

INTERPRETATION 008-21

REQUEST FOR INTERPRETATION FROM THE CHAIR OF RACE OFFICIALS COMMITTEE

Introductory Notes

In 2021, Race Officials Committee (ROC) received two applications for first appointment as an International Race Official. This request for interpretation relates to the circumstances in which the ROC may be appoint an applicant for first appointment where due to the COVID-19 pandemic has resulted in a delay to their application.

Both candidates attended a World Sailing Seminar in May 2017 and intended to apply for first appointment in 2020 having completed the various other requirements. However, event cancellations caused by the COVID-19 pandemic resulted in both applicants having insufficient principal events to apply for appointment in 2020. Therefore, neither applied for appointment.

In 2020, in response to the pandemic, ROC submitted submission 039-20 which amended regulation 31.15 to allow applicants for first appointment to be approved if they did not meet the requirements for principal events. This submission was approved by Council, however as this change was made at the October 2020 conference, it did not come into effect until that date. By that time, having been led to believe they could not be successfully appointed due to their lack of principal events, the applicants did not apply.

Both applicants now apply for first appointment. However, the year's delay has now resulted in their seminar attendance falling outside the 'Designated Period' for 2021. Their seminar attendance would have been within the Designated Period for first applicants in 2020 had they applied.

Due to the COVID-19 pandemic World Sailing was unable to deliver any seminars in 2020 and 2021 and therefore there has been no opportunity to rectify this since the beginning of the pandemic.

The relevant subcommittee and the ROC would support their appointment if this were permitted by the current regulations.

Question 1

Regulation 31.15.1 permits the ROC to appoint a candidate in special circumstances where they do not meet the requirements for principal events.

If a candidate satisfies the ROC that the only reason why they did not apply was due to a lack of principal events, and all other requirements were met, can the ROC now appoint them under Regulation 31.15.1 on the grounds they would have benefitted from Council's decision?

Answer 1

No. Regulation 31.15.1 is limited to the specific issue of principal events and not other requirements. Here the issue is not principal events, but a lack of seminar.

However, Regulation 31.7(a) requires candidates to meet the general and discipline-specific requirements for appointment as published by World Sailing by 1 February each year. This is the document "Race Officials Roles, Qualifications and Competencies" and commonly known as the 'RQC document'.

The latest publication by World Sailing is February 2021, and an updated document is due to be published by February 2022.

If the Race Officials Committee wish to amend the RQC document to make allowances for situations such as these candidates, then it has the power to do so and these should be published by 1 February 2022 (and there is no reason why it cannot be published sooner).

Regulation 31.6 expressly allows the Race Officials Committee to defer consideration of an application. The Committee can defer consideration of these two applications pending publication of the new RQC document, and once published, then decide the applications under it. As the candidates would not be prejudiced by this (i.e. the requirements are more generous to them, not less generous), this would be a permissible course of action.

Question 2

An additional request was received from the Race Officials Committee who would like to obtain understanding on Regulation 31.15.2.

Regulation 31.15.2 states:

If a candidate for re-appointment due to medical or other special circumstances does not meet all the requirements, the Race Officials Committee may:

- (a) re-appoint the candidate for a full four year term ; or*
- (b) extend the existing appointment for 12 months.*

The Race Officials Committee request an understanding on the opportunity to consecutively appoint an official under reg 31.15.2 (b) and therefore extending for an existing 12 months, if the previous year the applicant received this ruling.

Answer 2

Regulation 31.15.2 provides (inter alia) for the extension of the existing appointments to be made for a further 12 months.

At the conclusion of the 12 month period, the candidate is therefore up for reappointment. There is no limitation on this process preventing its continued application and accordingly, consecutive reappointments.

Accordingly, the provisions of Regulation 31.15.2 apply, and the Race Committee may make an appointment as provided for in subparagraphs (a) and (b) therein.

**Constitution Committee
World Sailing**

26 October 2021