

Racing Rules of Sailing

New Case: Interpretation of 'Material' in rule 63.4

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

Purpose or Objective

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

Proposal

Insert a new case as follows:

CASE XXX

Rule 63.4(b) Conflict of Interest

When deciding if a conflict of interest is material, 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 material 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.

Current Position

There is no current case.

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 ISAF Regulations.
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