Racing Rules of Sailing

Definition of Interested Party, Conflicts of Interest and rule 63.4

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

Purpose or Objective

To bring the Racing Rules of Sailing into line with current practices at all levels of events with regard to race officials with a conflict of interest.

Proposal

1. Delete the current definition ‘Interested Party’.
2. Insert a new definition

‘Conflict of Interest: A person has a conflict of interest if they may gain or lose as a result of a decision to which they contribute, or if they have a close personal interest in that decision. An unacceptable conflict of interest will vary depending on the event and other circumstances as described in the ISAF Guidance to Assessing a Conflict of Interest for Race Officials.

3. Delete rule 63.4 and replace as follows:

63.4 Conflict of Interest.

A person who has an unacceptable conflict of interest shall not be a member of a protest committee but may act as a witness. Protest committee members shall declare any conflict of interest as soon as they are aware of it. A party to a hearing who believes a member of the protest committee has an unacceptable conflict of interest shall object as soon as possible.

4. Other rules referring to the current definition ‘interested party’ to be re-drafted accordingly. This will include rules 60.2, 60.3, 71.1, E1.1, M2.1 and N3.3.

5. In the RRS Introduction insert a reference to the ISAF Guidance to Assessing a Conflict of Interest for Race Officials.

6. To develop the current ISAF Guidance to Assessing a Conflict of Interest for Race Officials to give guidance to all levels of events and all race officials. It is not intended that the role of ISAF in determining if a particular conflict is unacceptable be extended beyond the current situation, that is, for ISAF Certified Race Officials serving in that capacity.

7. In defining an unacceptable conflict of interest, the concept of waiving the conflict of interest by the parties will be introduced. This will be particularly useful for events, especially at club level, that rely on volunteers such as parents who inevitably have a conflict of interest.
8. It is recognized that Council may wish to have the updated guidance available before finally approving the changes to the RRS. If Council does not feel able to approve the changes this year, approval in principle is sought this year.

Current Position

See current Definition of Interested Party and current rule 63.4

Reasons

1. The current rule 63.4 is absolute. Any person who is an interested party may not be a member of a protest committee. At many, but especially lower level events, it is very difficult to find volunteers to serve as race officials who have no interest. This is especially true of junior events that, at club level, are largely run by parents. The proposed new rule and the proposed concept of waiving a conflict of interest recognises this reality.

2. ISAF has approved a guidance document 'ISAF Guidance to Assessing a Conflict of Interest for Race Officials' that is used by the Race Officials Committee to decide if an ISAF Race Official may accept an appointment and, if so, if any limitations are to be imposed. This guidance recognises that there are levels of conflict and that mitigation of such conflict may differ from event to event. It recognises that there are low levels of conflict of interest that do not prevent the appointment of individuals. The current rule 63.4 and Definition of Interested Party are not consistent with this guidance.

3. The current rule 63.4 is limited to members of the protest committee. The proposed new definition may be applied to all race officials and the ISAF guidance will include the mitigation that is appropriate for different roles.