

## Executive Committee Minutes



**The Executive Committee met at 09:30 – 18:00 hours on Friday 8 May at the Zuid Amsterdam Hotel, at 10:30 – 18:00 on Saturday 9 May at the Royal Netherlands Yacht Club, Muiden and at 09:30 – 18:00 Sunday 10 May 2015 at the Zuid Amsterdam Hotel, Netherlands**

1. Opening of the Meeting	1	5. Future Strategy	8
2. General Business	2	6. Future ISAF Meetings	8
3. Reports / Information	6	7. Any Other Business	9
4. Events	6		

### **Present:**

Carlo Croce – President

HM King Constantine - President of Honour

George Andreadis- Vice-President

Chris Atkins - Vice-President (not present 8 May)

Adrienne Greenwood - Vice-President

Nazli Imre- Vice President

Gary Jobson- Vice-President

Quanghai Li - Vice-President

W. Scott Perry – Vice-President

### **In attendance:**

Sarah Gosling (GBR) – Athletes' Commission Representative

Helen Fry - Head of Administration

Christophe Langenauer - Swiss Foundation

James Pleasance - WMRT

Philip Tolhurst – Chairman Constitution Committee

## **1. Opening of the Meeting**

### **(a) Communication from the President**

The President welcomed everyone to the meeting and gave an outline of the many and varied trips he had made on behalf of ISAF over the last few months and of developments with PKRA.

The Sailing World Cup in Hyères was the first regatta under the new ISAF contract and prize money was given for the first time. Even though ISAF branding was enhanced at Hyères he felt that further improvements with the ISAF branding could be made but the President was pleased to see the temporary House of ISAF and he looks forward to seeing the new ISAF House in Weymouth. Gary Jobson and his Marketing and Media team did an incredible job with live TV and it was pleasing to learn about the high viewing numbers.

The President expressed a wish that ISAF investigate hiring an international body to test the waters in Rio. Over the Mid-Year meeting period however, and following many discussions on this topic, it had become apparent that there were other possibilities that ISAF could follow and that these various leads would be followed up.

The President outlined the World Sailing League concept and voiced his concern that it has become apparent they are by-passing MNAs and approach Yacht Clubs directly.

### **Decisions**

## Executive Committee Minutes (cont.)

1. **The Secretariat is to review and enhance the protection of ISAF intellectual property as a priority.**
2. **ISAF will liaise with the IKA and a report is to be made to the Executive Committee concerning developments with the PKRA (Kitesurfing).**
3. **ISAF will seek to get some information from an independent international authority regarding the pollution in Rio. It was noted that some MNAs had already instigated some tests and the Secretariat would make contact to see if this information could be shared as it might be more appropriate for ISAF to spend the money on Eco boats at the Test Event and Olympic Sailing Competition.**

(b) Minutes

The minutes of the Executive Committee meeting of 13, 14, 15 February 2015 (circulated and approved after the meeting) were noted.

(c) Minutes Matters Arising

i) Item 2(j)(i) – Vice-Chairman of the Development and Youth Committee

Three possible candidates for the position of Vice-chairman were presented to the Executive to consider.

**Decision**

**The Executive Committee recommend that Council approve Nadine Stegenwalner (GER) to be the new Vice-Chairman of the Development and Youth Committee as per Regulation 5.4.7**

## 2. General Business

### **Finance**

(a) Management Accounts for the 1st Quarter 2015

Scott Perry presented the Management Accounts for the 1<sup>st</sup> Quarter 2015 and outlined plans to make the presentation of the Management Accounts to Council more relevant as it was important Council understood where the money was being spent.

**Decision**

**Discussions on the accounts raised issues in respect of ISAF's timing partners and accordingly it was resolved that a Working Party from the Executive Committee will evaluate the role / work of ISAF's timing and scoring partners.**

(b) Budget 2015

The 2015 Budget was reviewed and various amendments have been included throughout these minutes.

(c) To receive ISAF Debtors

The Company debtors were noted.

(d) To receive the Quarterly Report on the Isle of Man Trust

An update on the Isle of Man Trust was given by Scott Perry.

(e) To receive the report on the ISAF Deposits

An update on the ISAF deposits was given by Scott Perry.

(f) Request to increase RS:X retail prices

## Executive Committee Minutes (cont.)

Owing to the drop of the Euro currency vs US Dollars Neil Pryde Limited is experiencing difficulties in buying in US Dollars and selling in Euros and requested an approval to an increase of 10% of the RS:X retail prices.

### **Decision**

**The Executive Committee approve an increase of 10% of the RS:X retail prices starting on 1 June 2015.**

- (g) Request for reduction in WMRT fees

James Pleasance (WMRT) outlined the developments with the Tour and requested a sanction fee reduction for the 2015 / 2016 World Match Racing Tour season.

### **Decision**

**The sanction fee for WMRT event was revised and will be revised on an event by event basis for this season.**

## **Governance**

- (h) To receive the Draft Annual Report

This will be distributed after the meeting by email once the audited accounts have been approved.

- (i) Procedure for the Election of Officers

As agreed at the last Executive Committee the procedures concerning ISAF elections was reviewed. This review was carried out against the background of the ASOIF Governance Paper.

### **Decision**

**Currently a candidate for election as President or Vice-President must be nominated by at least five Member National Authorities and there is no requirement for the candidate's own MNA to be one of these. On balance, the present system is favoured.**

**Under the current Constitution and Regulations there is no requirement for candidates to provide information concerning their candidacy – it is customary but not enforceable. A submission will be made this year to allow the Election Committee to require candidates to provide information about their candidacy and to publish this.**

**A submission will also be prepared to allow Council to appoint the Election Committee having considered a proposal from the Executive Committee. This will be implemented post 2016.**

- (j) Event Bidding Process

The Executive Committee reviewed the Regatta Venue Bid Evaluation and Selection Process document for all regattas that are ISAF events. It was noted that the process had flexibility within it so that venue selection remains appropriate, efficient and rigorous across the diversity of ISAF events.

### **Decision**

**Presentations to the Panel should be held at the Secretariat offices in Southampton.**

- (k) Disciplinary

- i) Disciplinary Cases

A verbal update on current disciplinary cases was received.

- ii) ISAF Disciplinary Procedures

## Executive Committee Minutes (cont.)

During the hearing before CAS an undertaking was given to CAS that ISAF would review its procedures and this was authorised by the Executive Committee.

### **Decision**

**The Executive Committee endorse the proposals (see Appendix 1) and request that the Constitution Committee review them before submissions are drafted for the September Executive meeting.**

#### iii) Rule 69 Working Party

Council appointed a joint working party of the Constitution, Race Officials and Racing Rules Committees to consider Rule 69, its wording and its operation at event level and a progress report was received. The possible need for a further face-to-face meeting was drawn to the Executive's attention.

### **Decision**

**ISAF should only receive reports from major events – ISAF should not involve itself in national level or minor international regatta cases.**

#### (l) Review Board

The Executive Committee noted the resignations from the Review Board of Josje Hofland (NED), Charlie Manzoni (HKG), David Tillett (AUS) and Bryan Willis (GBR).

### **Decision**

**The Executive Committee recommend that Council approve David Kellett (AUS) to be appointed to the Review Board.**

#### (m) Company Structure

##### i) ISAF Event Management Ltd

Scott Perry presented a proposal for the new MoU and Articles of Association for ISAF Event Management Ltd.

### **Decision**

**The Executive Committee agreed the proposal for implementation as soon as practicable.**

##### ii) Inter Company Agreements

The Executive Committee understood the need for Inter Company Agreements.

### **Decision**

**The Executive Committee requested that the Chairman of the Audit Committee review the draft Inter Company Agreements and, if satisfied, the Secretariat should proceed to their implementation.**

##### iii) Swiss Foundation

Christophe Langenauer met the Executive Committee and outlined the plans for an independent Swiss Foundation.

### **Decision**

**Scott Perry will produce a Swiss Foundation business plan.**

#### (n) Committee Review

The Executive Committee received draft submissions regarding the revision of committee structure and related ToR.

### **Decision**

## Executive Committee Minutes (cont.)

**The texts of the draft submissions need to be reviewed and developed and stakeholders need to be consulted between now and the Executive Committee's meeting in September. It was important to have the submission ready for the November 2015 Annual Conference so MNAs will know what Committees they are nominating to.**

(o) Continental Associations

The Executive Committee received an update from the Continental Associations Working Party.

**Decision**

**A further report should be provided to the Executive Committee for their September meeting which should only focus on the Terms of Reference.**

(p) MNA Matters

i) Monserrat

Following reports received from an MNA, the Constitution Committee completed a review of the Montserrat Yachting Association's Associate Membership of ISAF.

**Decision**

**The Executive Committee will invoke Article 15.1(b) and ask the Montserrat Yachting Association to demonstrate that its constitution and its representation of the sport of sailing in Montserrat satisfies the requirements for Membership as set out in Article 4.**

ii) Sri Lanka

The IOC has reported that the Sri Lankan Government are not respecting the autonomy of their National Federations and the IOC has been working with this Government to set up new sports regulations that ensure that autonomy is fully respected setting a 2 month timeline.

(q) Nationality Criteria

i) A draft submission containing a proposed new set of nationality rules was reviewed.

**Decision**

**The draft submission was approved in principle but the Executive Committee requested that the Constitution Committee and the IOC be consulted.**

ii) **Crimea – a letter had been received from the President of the Sailing Federation of Ukraine about the conducting of sailing events in Crimea.**

**Decision**

**Any ISAF Race Official who officiates at a sailing event in Crimea will not have action taken against them by ISAF, but ISAF will not recognise such events in any race official application. Competitors who take part in such events will not receive any points towards their rankings or have action taken against them by ISAF.**

(r) Corporate Social Responsibility Statement

The draft was noted and this will be circulated to the Executive Committee to be considered further.

(s) Disabled Sailing Committee

i) New Appointments

## Executive Committee Minutes (cont.)

Council voted electronically and approved Urgent Submission E001-15 to amend Regulation 6.4 to allow the appointment of additional members to the Disabled Sailing Committee (IFDS) and the appointment of existing DSC member, Betsy Alison, as Chairman.

### ii) Meeting with the IPC

President Croce and Scott Perry reported on their recent meeting with the IPC where it was stated that sailing could not be part of the 2020 Paralympics. The membership of ISAF is before the IPC Board at their meeting in June. ISAF needs to address the problem with RNAs not being part of our MNAs urgently.

#### **Decision**

**The Executive Committee have approved fees to help promote the inclusion of sailing in Tokyo 2020 and the Paralympics 2024.**

### iii) Paralympic Development Programme

Scott Perry outlined the Paralympic development programme for disabled sailors to increase attendance by ISAF MNAs at events that use Paralympic classes of equipment. It is also aimed at increasing the number of classified sailors in all ISAF member nations and to develop sustainable grass roots participation oriented disabled sailing activity.

#### **Decision**

**A budget of £106,000 has been agreed subject to the Disabled Sailing Committee (IFDS) approval of the outlined Paralympic Development Programme.**

**The Executive Committee felt that the possible combinations of eligibility were too narrow and that this should just be restricted to 2 people.**

## 3. Reports / Information

### (a) Vice-President's Reports

The Vice-Presidents gave a verbal report on items not covered elsewhere on this agenda.

#### **Decision**

**ISAF needs to ensure Race Officials appointed to ISAF events, in particular the Sailing World Cup, deliver a consistent and high quality service to the sailors, event organisers and media. Chris Atkins will develop a paper for the Executive Committee to review in September.**

### (b) Secretariat

#### i) Office

An overview of the Secretariat and its work was presented to the Executive.

#### ii) IT update

The Executive Committee received an update on the enhanced IT infrastructure within the Secretariat, the new ISAF Registration System, the IU Online application renewals and the Event Application Registration System.

## 4. Events

### (a) 2015 Sailing World Cup and Final

Chris Atkins reported on the excellent progress that had been made on implementing the Sailing World Cup.

## Executive Committee Minutes (cont.)

### (b) 2016 Olympic Sailing Competition

i) Scott Perry gave a verbal update on the 2016 Olympic Sailing Competition. Although very late it appears that the Rio State and City governments are finally doing something about the water quality. What worries ISAF the most is the water quality and the quantity of floating objects in the water which can lead to dangerous, unsafe sailing and unfair competition.

### ii) Coach Boat Regulations

An update on the Coach Boat Regulations was received. It is envisaged that the draft regulations will be used at the Test Event in Rio and if everyone is comfortable with them there it will be approved for use at the Olympic Games.

### iii) Executive attendance dates in Rio 2016

The President and Scott Perry encouraged the Executive Committee to start thinking about their attendance in Rio 2016.

#### **Decision**

**Helen Fry to provide more information to the Executive Committee regarding dates, accreditation, accommodation etc.**

### (c) 2020 Olympic Sailing Competition

i) Scott Perry gave a verbal update on the 2020 Olympic Sailing Competition. The ISAF TD will be completing a site visit shortly to view three potential venues for the Olympic Sailing Competition – Inage, Enoshima and Kaiyo - if the plans for the Wakasu venue are rejected due to the proximity of Haneda airport.

### ii) Tokyo 2020 Race Management Development Programme proposal

#### **Decision**

**The Executive request that Alastair Fox, ISAF Head of Competitions, as Rio 2016 Technical Delegate and Jan Stage (DEN) as Chairman of the Race Officials Committee liaise with all areas of Race Officials and prepare a consolidated proposal for the Executive meeting in September which will include budgets.**

### (d) ISAF Sailing World Championships 2018

President Croce reported he had recently been to the City of Aarhus where he signed the contract. This championship will be organised in collaboration between ISAF, Dansk Sejlunion, Sailing Aarhus, Sport Event Denmark and the City of Aarhus.

### (e) 2018 Youth Olympic Games

A verbal update on the 2018 Youth Olympic Games was given by Nazli Imre who reported that a decision had been made to use the 15 – 18 year age group. The events must cover the following areas: universality, innovation and gender equality.

#### **Decision**

**The following events and quotas are approved for the 2018 Youth Olympic Games, subject to final IOC approval:**

<b>Event</b>	<b>Quota</b>
<b>Men's Windsurfer</b>	<b>24</b>
<b>Women's' Windsurfer</b>	<b>24</b>
<b>Mixed Kiteboarding</b>	<b>24 (12 men &amp; 12 women)</b>
<b>Mixed 2 Person Multihull</b>	<b>14 (28 athletes)</b>

## Executive Committee Minutes (cont.)

(f) 2015 Team Racing World Championships

This event will be held in Rutland, GBR and so far 11 MNAs have entered the event with a total of 22 teams – 17 Open and 5 Youth. It was noted that a number of additional countries have expressed an interest in entering as well. The organizing authority has developed a programme for training and practice for emerging nations in the week prior to the event.

(g) 2015 Women's Match Racing World Championship

The Championship will be held in Middelfart DEN from 8-12 July 2015 and it is fully subscribed with all 16 places being taken.

**Decision**

**The Secretariat should find out if prize money will be given by WIMRA.**

(h) 2015 Youth Match Racing World Championship

The Championship will be held in Swinoujscie POL from 16 – 20 September 2015. The current indication is that all 12 places available at the event will be fully subscribed.

(i) 2015 ISAF Nations Cup

Regional Finals in Oceania, Africa and Asia have taken place but the South American Regional Final has been cancelled because of low entries. The Regional Final for Europe will commence on 7 May 2015. Invitations are beginning to be issued for the Grand Final and planning is well underway with a current plan for 10 teams in each Division to take part. Given the uneven support across the various regions the future of this event should be re-evaluated.

(j) Three person juries

An update was received from the WP. The Executive Committee noted that a three person jury would need a change to the RRS and therefore a submission must be made this year.

**Decision**

**A further report from the WP was requested for the Executive Committee September 2015 meeting.**

(k) Events Strategy

This paper was well received in the Events Committee and it was noted it was a 'living document'.

## 5. Future Strategy

(a) Committee Chairmen's Meeting

The meeting with Committee Chairmen is scheduled for Saturday 10 May 2015.

(b) 35<sup>th</sup> America's Cup

Gary Jobson gave a verbal update on the 35<sup>th</sup> America's Cup.

(c) Emerging Nations Programme

An update and presentation was given by Nazli Imre to both the Executive Committee and the Committee Chairmen.

(d) Sponsorship

Gary Jobson gave a verbal update on sponsorship.

## 6. Future ISAF Meetings



## Executive Committee Minutes (cont.)

- (a) 2015 September Executive –Monday 14, Tuesday 15 and Wednesday 16 September, New Forest, UK
- (b) 2015 Annual Conference – 7-14 November, Sanya, China

- i) MNA Forum

Quanhai Li presented the programme for the enhanced MNA Forum which will take place on Wednesday 11 November 2015. The MNA Forum will be organized by ISAF and the Host City of the Annual Conference and sponsors may participate in related activities. The Forum will be split into three distinct sessions – a plenary session that will focus on topics of interest for sailors, MNAs, Yacht Clubs and Event Organizers; display and networking opportunities and finally media interviews.

- ii) Secretary General's Forum

An outline of the extended Secretary General's Forum was presented and the Executive Committee noted that this Forum will be chaired by the new CEO.

- iii) Hall of Fame

The Executive Committee considered candidates for inauguration into the Hall of Fame.

**Decision**

**There will be a further inauguration of sailing heroes into the Hall of Fame during the MNA Forum at the Annual Conference 2015 in Sanya. The Hall of Fame would be housed within the House of ISAF.**

- iv) RRC WP

The Executive Committee noted additional meeting of the RRC WP in Sanya only

- v) Women's Forum

**Decision**

**The Women's Forum has been invited to present at the revised MNA Forum at the Annual Conference to present on a particular issue relevant to MNA's and women in sailing. A Women's Forum meeting will be held on the Monday from 1600hrs to 1800hrs at the Annual Conference 2015.**

- (c) 2016 February Executive – Friday 12, Saturday 13 and Sunday 14, Rio de Janeiro, Brazil
- (d) 2016 Mid-Year meetings – UK, dates to be decided
- (e) 2016 September Executive – Friday 9, Saturday 10 and Monday 11 Athens, Greece
- (f) 2016 Annual Conference – (dates tbc) Abu Dhabi, UAE (subject to site visit and contract).

## 7. Any Other Business

- (a) Group Q - Africa Council

**Decision**

**A Submission needs to be drafted for the Executive Committee to review at the September 2015 Executive Meeting.**

- (b) IOC Athlete Career Programme

## **Executive Committee Minutes (cont.)**

The London IF Report states that the Athletes' Commission is working towards establishing a programme and resources to assist athletes with studies, development of life skills and/or post-athletic career transition.

### **Decision**

**The ISAF Athletes Commission will review and try and forward some suggestions to the Executive Committee for their meeting in September 2015.**

**Appendix 1**  
**ISAF Disciplinary Review**

**1. Introduction**

- 1.1 This note sets out the proposals approved in principle by the Executive Committee in May 2015 to the ISAF disciplinary system. This follows a review by external legal counsel. Detailed submissions will be prepared for the Annual Conference in November 2015.

**2. Judicial Board**

- 2.1 The Disciplinary Commission and Review Board will be merged into one body – the Judicial Board. This will ensure that the experience and expertise needed for disciplinary matters is not split between two bodies as at present, but consolidated in one place.
- 2.2 The Judicial Board, its jurisdiction and powers will be set out in the Constitution (as with the Review Board), not in the Regulations as with the Disciplinary Commission.
- 2.3 The Board itself will be a small, policy-setting body with administrative oversight of the disciplinary system, be responsible for issuing rules of procedure for all forms of judicial hearings undertaken within ISAF, guidance on disciplinary matters (including sanctions) and overseeing the appointment of disciplinary panels and disciplinary personnel as well as appeal panels.
- 2.4 The Judicial Board will have responsibility for ensuring disciplinary cases are conducted expeditiously and will have to authorise extensions of time for a disciplinary panel to consider a case.
- 2.5 The Judicial Board will be responsible for maintaining a database of decisions and also for ensuring that panel members are appropriately trained.
- 2.6 The Judicial Board itself will not hear cases or investigate matters.
- 2.7 The members of the Judicial Board will be appointed by Council on the nomination of the Executive Committee and serve for the normal committee 4-year term. Details of the qualification requirements for membership of the Judicial Board need to be determined, but will include legally qualified disciplinary and dispute resolution specialists. The size of the Board will be small.

**3. Disciplinary & Appeal Panels**

- 3.1 The Judicial Board will maintain two lists of persons suitable to hear and determine cases – a Disciplinary List and an Appeals List. Panels hearing cases will be drawn from these Lists.
- 3.2 The Disciplinary List will consist of volunteers recruited to serve on disciplinary panels. A 'large' number will be recruited to allow for maximum flexibility in setting up panels and ensuring geographic and other diversity. List members will be recruited from the following areas:
- (a) Chairmen – legally qualified members, preferably with disciplinary or dispute resolution experience, who can chair panels, write up decisions and have the necessary experience to ensure the process is fair and conducted as per the rules. Some of these members will come from 'outside' ISAF.
  - (b) Competitors – active sailors (from any part of the sport) to provide a competitor's perspective to panels.
  - (c) Other members – suitable individuals (such as coaches, administrators, race officials etc.) who have experience in sailing and can contribute to the decision-making process.

## Executive Committee Minutes (cont.)

- 3.3 The Appeals List will consist of legally qualified members who can hear appeals.
- 3.4 The Executive Committee has considered whether someone should be able to be on both the Disciplinary List and the Appeals List. Provided always that no one sits on an appeal in a case in which they have had any involvement, the view is that they should be able to do so.
- 3.5 The recruitment, appointment and reviews of the members of the Disciplinary and Appeals Lists will be undertaken by the Judicial Board.

### 4. ISAF Involvement in Events

- 4.1 In line with other Olympic sports, events will be split into two levels and ISAF's disciplinary involvement will be different for both:
  - (a) Level 1 – Major international events
  - (b) Level 2 – Other events
- 4.2 Level 1 events will be:
  - (a) Olympic and Paralympic Sailing Competition
  - (b) America's Cup
  - (c) Volvo Ocean Race
  - (d) ISAF Worlds / IFDS Worlds
  - (e) ISAF Sailing World Cup
  - (f) ISAF Youth Worlds
  - (g) ISAF Open Match Racing/Women's Match Racing/Youth Match Racing/Team Racing Worlds
- 4.3 For Level 1 events, specific disciplinary procedures will apply as set in advance for ISAF following these principles:
  - (a) A Disciplinary Officer is appointed to investigate any reports of misconduct – this task will not be undertaken by the international jury, a member of the Judicial Board or a "List" member. The rules will give the Disciplinary Officer the power to interview and collect evidence and compel anyone subject to the rules to co-operate with an investigation.
  - (b) The Disciplinary Officer can be a member of the international jury, but (preferably) could also be a separate person such as ISAF staff, technical delegates or other qualified persons. If the Disciplinary Officer was a jury member, then he or she would not be able to sit on any international jury panel considering the case at the event.
  - (c) The Disciplinary Officer will decide whether or not to charge (cite) a competitor for misconduct. There is no appeal against that decision. If a competitor is cited, the international jury hears the case with the Disciplinary Officer presenting the evidence against the competitor.
  - (d) International juries will retain their current powers to sanction competitors (i.e. any sanction up to and including expulsion from the event).
  - (e) If the international jury imposes a sanction greater than one DGM (one race disqualification) or exclusion from more than one race, then a report must be made to ISAF. No referral is made to the MNA.
  - (f) When a report is made to ISAF, it will be reviewed by an official (unconnected to the Judicial Board) who must decide whether or not to charge the competitor with gross misconduct (based on guidelines published by the Judicial Board). There is no appeal

## Executive Committee Minutes (cont.)

against that decision. If the competitor is charged, then the case will be heard by a Disciplinary Panel.

- (g) The Disciplinary Panel will consist of:
  - i) three people – a legally qualified chairman, a competitor member and another member
  - ii) a single judicial officer sitting alone who is legally qualified and has experience of both sports/disciplinary law and sailing. This person will not be 'from' ISAF.

The decision on the type of panel will be made by the Judicial Board, without any appeal. A competitor shall have the right to object to any member or members sitting on a Panel to the Judicial Board, and the Board shall have the final decision on whether to allow such objection.

- (h) The hearing will be conducted via the adversarial process with ISAF 'prosecuting' the competitor. Panels shall ensure hearings take place in accordance with the normal provisions of natural justice including ensuring:
  - i) there is disclosure of all material in the possession of ISAF that may assist the person charged;
  - ii) the material upon which the Panel is invited to base its verdict should be set out clearly and defined to the person charged; and
  - iii) a person charged should be informed of and given access to the procedures to be applied in his or her case.
- (i) The rules and regulations governing the process will provide that a Panel is independent of ISAF and the Judicial Board and that the competitor and ISAF bind themselves to the decision of the Panel (subject to any right of appeal).
- (j) The Judicial Board will set out in the rules governing the process the overall time limits within which a case must be heard (with the aim to be as short as is fair). If a Panel wishes to extend the process, then the Panel must apply to the Judicial Board for an extension and set out its reasons why. The Board will be responsible for ensuring Panels meet the relevant deadlines.
- (k) The Disciplinary Panel can impose any sanction within ISAF's powers in line with sanctioning guidelines published by the Judicial Board. The level of fine that can be imposed should be reduced to up to €1,000.
- (l) There is a right of appeal from the decision of the Disciplinary Panel direct to CAS by both the competitor and ISAF.

4.4 For Level 2 events (all other events), the following process will be follows:

- (a) Protest committees remain responsible for dealing with misconduct in the current way.
- (b) If a protest committee imposed a sanction greater than one DGM (one race disqualification) or exclusion from more than one race, then a report must be made to the MNA.
- (c) The MNA responsible is the MNA of the competitor, not the MNA of the venue (as for international events this presents significant difficulties post-event).
- (d) The MNA must decide whether or not to charge (cite) the competitor for gross misconduct. If cited, the MNA is responsible for having in place suitable disciplinary procedures to carry out the case.
- (e) ISAF will no longer confirm/revise/annul MNA decisions. However, if a competitor has a suspension of eligibility of more than three months imposed, then the competitor will have the right of appeal to either the Judicial Board or to a national dispute resolution

## Executive Committee Minutes (cont.)

organisation (if the MNA has informed ISAF that its rules provide for this and ISAF has approved those arrangements). Under the ISAF system, the appeal will be heard by an Appeals Panel of the Board and will be between the competitor and the MNA. The decision of the Appeals Panel is final and there will be no onward appeal to CAS.

- (f) The rules should provide that any suspension of eligibility by an MNA must be reported to ISAF and be recognised by all other MNAs.
- (g) MNAs will have three months in which to reach a decision on a report (or seek an extension of time from the Judicial Board). If the MNA does not do this, then the MNA loses jurisdiction over the matter and ISAF becomes entitled to decide (within a set time) whether or not it wishes to charge the competitor with gross misconduct and follow the Level 1 process above. If ISAF does not wish to do so, then no further action is taken against the competitor. There should be no appeal against that decision.

### 5. “Non-event” disciplinary matters

- 5.1 Allegations of gross misconduct concerning non-competitors subject to the ISAF Regulations (i.e. ISAF race officials, committee members etc.) must be received in writing no later than one month from the date of the alleged misconduct.
- 5.2 To be valid, the complaint must come from a race official, competitor, technical delegate, Member National Authority or authorized member of an organizing authority or an international class association (the Chief Executive Officer may also in his discretion decide to allow a complaint from another source if they have sufficient standing and link to the matter). This list matches the current list of people who may file a performance report about a race official.
- 5.3 The report will be sent to the Judicial Board, which will appoint an investigation panel (comprised of List Members) to review the complaint and determine whether or not there is a case to answer. The Panel may require a Disciplinary Officer to be appointed to investigate certain matters under the supervision of the Panel and report back to the Panel. If the Panel determines there is no case to answer, the complainant may ask for a second Panel to review the first Panel’s decision on a *de novo* basis and to issue a final determination. There will be no appeal from the decision of the second Panel.
- 5.4 If accepted as a valid complaint, it is processed under the Level 1 process above with the exception that there is no onward appeal to CAS but an appeal to an Appeals Panel of the Judicial Board.

### 6. Reasons

- 6.1 The Executive Committee considers that the above proposals have a number of benefits:
  - (a) The creation of a single Judicial Board with oversight over the disciplinary system will enhance the independence of the disciplinary process.
  - (b) Having larger lists of volunteers willing to sit on panels will decrease the chances of conflicts of interest and increase the flexibility of the system. It will also reduce the workload on volunteers who hear disciplinary matters.
  - (c) Having a specific category of “competitor members” of disciplinary panels will enhance their legitimacy and provide a helpful point of view for decision-making.
  - (d) Decreasing ISAF’s involvement to only major international events brings ISAF into line with most other international federations. There is no need for ISAF – as the world governing body – to involve itself with disciplinary matters at national level. ISAF will concern itself with the top-level of events and leave other disciplinary matters to MNAs. This mirrors the approach to normal protests – MNAs are the final arbiters of appeals on protest decisions.

## Executive Committee Minutes (cont.)

- (e) Creating the role of a Disciplinary Officer will allow an objective assessment of a case and whether or not ISAF should commit its resources to prosecuting it.
- (f) A Disciplinary Officer at major international events will remove the frequent but misplaced allegation that an international jury is acting as both prosecutor and adjudicator.
- (g) Conducting cases on an adversarial model (with ISAF prosecuting) strengthens the likelihood that cases will be heard fairly (because the Disciplinary Panel is acting only as adjudicator and not as investigator) and ensures that ISAF is ready to defend any appeal to CAS because it has been involved in the preparation for the case.
- (h) Ensuring that independent panels review disciplinary complaints against race officials or committee members will reduce the risk of allegations of 'protectionism' by ISAF of its officials.