

WORLD SAILING ETHICS COMMISSION

RULES OF PROCEDURE

ALLEGATIONS OF A BREACH OF THE CODE OF ETHICS

- 1 This section 1 applies when there is an allegation of a breach of the Code of Ethics.
- 2 Referrals to the Ethics Commission (the Commission) shall be made in writing to the Chief Executive Officer pursuant to Regulation 36. The Chief Executive Officer shall refer it to the Commission.
- 3 Before conducting an investigation under Regulation 8.14.8 (c) the Commission shall determine whether the alleged breach of the Code of Ethics received by World Sailing:
 - (i) is, or may be, within the jurisdiction of World Sailing and the provisions of the Code;
 - (ii) is, or may be, within the relevant time period for making such a report;
 - (iii) is made by persons who have a direct and legitimate interest in the alleged breach of the Code;
 - (iv) is not vexatious, frivolous and/or has already been addressed by the disciplinary, judicial and/or appellate systems of World Sailing.
- 4 When conducting an investigation under Regulation 8.14.8(c), the Commission may take such time as it considers is reasonably required, and any measures, including:
 - 4.1 appointing an Ethics Officer in accordance with Regulation 36.5
 - 4.2 asking for written information or documents from the parties concerned;
 - 4.3 hearing the parties concerned, for the avoidance of doubt, such hearing may be conducted electronically via video conference. The parties may be legally represented (at their own cost).
 - 4.4 any person implicated in a case submitted to the Commission is to be informed as soon as reasonably possible. Such person will be given an opportunity to be heard on the allegation;
 - 4.5 deciding to hear witnesses that it calls, or at the request of the parties concerned;
 - 4.6 traveling to the place concerned, sending one or more of its members or delegating a person to go there if it deems that such action may clarify the proceedings underway;

- 4.7 appointing one or more experts tasked with assisting it on one or more points, and establishing the scope of their terms of reference and remuneration within the limits of its operating budget.

5. The Commission Chair may, pursuant to Regulation 36.7, appoint a panel of three or more members (including a chair) to carry out the function of the Commission in relation to a case before it. The panel may delegate the hearing of a party to one or more of its members.

6. The Commission's deliberations will be led by the Chair. In the absence of a consensus, decisions by the Commission will be taken by a simple majority of the members present. The Chair shall have a second and casting vote in the event of a tie.

7. If the Commission or any appointed panel deems it necessary, the members may take part in the deliberations by telephone conference or videoconference. The Commission members may be consulted by means of circulating the documents.

8. The deliberations and votes are confidential.

9 The Commission may recommend in its report such non-disciplinary measures or sanctions, or any other action it considers appropriate, that are in accordance with the World Sailing Constitution and Regulations. Disciplinary measures and sanctions fall within the remit of the Disciplinary Commission.

10. At the end of an investigation, the findings, opinions and recommendations of the Commission will be submitted by its Chair in a written report pursuant to Regulation 36.8 to the Board.

11. Any investigation must remain confidential until such time as the Board (or the Council as appropriate) takes a decision on the conclusions and recommendations of the Commission (provided that such matter is not already in the public domain).

12 Before such decision by the Board (or the Council as appropriate), the Chief Executive Officer may refer to the Commission for a second time any points addressed in its conclusions and recommendations, citing new or other elements.

REQUESTS FOR OPINION

13 In appropriate circumstances, World Sailing Members, Members of Council, World Sailing Committee or Commission Members, World Sailing Race Officials, the Chief Executive Officer or the Board, may ask the Commission in writing for an opinion or guidance on any matters concerning ethics or the Code of Ethics and its application.

14 The opinions issued by the Commission are not binding upon it with regard to the exercise of its other competences. The Commission may publish any opinions issued as it sees fit.

ADOPTION

15 These Rules of Procedure were adopted by the Ethics Commission pursuant to World Sailing Regulation 8.14.7 in September 2023

PUBLICATION

16. In accordance with Regulation 36.17 decisions of the Ethics Commission shall be published by World Sailing save that the Ethics Commission may, in its absolute discretion (against which there is no appeal):
- (a) Decide not to publish a decision if such publication is inappropriate in all the circumstances; or
 - (b) Decide to redact parts of the decision and publish only the redacted copy.