



**WORLD SAILING
DISCIPLINARY TRIBUNAL
RULES OF PROCEDURE**

Specific Definitions

The words and phrases used in these Rules that are defined terms (denoted by capital letters) shall have the meanings specified in the Constitution and the Generally Applicable Definitions, or (in respect of the following words and phrases) the following meanings:

“Appeals Panel” means an appeals panel of the Disciplinary Tribunal established in accordance with Rule 17 to hear appeals following submission of a Notice of Appeal.

“Applicable Person” means any person, Member or other entity bound by any relevant rules in the Constitution, Regulations, Codes or Policies.

“Business Day” means a Monday to Friday between 9am and 5pm GMT.

“Demand” has the meaning given to it in Rule 15 of the Investigations Panel Rules of Procedure.

“Disciplinary Panel” means a panel of the Disciplinary Tribunal established in accordance with Rule 10 to hear first instance decisions following a request for a hearing by an Applicable Person who is subject to a Notice of Charge.

“Disciplinary Tribunals Website” means the page on the World Sailing Website dedicated to the Disciplinary Tribunal.

“Hearing” includes, as appropriate to the context, oral or written hearings.

“Investigations Panel Website” means the microsite of the Investigations Panel.

“Minor” means a natural person who has not reached the age of eighteen years.

“Notice of Appeal” means a notice of an appeal as described in Rule 18 below.

“Notice of Charge” means the written notice sent by the Chair of the Investigations Panel to the Applicable Person subject to the charge as described in the Investigations Panel Rules of Procedure.

“Preliminary Proceeding” means a proceeding concerned with the imposition, confirmation or removal of a Provisional Suspension or the review of a Demand.

“Proceeding” means the process undertaken from receipt of the Notice of Charge or Notice of Appeal (as the case may be) by the Disciplinary Tribunal until the final determination of the charge, unless specified otherwise or means the process for hearing an appeal.

“Provisional Suspension” means that the person is suspended temporarily from participating in any competition or activity governed, sanctioned or associated with World Sailing (or such lesser restriction as may be specified in any Provisional Suspension order).

“Publicly Disclosed” means disclosure of the decision to the public via the Disciplinary Tribunal page on the World Sailing Website, and such other public notification as decided by the Disciplinary Tribunal or Investigations Panel as relevant.

“Safeguarding Appeals” means appeals made in accordance with the Safeguarding Rules.

“Substantial Assistance” means the person or entity providing substantial assistance has (i) fully disclosed in a signed written statement all information they possess in relation to the

alleged breach(es) including those involving themselves and (ii) fully co-operated with the investigation and adjudication of any case related to that information, including, for example, presenting testimony for or at a hearing if requested to do so by the prosecuting authority or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

“World Sailing Rules” means the World Sailing Constitution, the World Sailing Codes or World Sailing Policies.

“World Sailing Website” means the website of World Sailing.

PART I – GENERAL

1. Composition and Appointment of Disciplinary Tribunal

- 1.1 In accordance with Article 45 of the Constitution, the members of the Disciplinary Tribunal shall be approved by the General Assembly on the recommendation of the Nominations Panel.
- 1.2 The Disciplinary Tribunal shall be comprised of at least seven (7) independent members, who:
 - (a) must be legally qualified (and of an appropriate senior level) or be persons with relevant expertise and experience in legal, sporting or ethical disputes; and
 - (b) must, taken together, come from different parts of the world and be of both genders.
- 1.3 A Chair of the Disciplinary Tribunal shall be appointed by the General Assembly on the recommendation of the Nominations Panel.
- 1.4 The Chair of the Disciplinary Tribunal may, from time to time, appoint a deputy Chair from amongst the members of the Disciplinary Tribunal, who shall act on their behalf where any legitimate challenge is made in connection with any disciplinary matter to the Chair's impartiality or independence.
- 1.5 No member of the Disciplinary Tribunal during their term of office may hold any other role, position or office within World Sailing, or any Member or act for or advise World Sailing, a Member or any Applicable Person under the World Sailing Rules.
- 1.6 Each member of the Disciplinary Tribunal shall have a term of office of four years commencing at the first Council meeting held after the Election General Assembly meeting at which they were appointed and ending at the first Council meeting held after the next Election General Assembly meeting (held four years later). Each member may be reappointed for one additional term of four years. Where appointments are made part way through a term, they do not count towards the limitation.
- 1.7 The Disciplinary Tribunal is established to hear and decide (i) all alleged breaches of the Code of Ethics, the Racing Rules of Sailing (as provided for in the Racing Rules of Sailing or the Regulations) or any other applicable rules and (ii) appeals against decisions of World Sailing and decisions of Members to the extent specified in the Regulations.
- 1.8 Members of the Disciplinary Tribunal may be appointed to Disciplinary Panels and/or to Appeal Panels. Panels may consist of one or three members of the Disciplinary Tribunal, as appointed by the Chair of the Disciplinary Tribunal.
- 1.9 The General Assembly may remove a member for the Disciplinary Tribunal if in its opinion there is good reason to do so..

2. Indemnity

- 2.1 No member of the Disciplinary Tribunal will be personally liable for any act done or omitted to be done by the Disciplinary Tribunal or any member of the Disciplinary Tribunal in good faith in pursuance or intended pursuance of the functions, duties, powers and authorities of the Disciplinary Tribunal. World Sailing will indemnify such member for any costs, expenses or damages if they are made the subject of a claim or complaint by a third party arising out of any such act.

3. Expenses

- 3.1 World Sailing will provide reasonable reimbursement of expenses to the members of the Disciplinary Tribunal for their time spent on Disciplinary Tribunal matters in accordance with the applicable World Sailing expenses policies, and such payments will not be deemed to compromise their independence.

4. Secretariat

- 4.1 The Disciplinary Tribunal shall have an external secretariat. The role of the secretariat is to:
- (a) manage all Proceedings or Preliminary Proceedings filed with it by the Investigations Panel;
 - (b) liaise with all members of the Disciplinary Tribunal as appropriate in relation to Proceedings or Preliminary Proceedings in which they are appointed members of the Disciplinary Panel or the Appeals Panel; and
 - (c) take any such other steps as are necessary to ensure the efficient management of the Disciplinary Tribunal as specified in the contract with World Sailing as described in Rule 4.3.
- 4.2 The secretariat may be a person or an entity.
- 4.3 The secretariat shall be appointed and funded by the Board with the agreement of the Chair of the Disciplinary Tribunal.
- 4.4 The Board shall allocate reasonable resources to the Disciplinary Tribunal to enable it to undertake its functions.

5. Confidentiality

- 5.1 Subject to Rule 5.2 below, the members of the Disciplinary Tribunal shall ensure that everything disclosed to them during the course of their duties remains confidential, including the facts of any case or issue and any deliberations or decisions that are taken.
- 5.2 The members of the Disciplinary Tribunal shall not disclose the existence of, or make any statements relating to:
- (a) any matter that is before the Disciplinary Tribunal; or

- (b) any matter that has been decided by the Disciplinary Tribunal, except to the extent stated in any Provisional Suspension decision and the final decision of the Proceedings by the Disciplinary Tribunal.

- 5.3 Subject to Rule 5.4, all Proceedings and Preliminary Proceedings under these Rules will be confidential, and neither the Investigations Panel, nor any Member nor the Applicable Person(s) who are party to the Proceedings, nor any witnesses in any Proceedings or Preliminary Proceedings, shall be permitted to publicly comment on the specific facts of the case. Witnesses are required to keep confidential any document or information which they receive from their participation in such proceedings.
- 5.4 At any stage, the Chair of the Investigations Panel and/or the Chair of the Disciplinary Panel may, in their absolute discretion, decide that information should be shared with such persons as deemed appropriate in order to ensure the proper effective discharge of the Investigations Panel and/or the Disciplinary Tribunal's functions.
- 5.5 No member of the Disciplinary Tribunal may be on a Disciplinary Panel or an Appeal Panel in any Proceeding if they:
 - (a) have any personal connection or interest (whether directly or indirectly) with any of the parties or witnesses; or,
 - (b) have had any prior involvement with any matter or any facts arising in the Proceedings (save as provided for in the Code of Ethics or these Rules including a decision to impose a Provisional Suspension or another Proceeding in which some or all of the same facts are relevant); or,
 - (c) are of the same nationality as the Applicable Person involved in a Proceeding or the appellant to an Appeal (unless their appointment is agreed by the parties); or,
 - (d) are someone whose impartiality or independence could reasonably be questioned (as determined by the Chair).
- 5.6 Any objection to a member of a Disciplinary Panel or an Appeal Panel must be made to the Chair of the Disciplinary Tribunal without delay, and in any event within 7 days of learning of the facts or circumstances giving rise to the objection. Failure to do so will constitute a waiver of that objection. The Chair (or deputy Chair as applicable) will rule on any objection made, and such ruling will be final and not subject to any appeal.
- 5.8 If a member of a Disciplinary Panel or an Appeal Panel is, for whatever reason, unable, unwilling or unfit to hear or continue to hear, and decide a Proceeding, the Chair of the Disciplinary Tribunal (or deputy Chair as applicable) may, in their absolute discretion, appoint another member of the Disciplinary Tribunal to replace that member in that Proceeding.
- 5.9 The parties are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before the Disciplinary Tribunal, at their own expense.

6. Recognition of Decisions

- 6.1 Provisional Suspensions, hearing results or other final decisions of the Disciplinary Tribunal will be applicable worldwide and will be recognised, implemented and

respected by World Sailing, and its Members automatically upon receipt of notice of the same, without the need for any further formality.

7. Statute of Limitations

- 7.1 There is no statute of limitations applicable to the commencement of Proceedings or Preliminary Proceedings except to the extent required under the law of England and Wales.

8. Miscellaneous

- 8.1 Any notice or other communication required to be given by a party pursuant to these Rules must be given in writing and must be sent by email. If sent by email before 5pm (GMT) on a Business Day, the notice or other communication will be deemed to have been given on that day. If transmitted by email on a non-Business Day, or at or after 5pm (GMT) on a Business Day, the notice or other communication will be deemed to have been given on the next Business Day.
- 8.2 A party's last-known residence, place of business or email will be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to Disciplinary Tribunal. Notice to a person who is a member of or affiliated to a Member may be accomplished by delivery of the notice to the Member.
- 8.3 Any period of time specified in these Rules will begin to run on the day following the day when a notice or other communication is given. Non-Business Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Business Day, then it will be deemed to end on the next Business Day.
- 8.4 The Chair of the Investigations Panel or the Chair of the Disciplinary Tribunal, as appropriate, may for good reason extend any period of time specified in these Rules, if necessary, with retrospective effect.
- 8.5 Where a matter arises that is not otherwise provided for in these Rules, the Chair of the Disciplinary Tribunal (or the deputy Chair) will resolve it as they see fit.
- 8.6 Any deviation from any provision of the Code of Ethics, these Rules or any of the Procedural Rules or the World Sailing Rules and/or any irregularity, omission, technicality or other defect in the procedures will not invalidate any finding, procedure or decision unless it is shown to render the proceedings flawed or to have caused a miscarriage of justice.

PART II – BREACHES OF WORLD SAILING RULES

This Part II shall only apply to matters before the Disciplinary Panel and not to Appeals which fall within Part III.

9. Jurisdiction of the Disciplinary Panel

- 9.1 The Disciplinary Tribunal shall have jurisdiction to hear and decide any alleged breaches of the Code of Ethics (or any predecessor codes of ethics), the Racing Rules of Sailing (as provided for in the Racing Rules of Sailing or the Regulations) or the World Sailing Rules or any other applicable rules.

10. Proceedings before the Disciplinary Panel

- 10.1 On receipt of each Notice of Charge from the Investigations Panel, the Chair shall, (subject to Rule 5.5), appoint either one (1) or three (3) members of the Disciplinary Tribunal to hear and decide the alleged breaches set out in the Notice of Charge as a Disciplinary Panel.

11. Conduct of the Proceedings

- 11.1 The Disciplinary Tribunal, and any Disciplinary Panel, will have all powers necessary for, and incidental to, the discharge of their responsibilities, including (without limitation) the power, whether on the application of a party or of its own motion:
- (a) to rule on its own jurisdiction;
 - (b) to determine whether any hearing or any part thereof should be oral or in writing (subject to the request of an Applicable Person to have an in person hearing);
 - (c) to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it will determine;
 - (d) to extend or abbreviate any time limit specified in any Rules or by the Disciplinary Tribunal itself, save for any limitations period or appeal deadline;
 - (e) to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Disciplinary Tribunal and/or any other party;
 - (f) to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
 - (g) to order that certain preliminary and/or potentially dispositive questions (e.g. as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter;
 - (h) to award interim relief or other conservatory measures on a provisional basis and subject to final determination;
 - (i) to determine upon the manner in which it shall deliberate with a view to making any determination in or connected with the proceeding;

(j) to make any other procedural direction or take any other procedural steps which the Disciplinary Tribunal considers to be appropriate in pursuit of the efficient and proportionate management of any Proceeding or matter pending before it; and

(k) to impose costs orders (where appropriate).

In making any of the above orders or directions, the Disciplinary Tribunal shall be guided by considerations of fairness.

11.2 Any procedural rulings may be made by the Chair or deputy Chair of the Disciplinary Tribunal or the Chair of a Disciplinary Panel alone.

11.3 The Chair of the Disciplinary Tribunal (or the deputy Chair) has the power, whether on the application of a party or of their own motion:

(a) to order consolidation before the Disciplinary Panel of two or more separate Proceedings, and/or to order that concurrent hearings be held in relation to such Proceedings; and

(b) to exercise any of the powers of the Disciplinary Tribunal in relation to urgent matters that require a decision before a Disciplinary Panel has been convened.

11.4 As soon as practicable after a Disciplinary Panel has been convened in a particular matter, the Chair of the Disciplinary Panel will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where they deem it appropriate, they may hear from the parties (in person, by telephone or video conference, or otherwise) prior to issuing such directions. In particular, the directions will:

(a) fix the date, time and venue of the hearing;

(b) establish a schedule for the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and

(c) make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

12. Hearings

12.1 Unless a Disciplinary Panel orders otherwise for good cause shown by any party, all hearings will be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives, witnesses and experts, as well as the representatives of any third party/parties permitted under the applicable rules to attend in order to participate in and/or to observe the Proceedings.

12.2 Unless the Disciplinary Panel orders otherwise for good cause shown by any party, the hearing will be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at their own cost. Any party who wishes (or whose witness wishes) to give oral evidence in another language must bring an independent interpreter to translate that evidence into English, at their own cost, unless the Disciplinary Tribunal orders otherwise.

- 12.3 The procedure to be followed at the hearing will be at the discretion of the Chair of the Disciplinary Panel, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and to present their case to the Disciplinary Panel. The Disciplinary Panel will have discretion as to whether to receive evidence from witnesses/experts in person, by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.
- 12.4 No formal rules as to admissibility of evidence will apply. Facts may be established by any reliable means.
- 12.5 A Disciplinary Panel may treat facts established by a decision of a court or tribunal of competent jurisdiction that is not the subject of a pending appeal as binding, where it considers it appropriate to do so.
- 12.6 Unless the Disciplinary Panel orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). The nonattendance of any party and/or their representative(s) at the hearing, after due notice has been given, will not prevent the Disciplinary Panel from proceeding with the hearing in their absence, whether or not written submissions have been made by or on behalf of that party.
- 12.7 Where a party:
- (a) refuses or fails to respond to a Demand or other questions put to them as part of an investigation;
 - (b) refuses or fails to appear at a hearing to answer questions; or
 - (c) appears but refuses or fails to answer questions;
- then the Disciplinary Panel may infer that the answer(s) would be adverse to that party.
- 12.8 Once the parties have completed their respective submissions, whether orally or in writing, the Disciplinary Panel will deliberate in private. The Disciplinary Panel will make its decision unanimously or by majority. No member of the Disciplinary Panel may abstain.

13. Burden and Standard of Proof

- 13.1 The Investigations Panel will have the burden of establishing that a breach of the World Sailing Rules has been committed. The standard of proof will be whether the Investigations Panel has established the commission of the alleged breach to the comfortable satisfaction of the Disciplinary Panel. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. For the avoidance of doubt, there is no sliding scale.
- 13.2 Where the Code of Ethics places the burden of proof upon the Applicable Person alleged to have committed a breach to rebut a presumption or establish specified facts or circumstances, the standard of proof will be by a balance of probability.

14. Consequences, Sanctions and Costs

14.1 Where it is decided by a Disciplinary Panel that a breach of the World Sailing Rules has been committed, subject to Rule 14.3, below, the Disciplinary Panel will impose such consequences and sanction(s) as it deems appropriate including, without limitation, any one or more of the following (any of which may, where appropriate, be suspended):

- (a) a caution, reprimand and/or warning as to future conduct;
- (b) a fine of up to €1000 (which, unless otherwise specified, will be payable within 30 days);
- (c) a compensation payment;
- (d) reparation to any victim or victims of the breach;
- (e) community service within Sailing;
- (f) suspension or removal from office;
- (g) removal of any award or other honour bestowed by World Sailing;
- (h) disqualification of results, with all resulting consequences, including forfeiture of any related medals, titles, points and/or prizes;
- (i) disqualification/expulsion from competitions or events;
- (j) undertake a course of education as may be considered appropriate; and
- (k) a specified period of ineligibility, or life ban, from participating in any capacity in any aspect of Sailing and/or in any activities authorised, organised, controlled, recognised, sanctioned and/or supported in any way by World Sailing, or any Member(s) (other than authorised education or rehabilitation programs).

14.2 In order to determine the appropriate sanction(s) to be imposed in each case, the Disciplinary Panel must first determine the relative seriousness of the breach, including identifying all relevant factors that it deems to:

- (a) aggravate the nature of the breach, including (without limitation):
 - (i) a lack of remorse on the part of the Applicable Person;
 - (ii) whether the Applicable Person attempted to conceal the breach;
 - (iii) the extent of any premeditation by the Applicable Person;
 - (iv) the profile of the Applicable Person (including without limitation their experience and whether they hold a position of responsibility within World Sailing);
 - (v) whether the Applicable Person has previously been found guilty of any similar breach under the Code of Ethics, the Racing Rules of Sailing,

or other applicable rules (or any predecessor codes of ethics) or World Sailing Rules;

- (vi) where the breach substantially damaged (or had the potential to substantially damage) the commercial value and/or public interest in the relevant International Competition and/or the sport of Sailing;
- (vii) where the breach affected (or had the potential to affect) the result of the relevant competition or event;
- (viii) where the welfare of a person has been endangered as a result of the breach;
- (ix) where the breach involved more than one person or entity; and
- (x) where the Applicable Person failed to cooperate with any investigation or requests for information from the Investigations Panel.

(b) mitigate the nature of the breach, including (without limitation):

- (i) a timely admission of the breach by the Applicable Person;
- (ii) the Applicable Person's clean disciplinary record;
- (iii) the youth and/or inexperience of the Applicable Person;
- (iv) where the breach did not substantially damage (or have the potential to substantially damage) the commercial value and/or public interest in the relevant International Competition and/or the sport of Sailing;
- (v) where the breach did not affect (or have the potential to affect) the course or result of the relevant competition or event;
- (vi) where the Applicable Person has cooperated with the Investigations Panel and any investigation or requests for information;
- (vii) where the person or entity has provided Substantial Assistance to the Investigations Panel, a criminal authority or a professional disciplinary body that results in the Investigations Panel discovering or bringing forward a breach of the Code of Ethics, the Racing Rules of Sailing, or other applicable rules by another person or entity, or that results in a criminal authority or a professional disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules by another person or entity;
- (viii) where the Applicable Person has displayed remorse; and
- (ix) where the Applicable Person has already suffered penalties under other laws and/or regulations for the same offence.

14.3 Having considered the factors set out in Rule 14.2, the Disciplinary Panel will then determine the appropriate consequences and sanction(s).

14.4 Any period of ineligibility will commence on the date the decision of the Disciplinary Panel is published and will end on the date stated in the decision. The Disciplinary Panel may at its sole discretion reduce the period of ineligibility imposed by any period

of Provisional Suspension already served prior to the decision being reached. Any Applicable Person subject to a period of ineligibility will remain subject to the Code of Ethics and World Sailing Rules during that period. If such Applicable Person commits a breach of the World Sailing Rules or the Code of Ethics during a period of ineligibility, that will be treated as a separate breach under the Code of Ethics or relevant Rules.

- 14.5 The Disciplinary Panel will have discretion to order any party subject to the Proceedings to pay some or all of the costs of the proceedings, including:
- (a) the costs of holding the hearing(s);
 - (b) the legal travel/accommodation costs of the Disciplinary Tribunal; and/or
 - (c) a general costs award in favour of the successful party.

No costs order will be considered as a basis for reducing the sanction(s) that would otherwise be applicable.

- 14.6 The Disciplinary Panel will also have discretion to order some or all of the costs of the proceedings to be paid by some other person(s) or entity/ies under its jurisdiction, that is considered to have acted frivolously and/or in bad faith in the matter, provided that such other person(s) or entity/ies will first be given an opportunity to make submissions (which may be limited to written submissions) as to why such an order should not be made.
- 14.7 Once any period of suspension imposed by the Disciplinary Panel has expired, the Applicable Person will automatically become re-eligible provided they have first:
- (a) completed any official integrity education session as may be deemed appropriate by the Investigations Panel or the Disciplinary Panel to the reasonable satisfaction of the Investigations Panel or the Disciplinary Panel (as applicable);
 - (b) paid in full any fine, amounts forfeited and/or award of costs made against them (although the Investigations Panel will consider any request, on the grounds of financial hardship, to make such payments over a prolonged period of time by way of an instalment plan); and
 - (c) agreed to be subject to any reasonable and proportionate monitoring of their future activities in connection with Sailing as the Investigations Panel may consider necessary given the nature and scope of the breach(es) committed.

15. Decisions

- 15.1 The Disciplinary Panel will announce its decision on the charge(s) to the parties in a written, reasoned decision, as soon as reasonably practicable after the date of the oral hearing or the conclusion of the hearing where conducted in writing only. A copy of the decision will also be sent to the relevant Member Federation(s) and, (if applicable) and any other party that has a right of appeal against the decision. The Disciplinary Panel may, if it considers it appropriate, announce its decision with the reasoned decision to follow thereafter.
- 15.2 If the decision is that a breach of the World Sailing Rules has been committed the decision will be Publicly Disclosed (after giving the parties prior notice of the

decision), and in any event no later than 20 days after its issue. Public Disclosure will not, however, be required where the person found to have committed a breach is a Minor.

- 15.3 If the person or entity is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the person or entity who is the subject of the decision, however the Disciplinary Panel may Publicly Disclose the fact that the charge has been not proven.
- 15.4 Decisions of Disciplinary Panels will be final and binding on all parties, and may not be challenged or appealed other than strictly as set out in Rule 16 of these Rules. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made.

16. Appeals from Decisions of the Disciplinary Panel

- 16.1 A ruling by the Disciplinary Panel in a Preliminary Proceeding may not be appealed unless Rule 17 applies or the applicable Rules or Regulations so expressly provide.
- 16.2 Subject to Rule 16.1, a decision of the Disciplinary Panel under these Rules may be appealed to an Appeals Panel, by a party to the proceedings before the Disciplinary Panel. Appeals to CAS can only be made in relation to matters listed in Articles 45.10 and 45.11 of the Constitution.
- 16.3 In any such appeal, World Sailing (by the Investigations Panel) will be the appellant or the respondent to an appeal by the Applicable Person.
- 16.4 The deadline for filing an appeal (whether to CAS or to an Appeals Panel) will be 14 days from the date of receipt of the written decision in question by the appealing party. Where the appellant is a party other than World Sailing, to be a valid filing under this Rule a copy of the appeal must also be filed on the same day with the Investigations Panel. The decision being appealed will remain in full force and effect pending determination of the appeal unless CAS or the Appeals Panel orders otherwise.
- 16.5 The decision as to whether:
 - (a) World Sailing should appeal a decision of the Disciplinary Panel to CAS or the Appeals Panel;
 - (b) World Sailing should participate in any appeal or other proceeding before CAS, or before an Appeals Panel, to which World Sailing is not a party;
 - (c) World Sailing shall suspend the Applicable Person pending the CAS decision or the decision of the Appeals Panel;

shall be taken by the Chair of the Investigations Panel subject to the prior approval of the Investigations Panel.

- 16.6 Cross appeals by any respondent named in cases brought before the CAS or an Appeals Panel under these Rules are specifically permitted. Any party with a right to appeal under this Rule 16 may file a cross appeal.
- 16.7 Where appeals are made to the CAS:

- i the proceedings will be conducted in accordance with the CAS Code of Sports-related Arbitration. The CAS panel is to consist of one arbitrator, and the language of the arbitration must be English. The governing law will be the laws of England and Wales.
 - ii If the CAS decision is that a breach of the World Sailing Rules has been committed the decision will be Publicly Disclosed (with appropriate redactions where relevant). Public Disclosure will not, however, be required where the person found to have committed a breach is a Minor. If the person or entity is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the person or entity who is the subject of the decision.
 - iii The decision of CAS will be final and binding on all parties, and all parties waive irrevocably any rights they might otherwise have to any form of appeal, review or other challenge in respect of that decision, except as set out in Chapter 12 of Switzerland's Federal Code on Private International Law.
- 16.8 Where appeals are made to an Appeals Panel, they will be governed in accordance with Part III below.

PART III – SAFEGUARDING APPEALS AND APPEALS PURSUANT TO THE DISCIPLINARY TRIBUNAL RULES AND OTHER RULES AND REGULATIONS

17. Jurisdiction of Appeals Panel

- 17.1 The Disciplinary Tribunal and any Appeals Panel shall have jurisdiction to hear and decide:
- (a) appeals against decisions of a Disciplinary Panel (save in respect of appeals in relation to matters listed in Articles 45.10 and 45.11 of the Constitution, which must be made to CAS); and
 - (b) appeals against decisions of World Sailing and decisions of Members to the extent specified in the Regulations.
- 17.2 An individual subject to a suspension or a sanction under the Safeguarding Rules only has the right to appeal to an Appeals Panel on the grounds that there has been a material error of law.

18. Notice of Appeal

- 18.1 The appellant must serve a Notice of Appeal on the Disciplinary Tribunal within fourteen (14) days beginning on the date the decision being appealed was sent to the appellant. The appellant must also at the same time send a copy of their Notice of Appeal to the Investigations Panel.
- 18.2 The Notice of Appeal must include:
- (a) the grounds for the appeal; and
 - (b) a statement of facts upon which the appeal is based, specifying whether the appeal is against finding and/or sanction and include any supporting documentation upon which the appellant wishes to rely.

19. Procedure

- 19.1 On receipt of a properly made Notice of Appeal the Chair of the Disciplinary Tribunal shall appoint three (3) members of the Disciplinary Tribunal who did not participate in the first hearing to act as the Appeal Panel.
- 19.2 The Appeal will be conducted on a review basis only. Subject to that:
- 19.2.1 The Appeal Panel shall have all the powers in relation to the conduct of the appeal as are applicable to a Disciplinary Panel in accordance with Rule 11 above.
 - 19.2.2 Appeal Panel hearings shall be conducted on the basis of the principles applicable to hearings before a Disciplinary Panel as set out in Rule 12 above.
- 19.3 An appeal may be withdrawn at any time.
- 19.4 The standard of proof in all appeals is to the comfortable satisfaction of the Appeal Panel. This standard of proof in all appeals is greater than a mere balance of probability but less than proof beyond a reasonable doubt. For the avoidance of doubt, there is no sliding scale.

19.5 World Sailing may appeal a decision of the Disciplinary Tribunal.

20. Appeals Panel Powers

20.1 The Appeal Panel has the power to:

- (a) dismiss the appeal;
- (b) quash a finding and any sanction imposed;
- (c) remit the matter back to the Disciplinary Panel to reconsider;
- (d) substitute an alternative finding and/or sanction;
- (e) reduce or increase the original sanction; and/or
- (f) make such further orders as it considers appropriate.

21. Decisions

21.1 Decisions of the Appeal Panel shall be provided promptly and (subject to any provisions of the Safeguarding Rules) are made and published on the basis of the principles applicable to decisions of a Disciplinary Panel in accordance with Rule 15 above.

21.2 The decision of the Appeal Panel shall be final and binding on all the parties and there shall be no further right of appeal.