

PART VIII - STANDARDS OF CONDUCT

51. CONFLICT OF INTEREST

- 51.1 A conflict of interest exists when an ISAF Race Official has, or reasonably appears to have, a personal or financial interest which could affect the official's ability to be impartial.
- 51.2 When an ISAF Race Official is aware of a conflict of interest, he/she shall decline an invitation to serve at a regatta at which an International Jury is appointed.
- 51.3 When the ISAF Race Official has any doubt whether or not there is a conflict of interest, the ISAF Race Official shall promptly consult ISAF, prior to accepting the invitation and be bound by its decision.
- 51.4 When, at an event, an ISAF Race Official becomes aware of a conflict of interest, the official shall disclose the potential conflict to the International Jury which shall take appropriate action.

52. MISCONDUCT OF ISAF RACE OFFICIALS AND ISAF REPRESENTATIVES

- 52.1 When the ISAF Executive Committee receives a written report (i.e. a grievance) from a petitioner alleging that an ISAF Representative, may have committed a gross breach of good manners or ethics, or may have brought the sport of sailing into disrepute, whilst undertaking or acting in the role for which he/she has been requested to act as an ISAF Representative, it may conduct an investigation and when appropriate, in its discretion, call a hearing.
- 52.2 For the purposes of this Regulation a petitioner is defined as an Executive Committee member, a Council member, an ISAF Full Member (Member National Authority), ISAF Class Association, ISAF Race Official, an ISAF Technical Delegate or [Chairman of the Race Officials Committee when acting in accordance with Regulation 34.8](#).
- 52.3 The ISAF Executive Committee will appoint the Hearing Committee, and its chairman, based upon the following standards:
- (a) The Hearing Committee shall consist of a minimum of 5 members and no more than 7;
 - (b) The majority of members shall have a legal background; and
 - (c) No Hearing Committee member shall:
 - (i) be a citizen or resident of a petitioning Member National Authority, or a member of a petitioning ICA member, or have a conflict of interest with the petitioning Race Official or Technical Delegate;
 - (ii) be a member of the same committee, sub-committee, commission, board or forum as the petitioner; or
 - (iii) be in a position where there is a conflict of interest between the interests of the member appointed or to be appointed and the interests of the respondent within the meaning of the term conflict of interest in Regulation 51.
- 52.4 The person (respondent) against whom the grievance is filed must be accorded the following rights:
- (a) The right to have at least 30 days notice of the time and place of hearing and a complete copy of all grievance documents including all evidentiary documents must be made available. Notice of the hearing must be in written form with delivery verified;

ISAF REGULATIONS

- (b) The right to be present, with or without a representative who may be a lawyer, throughout the hearing of all the evidence and if necessary and on notice given in writing an interpreter; and
- (c) The right to call witnesses and to present any relevant evidence on his/her behalf, and the right to cross-examine any witnesses brought against him/her.
- (d) If the Respondent does not answer the notice of hearing or fails to attend the hearing, the Hearing Committee shall collect all available evidence and, when the allegations of the grievance seem justified, report to the Executive Committee with the Hearing Committee's recommendations.

- 52.5 The Hearing Committee may take any disciplinary action which, within its jurisdiction, it considers appropriate against the Respondent. The actions which may be taken by the Hearing Committee are an admonishment, reprimand or suspension of the Respondent's official position with ISAF. Suspension may be permanent or for a specified period of time.
- 52.6 After the decision the Hearing Committee shall promptly notify the Executive Committee, the Respondent and the Petitioner in writing of their decision. Within 30 days of the receipt of the written decision of the Hearing Committee the Respondent may appeal the decision to the ISAF Review Board by filing a notice of appeal at the ISAF Secretariat. The Respondent has an additional 30 days from the filing of the appeal to perfect his/her appeal. The process of the appeal shall be those established by the Review Board allowing for any necessary changes due to the nature of this appeal. A copy of the Review Board's rules and procedures shall be provided to the Respondent on request.
- 52.7 The Hearing Committee may reopen the hearing if it decides there has been a significant error or when significant new evidence becomes available within a reasonable time.
- 52.8 In the case of a reprimand or a suspension, the ISAF Executive Committee shall, after all appeals or remedies have been exhausted, promptly notify all ISAF Full Members and ISAF classes.
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