

## World Sailing Regulations

### Regulation 35.1.5

A submission from the Sail Canada

#### Purpose or Objective

To bring the judicial process for allegations of Misconduct at Major Events in agreement with changes to the Racing Rules of Sailing, World Sailing Conflict of Interest rules, International Judge Grouping and Official Appointments procedures

#### Proposal

Major ~~International~~ **and Recognized** Events

- 35.1.5 **If an allegation of Misconduct arises at major international and recognized events (see regulation 28.8.12 (a)) the protest committee shall appoint a person to investigate. The investigator shall disclose all relevant information he gathers, favourable or unfavourable, and his opinion as to whether misconduct may have occurred, to the protest committee. If the protest committee decides to call a hearing, the investigator's information shall also be disclosed to the parties. All issues of Misconduct at event level shall be based in accordance with the RRS.**
- Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.

#### Current Position

As above.

#### Reasons

1. Placing the decision whether there is misconduct in the hands of one person invites a plausible complaint of an arbitrary or capricious process and decision and possibility bring sailing into disrepute. With the recent adoption of the World Sailing conflict of interest rules, the new grouping of International Judges and WS regulations for appointing qualified officials for major and recognized events, following the procedures outlined in the RRS is a more open and transparent process.
  2. The current practice of appointing the event's technical delegate as the EDI Officer with sole authority over whether an allegation of misconduct proceeds is adding an additional responsibility to an already fully utilized position. Following the RRS and placing that review and decision in the hands of the independent protest committee is, and is seen to be, a more sincere review.
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3. Appointing a WS employee as the event's technical delegate, and therefore the investigation officer is counter to World Sailing's conflict of interest principles.
  4. Proposed changes bring process in line with the procedures and principles of 35.1.8 (misconduct at other events) and RRS
  5. The remaining Judicial Board structure and process for major events is unchanged.
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