

Racing Rules of Sailing

Rule 69

A submission from the Danish Sailing Association

Purpose or Objective

To enable ISAF to oversee the way rule 69 cases are handled by the MNAs.

Proposal

69 ALLEGATIONS OF GROSS MISCONDUCT

69.1 Action by a Protest Committee

- (c) The protest committee shall promptly report a penalty, but not a warning, to the national authorities of the venue, of the competitor and of the boat owner, and ~~if the protest committee is an international jury appointed by the ISAF under rule 89.2(b), it shall send a copy of the report to the ISAF.~~
- (e) If the protest committee chooses not to conduct the hearing without the competitor present or if the hearing cannot be scheduled for a time and place when it would be reasonable for the competitor to attend, the protest committee shall collect all available information and, if the allegation seems justified, make a report to the relevant national authorities, and ~~if the protest committee is an international jury appointed by the ISAF under rule 89.2(b), it shall send a copy of the report to the ISAF.~~

69.2 Action by a National Authority ~~or Initial Action by the ISAF~~

- (a) When a national authority ~~or the ISAF~~ receives a report alleging a gross breach of a *rule*, good manners or sportsmanship, a report alleging conduct that has brought the sport into disrepute, or a report required by rule 69.1(c) or 69.1(e), it ~~may~~ **shall** conduct an investigation, **in accordance with its own established procedures,** and, when appropriate, ~~shall~~ conduct a hearing. It may then take any disciplinary action within its jurisdiction it considers appropriate against the competitor or boat, or other person involved, including suspending eligibility, permanently or for a specified period of time, to compete in any event held within its jurisdiction, and suspending ISAF eligibility under ISAF Regulation 19. **Upon receipt of the report, the national authority shall promptly notify the ISAF when the investigation will be conducted, and subsequently what the outcome of the investigation was, and if a hearing is conducted, what the decision was.**
 - (b) The national authority of a competitor shall also suspend the ISAF eligibility of the competitor as required in ISAF Regulation 19.
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- (c) The national authority shall promptly report a suspension of eligibility under rule 69.2(a) to the ISAF, and to the national authorities of the person or the owner of the boat suspended if they are not members of the suspending national authority.

69.3 ~~Subsequent~~ Action by the ISAF

- (a) When the ISAF receives a report alleging a gross breach of a rule, good manners or sportsmanship, a report alleging conduct that has brought the sport into disrepute, it may conduct an investigation, in accordance with its own established procedures, and, when appropriate, shall conduct a hearing. It may then take any disciplinary action within its jurisdiction it considers appropriate against the competitor or boat, or other person involved, including suspending eligibility, permanently or for a specified period of time, to compete in any event held within its jurisdiction, and suspending ISAF eligibility under ISAF Regulation 19.
- (b) When the ISAF receives a report required by rule 69.1(c) or 69.1(e) but does not receive the notification required by rule 69.2(a) within three months of receiving the report, it may conduct an investigation, in accordance with its own established procedures, and, when appropriate, conduct a hearing. It may then take any disciplinary action within its jurisdiction it considers appropriate against the competitor or boat, or other person involved, including suspending eligibility, permanently or for a specified period of time, to compete in any event held within its jurisdiction, and suspending ISAF eligibility under ISAF Regulation 19.
- (c) When the ISAF receives notification of a disciplinary action required by rule 69.2(a) it may conduct an investigation, in accordance with its own established procedures, and if the disciplinary action reported is unreasonable, it may conduct a hearing. It may then take any disciplinary action within its jurisdiction it considers appropriate against the competitor or boat, or other person involved, including suspending eligibility, permanently or for a specified period of time, to compete in any event held within its jurisdiction, and suspending ISAF eligibility under ISAF Regulation 19.
- (d) Upon receipt of a report required by rule 69.2(c) or ISAF Regulation 19, or following its own action under rule 69.3~~2~~(a), (b) or (c), the ISAF shall inform all national authorities, which may also suspend eligibility for events held within their jurisdiction. The ISAF Executive Committee shall suspend the competitor's ISAF eligibility as required in ISAF Regulation 19 if the competitor's national authority does not do so.

Current Position

As above.

Reasons

Reports to MNAs about penalties given under rule 69 are handled very differently. Some MNAs always conduct an investigation and often take further disciplinary action. Other MNAs may conduct an investigation but hardly ever takes further action. Finally, there are MNAs that do not even conduct an investigation and consequently never take any further action.

This difference is unfair to the competitors and unhealthy to the sport. It is not fair that competitors making the same kind of misconduct are treated so differently just because they have different MNAs. Also, it compromises the reputation of the sport of sailing as a whole when some competitors can commit gross misconduct but never be penalized part the event where it happened.

The purpose of this submission is to enable ISAF to oversee the way rule 69 cases are handled by the MNAs. It requires that all reports about rule 69 penalties are copied to ISAF. If an MNA does not act on a report about rule 69 penalties, or takes action that is out of proportion with the misconduct, this submission enables ISAF to conduct an investigation and a hearing and to take a disciplinary action.

A concern with this submission may be that it will increase cost for ISAF, add to the administrative work in the ISAF office and potentially involve ISAF in legal cases. This concern is relevant. However, one of the important expected duties of an international federation is that it deals effectively with discipline in its sport. A strong and mature sport like sailing should act promptly and consistently on all levels against gross misconduct, even when there is a cost involved.
