

TERMS OF REFERENCE

SAFEGUARDING DISCIPLINARY TRIBUNAL MEMBERS

1. Purpose

The purpose of the Safeguarding Disciplinary Tribunal is to adjudicate on safeguarding related concerns which have been referred to World Sailing.

2. Membership

Membership shall be comprised of 9 persons. Tribunal members will be appointed to adjudicate as and when required by the Safeguarding Officer and each Safeguarding Disciplinary Tribunal will consist of three Tribunal members.

3. Remit

3.1 The remit of the Tribunal Members is:

- (a) to improve the quality, consistency and independence of decision making in respect of safeguarding concerns reported to World Sailing and alleged breaches of the World Sailing Safeguarding Policy
- (b) to conduct hearings into cases and sanction persons in breach of the World Sailing Safeguarding Policy.
- (c) to conduct the proceedings as they see fit but at all times in a manner which:
 - i) complies with the World Sailing Constitution, Regulations and Safeguarding Procedures;
 - (ii) complies with their duty to act fairly and impartially;
 - (iii) allows the Parties reasonable opportunity to put their respective cases; and
 - (v) avoids unnecessary delay and/or expense and provides a fair and efficient means for resolving the concern.
- (d) to make any order in respect of the conduct of the proceedings necessary for the protection of the parties and/or any other person connected with the proceedings

4. Authority

In the event of Harassment and Abuse, as defined in the World Sailing Safeguarding Policy, the Safeguarding Disciplinary Tribunal will be the only relevant body to conduct hearings into cases and sanction persons in breach of the World Sailing Safeguarding Policy

5. Procedures

- 5.1 The Safeguarding Officer shall, within 14 days of issue of the notice of charge, appoint the Safeguarding Disciplinary Tribunal for a specific case.
- 5.2 The Safeguarding Disciplinary Tribunal shall consist of three Tribunal members with an appropriate mix of skills necessary for the specific case.

- 5.3 The Safeguarding Officer will notify the parties of the composition of the Safeguarding Disciplinary Tribunal as soon as practicable.
- 5.4 A date shall then be set for the Safeguarding Disciplinary Hearing as per the Safeguarding Procedures this may be online or in person
- 5.5 The standard of proof that applies to all decisions made by the Safeguarding Disciplinary Tribunal, is to be the “comfortable satisfaction” standard which is greater than the civil standard of “on the balance of probabilities” but less than the criminal standard of “beyond a reasonable doubt”.
- 5.6 Sanctions and measures shall be proportional to the infringement of the World Sailing Safeguarding Policy. The following factors shall be taken into consideration:
- a) The nature of the violation;
 - b) The severity of the violation;
 - c) The number of violations (it is one time offence or several repetitions and if there are multiple victims);
 - d) The background of the abused and/or harassed person (Child, Vulnerable Adult);
 - e) The relationship between the abused and/or harassed person and the abuser or harasser; (if there is a position of power)
 - f) Any other relevant circumstances.
- 5.7 The Safeguarding Disciplinary Tribunal may impose the following sanctions:
- a) no sanction;
 - b) a direction to attend safeguarding education and/or a safeguarding awareness remedial course;
 - c) a warning, admonishment or reprimand;
 - d) a fine not exceeding £1000;
 - e) a direction not to compete or officiate in a particular event or Class (or types of event or Classes);
 - f) suspension or revocation of competition eligibility and/or World Sailing Eligibility (or the imposition of conditions on such eligibility);
 - g) suspension or removal from office in the case of World Sailing Officers, members of staff, consultants or contractors of World Sailing;
 - h) revocation of Event accreditation;
 - i) eviction from Event hotel;

- j) suspension or removal of a certificate of appointment in the case of World Sailing Race Officials (or the imposition of conditions on such appointment);
- k) make a report to an MNA, World Sailing Class, World Sailing (under another Regulation or the Racing Rule of Sailing) or any other appropriate organisation; and/or
- l) any other sanction that World Sailing may deem appropriate.

5.8 Tribunal members must not disclose any confidential information they receive without permission of World Sailing CEO.

6. Reporting

After conclusion of a hearing, the Tribunal shall provide their decision in writing to the World Sailing Safeguarding Officer.

7. Remuneration

Tribunal members roles are voluntary. All reasonable travel and subsistence expenses will be reimbursed following agreement with the World Sailing Director of Legal and Governance.

8. Terms of Reference

World Sailing may amend these terms of reference from time to time.