

## Submission 089-04 - Race Officials - Appeals

### COUNCIL DECISION – NOVEMBER 2005

1. Council approved clauses a(i),(ii) and (iii) of Submission 089-04. (36 in favour, 0 against, 1 abstain)
2. Council rejected clause a(iv) of Submission 089-04. (3 in favour, 34 against, 0 abstain)
3. Council approved clause (b) of Submission 089-04. (36 in favour, 1 against, 0 abstain)
4. Council deferred clause (c) of Submission 089-04 for consideration by the Constitution Committee.

### ORIGINAL SUBMISSION

A submission from the Deutscher Segler-Verband and the Royal Spanish Sailing Federation

### PROPOSAL:

New reg no. 33.9 (IJ), 34.9 (IU), 35.9 (IM), 36.9 (IRO)

(a) An ISAF Race Official (RO) can appeal against the decision of the Race Officials Committee, against any decision of any other ISAF body or person that effects the

i. initial appointment as RO,

ii. reappointment as RO,

iii. termination or restriction of the RO status

iv. appointment or not-appointment to any event where the ROs are paid from ISAF

(b) This appeal shall be decided by the ISAF Review Board or by a to be constituted ISAF arbitration court.

(c) Each RO and ISAF shall sign with any initial appointment or re-appointment as RO an arbitration agreement that prevents any party after exhausting the ISAF remedies to bring any disputes between ISAF and their ROs to any national court for a preliminary or final decision.

### CURRENT POSITION:

There are no remedies within ISAF for an RO who thinks that a decision of ISAF and its representatives that concerns his status or work as RO is not rightful.

### REASON:

If there is a dispute between ISAF and a RO and it cannot be resolved between the parties it should be decided by an independent ISAF body, as it is common practice in many MNAs and other sport associations.

Our ISAF Constitution foresees the Review Board as an independent body (reg. no. 46) to decide on eligibility cases. The disputes that may occur with ROs are of similar importance and therefore the Review Board is the appropriate independent body to make a decision also in RO cases.

Alternatively a ISAF court of arbitration should be established to decide on these cases.

Following the principle thought that is expressed in RR 3 it is appropriate not to have involved any state court in these disputes. Since RR 3 is not acknowledged in many countries an arbitration clause is necessary, so that the ISAF Review Board or ISAF Arbitration Court has the final and binding decision.