ISAF Race Officials

Regulation 32

A submission from the Chairman of the Race Officials Committee

Purpose or Objective

To clarify three issues where the current Regulation 32 on Race Officials Performance provides unclear on no guidance.

The objective of Proposal 1 is to provide that if an ISAF Race Official has his or her appointment terminated, the Executive Committee can also set a period of time during which the official cannot re-apply for appointment.

The objective of Proposal 2 is to provide a time limit within which an ISAF Race Official may appeal against a sanction imposed under Regulation 32.

The objective of Proposal 3 is to provide circumstances under which a decision about a sanction imposed under Regulation 32 can be published.

Proposal 1

Amend Regulation 32.11 as follows:

32.11 If the recommendation is that the appointment be terminated, the matter shall be referred to the Executive Committee which shall be the only body with authority to terminate an appointment. The Executive Committee may also direct that the Race Official concerned is ineligible to be appointed as an ISAF Race Official for such period of time as it thinks fit.

Current Position

See above.

Reasons

At present there is no provision that allows the Executive Committee to exclude a race official from re-applying for appointment following termination of his or her appointment. While any new application would have the circumstances of the original termination included in the decision-making process, it is considered better that the matter is set out clearly in Regulations. This will give certainty to race officials whose appointments are terminated.
Proposal 2

Amend Regulation 32.12 as follows:

32.12 A Race Official may appeal against any sanction imposed under Regulation 32, except a referral to the Disciplinary Commission, to the ISAF Review Board. Any appeal must be lodged in writing with the Chief Executive Officer within thirty days of being notified of a written decision made under this Regulation. Appeals to the Review Board shall be governed by its rules of procedure. Until the determination of any appeal, the decision made under this Regulation shall remain in force.

Current Position

See above.

Reasons

At present, there is no provision that provides a time limit on an appeal for a decision made under Regulation 32. This gives uncertainty both for an ISAF Race Official who may wish to appeal and for the Race Officials Committee and ISAF staff that have to implement the decision. In addition, it is presently unclear if an appeal has suspensive effect or not. This proposal gives certainty on both issues.

Proposal 3

Amend Regulation 32.13 as follows:

32.13 The submitter of a report shall be informed of the actions taken by ISAF, unless the Chairman of the Race Officials Committee decides that this is inappropriate. After a decision has become final, it shall be published by the Chief Executive Officer, unless the the Chairman of the Race Officials Committee decides that this is inappropriate.

Current Position

See above.

Reasons

1. At present, there is no provision about publication of decisions made under Regulation 32. The approach taken by CAS as well as ISAF’s Review Board and Disciplinary Commission is that all decisions are published unless there is good reason not to do it. That approach is also the basis for this proposal.

2. Having this provision in the Regulations will set the expectation amongst Race Officials that ISAF will publish such reports unless there is good reason not to (rather than the other way around).