

BEFORE THE INDEPENDENT PANEL

IN THE MATTER OF:

DIDIER FLAMME

Appellant

V

RACE OFFICIALS' COMMITTEE

Respondent



DECISION

1. The Appellant has asked that an appeal be considered with regard to the Respondent's rejection of his Application to be appointed as a Renewal Appointment International Race Officer ("**IRO**").
2. On 31 August 2020 the Appellant lodged his application to World Sailing to be re-appointed as an IRO (the "**Application**").
3. The Respondent rejected the Appellant's Application on 30 October 2020, citing that the Appellant had not complied with two of his obligations under the Race Officials' Roles, Qualifications and Competencies ("**RQC**"), namely:
 - i. Not providing a letter of recommendation (LOR); and
 - ii. Not including the minimum amount of "principal events" and "other events" required as part of the application.
4. In considering the Application, World Sailing was bound by the requirements set out in Regulation 31 of the World Sailing Regulations, which all candidates must meet to be re-appointed as an IRO. Specifically, section 31.7(a) of the Regulations, which reads that candidates must:

"meet the general qualifications for appointment as a World Sailing Race Official and the discipline-specific qualifications as published by World Sailing by 1 February each year"
5. The 'discipline-specific qualifications' as referred to in the Regulations are found in the RQC. Paragraph 6.3 states that the requirements for re-appointment as an IRO include, relevantly:
 - i. 6.2(d) – *"served as Race Officer responsible for the management of the races on the water (that is, Course Race Officer (CRO) or Course Representative (CR)) at the following events:*
 - (a) *four principal events. Notwithstanding this requirement, a candidate may count no more than two events in a 4 year period where the role was an International Technical Official (ITO) on the race management team at the Olympic Games, Paralympic Games or Youth Olympic Games, or as Principal Race Officer (PRO) or Deputy Race Officer (DRO) in events listed in Regulation 25.8.10; and*
 - (b) *four other events"*
 - ii. 6.2(e) – *"included with the application a letter of recommendation from a*

class association or organizing authority of a principal event at which the candidate was a race officer responsible for running the races”;

6. It is noted for completeness that the application form completed by the Appellant specified unambiguously both requirements as outlined in point 5 above in the prompts provided to assist persons in completing their application.
7. Of further relevance to the consideration of requirement 5(i) above, the Race Official Committee (“**ROC**”), following the outbreak of Coronavirus in March 2020, issued a guidance on the interpretation of their requirements which effect the usual requirement under 5(i). Relevantly:

“An applicant for re-appointment who does not fulfil the requirements for principal events will be considered to have fulfilled this requirement, provided he has officiated in at least 75% of the required principal events during the 4 years prior to 14 October in the year of application. If the applicant does not fulfil the requirement for principal events, but meets all other requirements, he will be given a 1 year extension and can re-apply in 2021.”

8. Therefore, if a candidate for re-appointment provides within their application a minimum of three “principal events” rather than the usual four, then their application will be accepted. If an application fails only on the requirement relating to principal events, a candidate will receive an automatic 1-year extension.
9. In first considering the requirement outlined in 5(ii) above, the Appellant, when lodging his application, did not provide a LOR. The Panel acknowledges that the Appellant has, subsequent to rejection of his Application, provided several letters of recommendation to the Respondent. However, as no LOR had been provided at the time of consideration of the Application by the Respondent, the Application was not accepted.
10. The Panel agrees with the Respondent’s decision to reject the application based on no LOR being provided with the Application at the time of submission. The Panel agrees with the Respondent’s decision not to consider the LOR’s which were provided subsequent to the Appellant’s rejection. Therefore, on this appeal point, the appeal fails.
11. The second requirement, outlined in 5(i) above, required the Appellant to provide a minimum of three ‘principal events’ and four ‘other events’. This requirement was adjusted in favour of the Appellant from the usual requirement of four ‘principal events’. Taking the Appellant’s case at its highest, the Application provided five events, four ‘principal events’ and one ‘other event’. In consideration of the Coronavirus adjustment, the events listed could be interpreted as three ‘principal events’, adhering to the requirement, but only two ‘other events’.
12. As the Appellant did not provide for a minimum of seven events as part of his Application, on this appeal point, the appeal fails.
13. It is important to note, for completeness, that as per the Coronavirus guidelines issued by the ROC, if an application for re-appointment fails solely on the basis that the required principal events were not met, then an automatic 1 year extension would be granted. As the Appellant in this matter also failed in not providing a LOR as part of his Application, it was rejected in full by the Respondent, rather than extended. The Panel agrees with this interpretation of the requirements in line with the Coronavirus guidelines.
14. It is noted for completeness, though the Panel holds no genuine concerns as to same, that Mr Ricardo Navarro, current Chairman of World Sailing ROC authored the Respondent’s submissions on this matter. Prior to his appointment as ROC Chair in

2021, Mr Navarro wrote one of the LOR's which was submitted by the Appellant subsequent to his Application being rejected. Though Mr Navarro's input in this matter does not affect the decision of the Panel, nor has it prejudiced the Appellant's case, in future the Panel recommends that the Respondent take steps to ensure their submissions are authored by someone who has no other involvement in the case.

The Appellant's appeal is therefore dismissed.



Georgia Briggs
(Chairperson)



Chris Atkins
(Panel Member)



Balazs Hajdu
(Panel Member)

Independent Panel

23 March 2021