Appendix 1 may provide some assistance)
- The impact on any identified victim or public
- Whether multiple persons engaged in discriminatory conduct
- Whether the conduct led to further disorder within the match, particularly if the match was abandoned as a result.
- Whether the Club took steps at the time to address the misconduct at the time and/or have put measures in place since to aid prevention of future misconduct
- Previous history of club for discriminatory offence, or lack of such history
- Whether the Club has co-operated with investigation and/or disciplinary process.

### Recommended Standard Minimum Penalties – Breach by Clubs

#### Conduct of Club's Players and/or Officials:

Level 1	<i>£750.00 fine &amp; costs</i>
Level 2	<i>£600.00 fine &amp; costs</i>
Level 3, 3R, 3F, 3Y & Academy	<i>£450.00 fine &amp; costs</i>
Level 4 & AA Youth	<i>£300.00 fine &amp; costs</i>
Junior	<i>£150.00 fine &amp; costs</i>

#### Conduct of Club's Spectators

Level 1	<i>£450.00 fine &amp; costs</i>
Level 2	<i>£400.00 fine &amp; costs</i>
Level 3, 3R, 3F, 3Y & Academy	<i>£350.00 fine &amp; costs</i>
Level 4 & AA Youth	<i>£300.00 fine &amp; costs</i>
Junior	<i>£250.00 fine &amp; costs</i>