**World Sailing Regulations**

**Misconduct - Regulation 35.4**

A submission from the Danish Sailing Association

**Purpose or Objective**

The procedures in Regulation 35.4 must be transparent and secure that decisions are not taken by one single person.

**Proposal 1**

35.4.3 **When an Event Disciplinary Investigating Officer is appointed, the Judicial Board shall also appoint two Disciplinary Investigating Advisors (the “Event Disciplinary Investigating Advisors”) to advise the Event Disciplinary Investigating Officer. If an Event Disciplinary Investigating Advisor is a member of the international jury of the event, then he shall not be part of any hearing panel and shall not take part in any discussions or decisions concerning the case.**

Renumber current Regulation 35.4.3 to new Regulation 35.4.4.

35.4.4 **The Event Disciplinary Investigating Officer shall, following and considering his investigation, and after consulting the Event Disciplinary Investigating Advisors when practical, in his absolute discretion (against which there is no appeal):**

(a) take no further action; or
(b) issue a warning to a Participant against whom the complaint was made, and thereafter take no further action; or
(c) charge the Participant with Misconduct.

Renumber the following parts of Regulation 35.4.

**Proposal 2**

This proposal is only relevant if Proposal 1 is accepted.

35.4.4.5 **The Event Disciplinary Investigating Officer and the Event Disciplinary Investigating Advisors appointed shall include a mix of legally trained persons, sailors and race officials.**

Renumber the following parts of Regulation 35.4.

**Proposal 3**

This proposal is not dependent on the decisions on Proposal 1 and 2.

35.4.9 **When a World Sailing Event Disciplinary Investigating Officer is appointed, the Judicial Board shall also appoint two new Disciplinary Investigating Advisors (the “World Sailing Disciplinary Investigating Advisors”) to advise the World Sailing Disciplinary**
Investigating Officer. A World Sailing Disciplinary Investigating Advisor shall not be the Event Disciplinary Investigating Officer or an Event Disciplinary Investigating Advisor and shall not have been a race official at the event.

35.4.3 Following the review, the World Sailing Disciplinary Investigating Officer and the World Sailing Disciplinary Investigating Advisors shall in his/her absolute discretion (against which there is no appeal):
(a) take no further action; or
(b) issue a warning to any Participant in the report, and thereafter take no further action; or
(c) charge any Participant with any act(s) of Misconduct which, in the opinion of the World Sailing Disciplinary Investigating Officer and the World Sailing Disciplinary Investigating Advisors, may warrant disciplinary action wider than the event jurisdiction of the protest committee.

Renumber the following parts of Regulation 35.4.

Proposal 4
This proposal is only relevant if Proposal 3 is accepted.

35.4.4 The World Sailing Disciplinary Investigating Officer and the World Sailing Disciplinary Investigating Advisors appointed shall include a mix of legally trained persons, sailors and race officials.

Renumber the following parts of Regulation 35.4.

Proposal 5
This proposal is only relevant if Proposal 3 and 4 are accepted.

35.4.10 The decision of the World Sailing Disciplinary Investigating Officer made under Regulation 35.4.11 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity. The decision shall also be published by the Chief Executive Officer, unless the Judicial Board decides that it is inappropriate to do so, in which case the reason for this decision shall be published. The names of the World Sailing Disciplinary Investigating Officer and the World Sailing Disciplinary Investigating Advisors shall always be published by the Chief Executive Officer.

Proposal 6
This proposal is not dependent on the decisions on Proposal 1, 2, 3 and 4. However, if Proposal 5 is accepted, this proposal is irrelevant.

35.4.12 The decision of the World Sailing Disciplinary Investigating Officer made under Regulation 35.4.11 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity. The decision shall also be published by the Chief Executive Officer, unless the Judicial Board decides that it is inappropriate to do so, in which case the reason for this decision shall be published. The name of the World Sailing Disciplinary Investigating Officer shall always be published by the Chief Executive Officer.

Proposal 7
This proposal is only relevant if Proposal 1 or 3 are accepted.

35.3.2 The Judicial Board is responsible and has authority for:
(d) appointing Disciplinary Investigating Officers and Disciplinary Investigating Advisors to major international events, or to disciplinary matters in which World Sailing has become involved by virtue of this Code;

Current Position
As above

Reasons
1. Reference is made to the case at the World Sailing Championship in Aarhus, Denmark in 2018 where a competitor committed a breach of good sportsmanship and unethical behaviour contrary to RRS 69.1(a). At the following review the World Sailing Investigating Officer decided to take no further action. This was a huge surprise and disappointment for many competitors and officials in World Sailing and the many volunteers involved in the World Championship and in that particular case.
2. The Danish Sailing Association finds it impossible to defend that one single official can have the power to decide that no further actions shall be taken in cases of misconduct at World Sailing Events. We need to change that.
3. The Danish Sailing Federation also wishes to introduce a higher degree of transparency in the regulation of misconduct and disciplinary investigation.
4. The proposal introduces a system where the Event Disciplinary Investigating Officer and the World Sailing Disciplinary Investigating Officer have two advisors and where decisions as main principle are published.