

INTERNATIONAL SURFING ASSOCIATION RULES ON THE PREVENTION OF THE MANIPULATION OF COMPETITIONS

Preamble

- a. Acknowledging the danger to sports integrity from the manipulation of sports competitions, ISA restates their commitment to safeguarding the integrity of sport, including the protection of clean athletes and competitions as stated in Olympic Agenda 2020;
- b. Due to the complex nature of this threat, ISA recognizes that they cannot tackle this threat alone, and hence cooperation with public authorities, in particular law enforcement and sports betting entities, is crucial;
- c. ISA declares their commitment to support the integrity of sport and fight against the manipulation of competitions by adhering to the standards set out in the Olympic Movement Code on the Prevention of the Manipulation of Competitions and by requiring their members to do likewise.

Application and Scope

- a. These Rules will come into force on 13 June 2019.
- b. It shall be the personal responsibility of every Participating Person to make himself or herself aware of these Rules including, without limitation, what conduct constitutes a violation of these Rules and to comply with those requirements. Participants should also be aware that conduct prohibited under these Rules may also constitute a criminal offence and/or a breach of other applicable laws and regulations including other regulations of ISA. Participants must comply with all applicable laws and regulations at all times.

Article 1 - Definitions

- 1.1 “Benefit” means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts;
- 1.2 “Competition” means any sports competition, tournament, match or event, organized in accordance with the rules of ISA or its affiliated organizations, or, where appropriate, in accordance with the rules of any other competent sports organization;
- 1.3 “Inside Information” means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition;
- 1.4 “Participating Persons” as defined in the ISA Rulebook [hereinafter Participant].
- 1.5 “Sports Betting, Bet or Betting” means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition.

Article 2 – Violations

The following conduct as defined in this Article constitutes a violation of these Rules:

2.1 Betting

Betting in relation either:

- a. to a Competition in which the Participant is directly participating; or
- b. to the Participant's sport; or
- c. to any event of a multisport Competition in which he/she is a participant.

2.2 Manipulation of sports competitions

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

2.3 Corrupt conduct

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

2.4 Inside information

- 2.4.1. Using Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.
- 2.4.2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.
- 2.4.3 Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

2.5 Failure to report and reporting mechanism

- 2.5.1 Failing to report to ISA or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of these Rules.
- 2.5.2 Failing to report to ISA or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of these Rules.
- 2.5.3 The IOC's Integrity and Compliance Hotline is available as a reporting mechanism at: www.olympic.org/integrityhotline.

2.6 Failure to cooperate

- 2.6.1 Failing to cooperate with any investigation carried out by ISA or its designate in relation to a possible breach of these Rules, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by ISA or its designate as part of such investigation.

2.6.2 Obstructing or delaying any investigation that may be carried out by ISA or its designate in relation to a possible violation of these Rules, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

2.7 Application of Articles 2.1 to 2.6

2.7.1 For the determination of whether a violation has been committed, the following are not relevant:

- a. Whether or not the Participant is participating in the Competition concerned;
- b. The outcome of the Competition on which the Bet was made or intended to be made;
- c. Whether or not any Benefit or other consideration was actually given or received;
- d. The nature or outcome of the Bet;
- e. Whether or not the Participant's effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;
- f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;
- g. Whether or not the manipulation included a violation of a technical rule of ISA;
- h. Whether or not the competition was attended by the competent national or international representative of ISA.

2.7.2 Any form of aid, abetment or attempt by a Participant that could culminate in a violation of these Rules shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/or whether that violation was committed deliberately or negligently.

Article 3 - Disciplinary Procedures

3.1. Investigations

3.1.1 The Participant who is alleged to have committed a violation of these Rules must be informed of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions. Notice to a Participant may be accomplished by delivery of the notice to the Member Federation concerned. The Member Federation shall be responsible for immediately communicating the notice to the Participant.

3.1.2 Upon request by ISA or its designate, the concerned Participant must provide any information which ISA or its designate considers may be relevant to investigate the alleged violation, including records relating to the alleged violation (such as betting account numbers and information, itemized telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and/or a statement setting out the relevant facts and circumstances around the alleged violation.

3.1.3 Where, following investigation, ISA decides to charge a Participant with a violation of these Rules, ISA shall determine the matter in accordance with the ISA Dispute Settlement Procedure.

3.2 Rights of the concerned person

In all procedures linked to violations of the present Code, the following rights must be respected:

- 3.2.1 The right to be informed of the charges; and



- 3.2.2 The right to a fair, timely and impartial hearing either by appearing personally in front of ISA and/or submitting a defence in writing; and
- 3.2.4 The right to be accompanied and/or represented.

3.3 Burden and standard of proof

ISA shall have the burden of establishing that a violation has been committed. The standard of proof in all matters under these Rules shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of these Rules has occurred.

3.4 Confidentiality

The principle of confidentiality must be strictly respected by ISA during all the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality must also be strictly respected by any person concerned by the procedure until there is public disclosure of the case.

3.5 Anonymity of the person making a report

Anonymous reporting is facilitated through the IOC Integrity and Compliance Hotline available at: www.olympic.org/integrityhotline.

3.6 Appeals

ISA provides for recourse to the Court of Arbitration for Sport in the ISA Rulebook.

Article 4 - Provisional Measures

4.1 ISA may impose provisional measures, including a provisional suspension, on the participant where there is a particular risk to the reputation of the sport, while ensuring respect for Articles 3.1 to 3.4 of these Rules.

4.2 Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

Article 5 - Sanctions

5.1 Where it is determined that a violation has been committed, ISA shall impose an appropriate sanction upon the Participant and/or National Federation, in accordance with the ISA Rulebook, from the range of permissible sanctions, which may range from a minimum of a warning to a maximum of life ban.

5.2 When determining the appropriate sanctions applicable, ISA shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.

5.3 Substantial assistance provided by a Participant that results in the discovery or establishment of an offence by another Participant may reduce any sanction applied under these Rules.

5.4 If a Participant violates any prohibition on participation in a Competition imposed in accordance with these Rules, such Participant shall be disqualified immediately from the relevant Competition and the period of ineligibility originally imposed in accordance with these Rules shall recommence from the date of such violation.

5.5 These Rules shall continue to apply to any ineligible Participant and any violation committed during a period of ineligibility shall be treated as a distinct violation and separate proceedings may be brought against the Participant in accordance with these Rules.

5.6 Reinstatement

Once the period of the Participant's ineligibility has expired, he or she will become automatically re-eligible to participate in Competitions provided that he/she:

- a. has completed to ISA's satisfaction any official integrity education imposed on him or her as a sanction by the ISA Executive Committee;
- b. has paid, in full, any fine imposed under these Rules and/or any order of costs made against him or her by the ISA Executive Committee; and
- c. has agreed to subject himself or herself to any reasonable and proportionate monitoring of his or her future activities in connection with surf events as ISA may reasonably consider necessary given the nature and scope of the violation that he or she has committed.

Article 6 - Mutual recognition

6.1 Subject to the right of appeal, any decision in compliance with these Rules by any other Sporting Organization will be recognized and respected by ISA.

6.2 ISA will recognize and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not a Sporting Organization as defined under these Rules.

Article 7 - Implementation

7.1 Pursuant to Rule 1.4 of the Olympic Charter, all Sports Organizations bound by the Olympic Charter agree to respect these Rules.¹ ISA is bound by the Olympic Charter and therefore agrees to respect the Code.

7.2 ISA commits to the implementation of the present Code within its own jurisdiction, including educational measures.

¹ This Code was approved by the IOC Executive Board on 8 December 2015.