**Racing Rules of Sailing**

New Case: Interpretation of ‘Significant’ in relation to rule 63.4

A submission from the Chairmen of Constitution Committee, Race Officials Committee and Racing Rules Committee

**Purpose or Objective**

To clarify what is a significant conflict of interest for the purposes of rule 63.4

**Proposal 1**

Insert a new Case as follows:

CASE XXX

**Rule 63.4(b) Conflict of Interest**

*When deciding if a conflict of interest is significant, the protest committee should take into account the level of the conflict, the level of the event and the overall perception of fairness.*

**Situation**

After a declaration of a conflict of interest by a protest committee member, one of the parties does not consent to the person remaining as a member of the protest committee.

**Question 1**

How should the protest committee decide if the conflict is significant or not, as required by rule 63.4?

**Answer 1**

The member concerned should not be part of this decision. The protest committee should consider the level of conflict. For example a parent/child relationship will almost certainly create a high level of conflict, while more distant relationships will generally create diminishing levels of conflict as the distance increases.

The level of the event should be considered. At some levels of event it is not practical to find suitable protest committee members who have no conflict of interest, yet the event still needs the service of a protest committee. It may be possible to balance the conflict between two or more protest committee members.

The protest committee should also consider if the perception of fairness is best served by having more members on the protest committee or by not including a person with a conflict. The protest committee may also take into account the strength of feeling of the parties and if their concerns are shared or isolated to one party.
Reasons

1. This will always be a difficult topic that is very hard to provide definitive answers. This case will go some way to providing a consistent approach between protest committees.

2. This approach is also consistent with the Conflict of Interest Guidance issued by Race Officials Committee under the current World Sailing Regulations..