



WORLD SAILING OMBUDSPERSON RULES OF PROCEDURE

PART 1 – GENERAL

1. Purpose and Status

- 1.1 These Rules of Procedure govern the operation of the Ombudsperson in accordance with the World Sailing Constitution, the Regulations, the Code of Ethics and the Terms of Reference of the Ombudsperson.
- 1.2 The Ombudsperson is an Independent Body whose role is to investigate and mediate complaints and disputes received by World Sailing which are not under active consideration by another Independent Body.
- 1.3 The Ombudsperson performs an inquisitorial, non-adversarial and non-disciplinary function. The Ombudsperson does not determine liability, make findings of breach or impose sanctions.
- 1.4 The Ombudsperson's functions include:
 - (a) investigating complaints and concerns regarding maladministration, unfairness, inconsistency, delay or failure to follow applicable procedures;
 - (b) facilitating early, informal or mediated resolution of disputes where appropriate;
 - (c) reviewing and commenting on the processes and procedures followed by World Sailing bodies in reaching decisions, without changing those decisions;
 - (d) acting as an independent intake and triage mechanism for complaints that do not clearly fall within the remit of another Independent Body; and
 - (e) identifying and reporting on systemic or recurring governance issues where appropriate, which are brought to the attention of the Ombudsperson and making recommendations for improvement.
- 1.5 These Rules are intended to ensure that complaints and concerns regarding World Sailing or its bodies are handled fairly, independently, proportionately, efficiently and transparently.

2. Independence and Impartiality

- 2.1 The Ombudsperson shall be and act independently of World Sailing, meaning that:
 - (a) they must not have held any position (other than an Independent position) within World Sailing or any Member within the three years prior to their first appointment;

- (b) they must not have any close connection or relationship with a director or Employee of World Sailing; and
 - (c) they must be viewed as independent from the perspective of an objective outsider.
- 2.2 The Ombudsperson must disclose any actual or potential conflict of interest promptly to the President and the Chief Executive Officer.
- 2.3 Where a conflict of interest exists or may reasonably be perceived to exist in relation to the Ombudsperson, the Ombudsperson shall immediately disclose the conflict to the President and the Chief Executive Officer, and to any parties involved in the matter.
- 2.4 The President shall determine whether a conflict of interest exists and, if so, shall determine the appropriate manner of managing the conflict, which may include:
 - (a) the Ombudsperson recusing themselves from the matter entirely;
 - (b) appointing a deputy or alternate Ombudsperson to handle the matter;
 - (c) referring the matter to another appropriate body or person; or
 - (d) if the conflict is minor and can be appropriately managed, allowing the Ombudsperson to continue with appropriate safeguards.
- 2.5 Any party may raise a concern about a potential conflict of interest affecting the Ombudsperson, which shall be determined in accordance with Rule 2.4.

PART 2 – JURISDICTION AND ADMISSIBILITY

3. Scope of Jurisdiction

- 3.1 The Ombudsperson may consider complaints and disputes that:
- (a) concern the administration, governance, processes or decision-making of World Sailing or its bodies;
 - (b) raise issues of fairness, procedural integrity, consistency or transparency; and
 - (c) are not under active consideration by another Independent Body.
- 3.2 The Ombudsperson's jurisdiction is complementary to, and does not replace, the roles of the Investigations Panel, the Disciplinary Tribunal or any other Independent Body.
- 3.3 The Ombudsperson shall not consider:
- (a) matters under active investigation or proceedings before another Independent Body;
 - (b) safeguarding matters;
 - (c) disciplinary or appeal proceedings; or
 - (d) complaints that are frivolous, vexatious, abusive or made in bad faith.
- 3.4 Complaints to the Ombudsperson can be made by anyone falling under the ambit of any of the World Sailing Rules. Where a complaint is made, the complainant must include full details of their concerns and their desired outcome, together with any relevant documentary evidence. The complaint must be in English.

4. Referrals from other Independent Bodies

- 4.1 An Independent Body may refer a matter to the Ombudsperson if both it and the Ombudsperson agree that the matter is more appropriately considered by the Ombudsperson.
- 4.2 Any procedural deadlines applicable to the referring body shall be suspended until the Ombudsperson issues a recommendation, an adjudication or a report as appropriate in the matter.

PART 3 – PROCEDURE

5. General Principles

- 5.1 The Ombudsperson shall conduct all matters in an inquisitorial, proportionate and non-adversarial manner.
- 5.2 The Ombudsperson shall focus on how decisions were made and processes were applied, rather than on the merits of any decision.
- 5.3 The Ombudsperson is not bound by formal rules of evidence and may determine the appropriate procedure for each matter.
- 5.4 All affected parties shall be given a reasonable opportunity to make representations.

6. Investigation

- 6.1 Where the Ombudsperson decides to investigate a complaint, they may:
 - (a) request written submissions;
 - (b) request documents or information;
 - (c) hold meetings or interviews in person or remotely; and
 - (d) seek advice or assistance where appropriate.
- 6.2 The Ombudsperson controls the scope and conduct of any investigation.

7. Mediation and Informal Resolution

- 7.1 Where appropriate, the Ombudsperson may facilitate informal or mediated resolution of a complaint.
- 7.2 Participation in mediation is voluntary and without prejudice.

PART 4 – OUTCOMES FOLLOWING INVESTIGATION

8. Available Outcomes

- 8.1 Following an investigation or review, the Ombudsperson may:
 - (a) take no further action;
 - (b) provide explanations or clarifications;
 - (c) facilitate or record an agreed resolution;

- (d) make recommendations concerning processes, procedures or governance;
- (e) refer the matter to another Independent Body, the Board, or a Committee, Sub-committee or Commission; or
- (f) issue an adjudication in accordance with Rule 9.

- 8.2 The Ombudsperson may close a matter at any time with written notification to the relevant parties.
- 8.3 The Ombudsperson may not overturn, vary or substitute decisions taken by World Sailing or any of its bodies, nor act as an appeal body.
- 8.3 There is no right of appeal against decisions, recommendations or adjudications of the Ombudsperson.

9. Adjudications

- 9.1 The Ombudsperson may issue an individual or thematic adjudication in writing setting out:
 - (a) the issues considered;
 - (b) the process followed;
 - (c) findings and observations concerning fairness and process; and
 - (d) any recommendations.
- 9.2 The Ombudsperson may publish adjudications, recommendations and/or reports as determined by the Ombudsperson, including the names of parties, subject to any redactions considered appropriate.
- 9.3 Reports, adjudications or any other documentation prepared by the Ombudsperson may be provided to the Board, Council, the General Assembly or any other relevant body.

PART 5 – CONFIDENTIALITY AND ADMINISTRATION

10. Confidentiality

- 10.1 The Ombudsperson shall treat all information as confidential, subject to disclosure required by law, necessary to fulfil their functions, or arising from the publication of adjudications, recommendations and/or reports.

11. Records

- 11.1 The Ombudsperson shall maintain appropriate records in accordance with World Sailing policies and applicable data protection laws.

12. Review of Rules

- 12.1 These Rules shall be reviewed at least once every four years.
- 12.2 Any amendments shall be agreed no later than 31 December in the year preceding the end of the Ombudsperson's term of office.
- 12.3 These Rules and any amendments shall be published on the World Sailing website.