

Safeguarding

1. Introduction

- 1.1 In 2019, Council approved Submission 007-19 (as amended) which required World Sailing to develop safeguarding policies and procedures to deal with athlete harassment and abuse.
- 1.2 The Board considered the matter again in February 2021 and it was agreed that a working party would be established to progress this work.
- 1.3 An Integrity Manager was appointed in April 2023 to lead on this Safeguarding work and in particular, develop a World Sailing Safeguarding Policy and Procedure.
- 1.4 Safeguarding concerns reported to us at the Ocean Race and The Hague World Sailing Championships in 2023 have re-emphasized the need for a policy. The Ocean Race report in particular is a high-profile matter. Safeguarding has and continues to garner international media attention.
- 1.5 A draft policy was put before the Board in September 2023. It was noted that World Sailing resources and budget for managing safeguarding concerns was limited and it was therefore agreed that the scope of the policy should be amended. The amended scope is now set out at 2.4 below.

2. Update

- 2.1 The final draft of the proposed Safeguarding Policy and Procedures has now been completed and is before you for approval.
- 2.2 In preparation of the Policy and Procedures, Director of Legal and Governance and Integrity Manager have met with individual members of the Board to discuss and obtain input. Representatives of the Racing Rules Committee, Constitution Committee and Medical Commission have also been consulted for input.
- 2.3 Discussions with individual Board members emphasized the need to clarify the scope of the Policy and World Sailing's jurisdiction.
- 2.4 The Scope of the proposed Policy is now **twofold (Organizational & Events)** and is limited to the following persons/bodies and events:
 - 2.4.1 World Sailing Events – namely **Olympic Games** (once every 4 years), **Combined Sailing World Championships** (once every 4 years) and **Youth Sailing World Championships** (annual).
 - 2.4.2 Organizational – persons/bodies to whom it applies - **competitor, boat owner or support person participating in a World Sailing Event; World Sailing Officer** (Board, Council, Committee or Commission Members, including any **alternate appointed to a World Sailing Officer post**), **Working Party Members, World Sailing Member National Associations (MNA) representative** sent by the MNA to attend World Sailing Events, meetings or other official functions, **World Sailing Class Associations representative** sent by the Class to attend World Sailing Events, meetings or other official functions, **World Sailing Race Official** or **World Sailing accredited guest** invited by World Sailing to attend World Sailing Events, meetings or other official functions; **member of staff, consultant** or **contractor** of World Sailing
- 2.5 The Safeguarding process as set out in the Policy and Procedure is broadly as follows (*please also see graphic of process flow chart below*):
 - 2.5.1 A concern is reported to the **Safeguarding Officers** (Urvasi/Gillian);

Safeguarding Officers consider the report/interview parties to determine if matter is a Safeguarding concern and what further action to take. In accordance with the Policy and Procedures, Safeguarding Officers may take the following actions:

- 2.5.2 refer to Police/Local Authority if criminal offence is suspected;
 - 2.5.3 refer to MNA if matter is not criminal and does not fall within jurisdiction of World Sailing;
 - 2.5.4 determination that the matter constitutes poor practice and requires remedial action;
 - 2.5.5 determination that the matter should be referred to the Event Disciplinary Investigation Officer (EDIO) for process under the Misconduct provisions;
 - 2.5.6 determination that there should be no further action;
 - 2.5.7 appointment of an Investigator from **Safeguarding Investigations Panel** to investigate further. Investigator investigates, submits report – determines either a case to answer or no case to answer;
 - 2.5.8 if there is a case to answer, the matter goes to the **Safeguarding Disciplinary Tribunal** for hearing.
- 2.6 Our Resources to action the policy and procedure are broadly as follows:
- 2.6.1 **Safeguarding Officers** are already employed by World Sailing and have Safeguarding specific training and/or qualifications – therefore no extra cost.
 - 2.6.2 **Safeguarding Investigations Panel** (to be recruited and comprised of police, welfare professionals, safeguarding professionals, legal professionals for example). Rate to be agreed but the market rate for Safeguarding Investigators is currently £50 per hour. Simple investigation likely to not exceed £500 up to £3000 for a complex investigation involving multiple witnesses and claimants.
 - 2.6.3 **Safeguarding Disciplinary Tribunal** – no extra cost - Appoint independent voluntary Safeguarding specific Tribunal members on a case-by-case basis (appointment can come from existing tribunal members if legally qualified/safeguarding experienced).
 - 2.6.4 Safeguarding Appeal Tribunal if a case progresses all the way to appeal then it will be necessary to appoint independent Appeal Tribunal members who are Safeguarding experts, and some costs will be incurred.
 - 2.6.5 We need to highlight that costs of Safeguarding matters arising at events will be limited to the costs associated with travel of the Safeguarding Officers (Urvasi/Gillian).
 - 2.6.6 Colleagues in similar sized International Federation with existing Safeguarding policy and structures in place have reported data of circa 5 matters reported in a calendar year of which only 1 went as far as the sport's disciplinary tribunal.
 - 2.6.7 The budget for 2023 (as put before this Board in October 2022) was £30,000 which took into account a very similar structure to the now existing draft policy. Safeguarding has used less than £500 of that budget in 2023 – the only outgoings have been for Staff and UK based officials to complete DBS (UK Disclosure Barring Service) Checks. We anticipate given the proposed structure and process and our existing resources that the budget for 2024 will not exceed that proposed for last year, namely £30,000.
- 2.7 Incorporated into the Regulation 35 and 36 governance reforms paper (which is a paper from the Board, for approval not based on Submission), is a new section 35.

10 Part I, to ensure that the Safeguarding Policy is incorporated and will apply to the organisation and events defined above.

- 2.8 Safeguarding Education and vetting update – World Sailing staff and officials who attended the Hague Sailing World Championships completed DBS Checks. Self-Declarations were completed by those not in the UK and therefore not eligible to complete a UK DBS. All WS Staff & Officials attending the Youth Sailing World Championships in December have been sent requests to complete online Safeguarding Awareness Training (provided by the IOC at no cost) and complete DBS Checks/Self Declarations.

3 Next Steps

We plan to commence recruitment of Safeguarding Investigators for the Safeguarding Investigations Panel as soon as the Policy is approved. The policy, procedures and Regulation change, once approved by the Board, will be put to the Council for approval. They appear on the Council agenda as a matter for approval not based on submission.

- 3.1 The Safeguarding Tribunal and Safeguarding Appeal Tribunal will be appointed on a case-by-case basis. We plan to recruit/appoint specialist Tribunal members on a volunteer basis. These Tribunals are distinguishable from the other disciplinary/hearing bodies in the current and new Constitution.
- 3.2 We will ensure that World Sailing Event Organisers are familiar with the Safeguarding Risk Assessment Checklist and that this checklist is completed prior to events. We also need to ensure that this is in future event contracts to mitigate risk.
- 3.3 We will commence Safeguarding Training (internally – WS Staff and externally – WS Officials/Sailors/Support Staff) and MNA Education as soon as policy is approved. This will be carried out by the Integrity Manager and may involve online courses and in-person education at World Sailing Events.
- 3.4 We will continue the vetting of World Sailing Staff and Event Officials. Safe recruitment and DBS Checks/Self Declarations need to be implemented into the World Sailing Staff Handbook.
- 3.5 We will develop a long-term strategy for rolling out Safeguarding Training and Measures for MNA, Classes, Special Events and other key stakeholders.

4. Risk Assessment

- 4.1 World Sailing is at risk because it currently has no safeguarding policies and processes in place.
- 4.2 Across the sporting world the issue of child welfare and athlete welfare has been high profile and whilst most cases arise in the national setting it is not inconceivable that an incident arises at a World Sailing Event. If a Safeguarding concern arises at a World Sailing event and World Sailing fails to take appropriate action this will be a significant reputational risk
- 4.3 There is a greater risk for World Sailing at its youth events with approximately 400 children and young people in attendance. We will attempt to mitigate this by developing specific child safety guidelines for youth events and will work very closely with the event organisers of Youth Sailing World Championships.
- 4.4 The Integrity Officer will work with World Sailing Event Organisers to ensure they are familiar with the Safeguarding Risk Assessment Checklist and that they are aware of and abide by the Policy once it is approved.

- 4.5 As stated above, other IF's report an average of 5 cases per year. Various measures can be taken to mitigate the risk, in particular ensuring that robust checks and training are in place for World Sailing personnel.
- 4.6 Other mitigation measures include the rolling out of Safeguarding across sailing to ensure a universal message is being delivered that World Sailing has a zero-tolerance approach to abuse and harm and we expect the same from our stakeholders.
- 4.7 If and when a case arises Safeguarding Officers will carry out reflective risk assessments to assess the success of training and measures in place and try to discover where improvements can be made and what further actions can be taken to mitigate the risks.

5. Recommendation

- 5.1 That the Council notes the content of the report.
- 5.2 That the Council notes the Safeguarding Policy and Safeguarding Procedures which the Board has approved.
- 5.3 That the Council approves the amendments to Regulation 35, which have been proposed to incorporate the Safeguarding Policy and Procedures.



SAFEGUARDING POLICY AGAINST HARASSMENT AND ABUSE

Draft – October 2023

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1 INTRODUCTION

1.1 World Sailing is the world governing body for the sport of Sailing. It is a not for profit organisation and does not pursue any objective for its own gains.

1.2 World Sailing seeks to create an atmosphere in which everybody who participates in Sailing can have a safe, rewarding, and positive experience.

1.3 Harassment, abuse, or exploitation can occur in sport and can impact the rights and wellbeing of athletes, and those working in other roles in the sport. The IOC Consensus Statement of 2016 as well as the IPC Policy on Non-Accidental Violence and Abuse in Sport 2016 provide some examples of consequences of different forms of harassment, abuse and exploitation in sport including the physical and emotional harm caused to victims and the reputational damage that could be caused to sporting organisations such as World Sailing.

1.4 Therefore, World Sailing seeks to protect everyone involved in Sailing in the belief that all athletes, coaches, officials, staff, and volunteers have the right to participate in sport in a safe and inclusive environment that is free from all forms of harm, discrimination, harassment, abuse, exploitation, violence, and neglect. Whilst World Sailing seeks to protect everyone involved in Sailing, we acknowledge that the protection of children is paramount and everyone, particularly those involved in planning or delivering programmes for children, is responsible for the care and protection of children, making decisions in their best interests, as their welfare is paramount.

1.5 The World Sailing Safeguarding Policy against Harassment and Abuse in Sport aims to:

- 1.5.1 Provide a framework for promoting the prevention of harassment, abuse, and exploitation in the sport.
- 1.5.2 Raise awareness of, and provide clarity on, what constitute harassment, abuse, and exploitation.
- 1.5.3 Outline the process for reporting concerns of harassment, abuse, exploitation, and how reported concerns will be managed.

Thereby promoting a safe and inclusive environment for all involved in Sailing.

2. DEFINITIONS

In addition to the definitions in the World Sailing Regulations, in this policy the following terms shall have the following meanings:

Athletes with disabilities: those who have long-term physical, mental, intellectual, or sensory impairments that, on interaction with certain barriers, may hinder their full and effective participation in society on an equal basis with others.

Bullying or cyberbullying: unwanted, repeated, and intentional aggressive behaviour usually among peers, and can involve a real or perceived power imbalance. Bullying can include actions such as making threats, spreading rumours or falsehoods, attacking someone physically or verbally, vandalizing personal property, deliberately excluding someone, making practical jokes which cause awkwardness or embarrassment, endangering a person's safety, or negatively affecting performance.

Children: are defined as young persons under 18 years of age and are protected under the United Nations Convention on the Rights of the Child which has been adopted by 197 nations.

Exploitation: when an individual or group unfairly takes advantage of a person to coerce, manipulate or deceive for personal gain. Exploitation is a form of abuse.

Grooming: refers to an individual working to create an emotional connection with a child to gain their trust with the distinct purpose of sexual abuse or exploitation. Grooming can be undertaken by both males and females and can occur both online and in the real world. It can be undertaken by an individual the child or young person knows or by a stranger. Many children and young people will not understand that they have been groomed and that it constitutes abuse. Abusers may invest a lot of time and effort into gaining a child's and possibly the rest of their families trust by:

- Offering advice and understanding
- Buying gifts, such as equipment
- Giving the child attention
- Using their professional position or reputation
- Taking them on trips, outings, or holidays

Once they have established trust, groomers will exploit the relationship by isolating the child from friends or family and making the child feel dependent on them. They will use any means of power or control to make a child believe they have no choice but to do what they want. Abusers may introduce 'secrets' to control or frighten the child. Sometimes they will blackmail the child, or make them feel ashamed or guilty, to stop them telling anyone about the abuse.

Hazing: an organised, usually team-based, form of bullying in sport, involving degrading and hazardous initiation of new team members by veteran team members.

Harassment: directly or indirectly engaging in conduct that the respondent knows or ought to know (a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably (i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be; (ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or (iii) sending, delivering or causing the delivery of letters, packages, electronic mail, social media messages, social media comments, social media posts or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or (b) amounts to sexual harassment of the complainant or a related person.

Harassment can take a variety of forms with the most common being:

- Suggestive sexual comments
- Racist insults/jokes
- Verbal abuse
- Unwelcome attention

Homophobia: antipathy, contempt, prejudice, aversion or hatred towards Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual persons.

Neglect: the failure of parents, care givers and those supervising children to meet a child's physical and emotional needs or failure to protect a child or adult from exposure to danger.

Negligence: acts of omission regarding athlete safety. For example, depriving an athlete of food/or drink; insufficient rest and recovery; failure to provide a safe physical training

environment; or developmental age-inappropriate or physique- inappropriate training methods.

Physical abuse: non-accidental trauma or physical injury caused by punching, beating, kicking, biting, burning or otherwise harming an athlete. This could include forced or mandated inappropriate physical activity (e.g., age- inappropriate or physique-inappropriate training loads; when injured or in pain); forced alcohol consumption; or systematic doping practices.

Psychological abuse: a pattern of deliberate, prolonged, repeated non-contact behaviours within a power differentiated relationship. This form of abuse is at the core of all other forms. Some definitions refer to emotional or psychological abuse interchangeably. In this document, we refer to psychological abuse in recognition that the psyche consists of more than emotions. It also consists of cognitions, values and beliefs about oneself, and the world. The behaviours that constitute psychological abuse target a person's inner life in all its profound scope.

Psychological abuse can take a variety of forms with the most common being:

- Confinement
- Isolation
- Verbal assault
- Humiliation
- Intimidation
- Infantilizing

And any other treatment which may diminish the sense of identity, dignity, and self-worth.

Safeguarding: means the measures taken to protect individuals from Harassment and/or Abuse.

Safeguarding Concern: means an allegation of any conduct, concern, incident, suspicion, action, behaviour, or failure to act in a way which has caused or which causes or which may cause Abuse and Harassment of an Adult or Child.

Safeguarding Disciplinary Tribunal: is the hearing body that will conduct hearings into cases and sanction persons in breach of this policy. The Safeguarding Disciplinary Tribunal will be drawn from the World Sailing Independent Panel on a case-by-case basis and will comprise 3 persons with appropriate legal and/or safeguarding experience.

Safeguarding Investigations Panel: an independent panel of persons suitably qualified in conducting investigations, gathering available evidence and information, compiling reports and with necessary safeguarding/welfare experience.

Safeguarding Officer: a designated person within World Sailing with primary responsibility for managing and reporting safeguarding concerns and for putting into place procedures to safeguard persons in the organisation. The safeguarding officer shall be appropriately safeguarding trained and/or qualified.

Safe Sport: an environment that is respectful, equitable and free from all forms of non-accidental violence to athletes and others participating in sport.

Sexism: is the belief that one sex or gender is superior to another. Sexism is distinguished by prejudice or by discrimination based on person's sex or gender. Although sexism can affect anyone, women and girls are more often affected by sexism.

Sexual abuse: any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/ manipulated or is not or cannot be given.

Sexual harassment: any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical.

Vulnerable Adult includes any person aged 18 or over who is, or may be, in need of services by reason of a disability, age or illness, and who is, or may be, unable to take care of him- or herself. Vulnerable adults also include any person over 18 years of age who is unable to protect him- or herself against significant harassment, abuse, neglect, or exploitation because of their athletic ability, race, gender, sex, health status, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, or birth.

World Sailing Event: The following Events fall under the definition of World Sailing Events -

- the Olympic Games Sailing Competition;
- the World Sailing Youth World Championships;
- the World Sailing Combined World Championships.

Young Adults are young persons over 18 years of age transitioning from childhood to adulthood. With limited life experience they may not have developed resilience and may be more at risk of harassment, abuse, or exploitation.

3 SCOPE OF THIS POLICY

3.1 World Sailing's Safeguarding Policy scope is twofold, extending both organisationally to applicable persons and bodies reflected in 3.2 below and during World Sailing Events as defined.

3.2 Without any distinction of age, ability or disability, gender, gender identity, marital status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, language, socioeconomic background or identity, or migration status or other kind of unfair discrimination, this Policy applies to anyone who:

- 3.2.1 Is either a competitor, boat owner or support person participating in a World Sailing Event;
- 3.2.2 Is a World Sailing Officer (Board, Council, Committee or Commission Members, including any alternate appointed to a World Sailing Officer post), World Sailing Member National Associations (MNA) representative sent by the MNA to attend World Sailing Events, meetings or other official functions, World Sailing Class Associations representative sent by the Class to attend World Sailing Events, meetings or other official functions, World Sailing Race Official or World Sailing accredited guest invited by World Sailing to attend World Sailing Events, meetings or other official functions;
- 3.2.3 Is a member of staff, consultant or contractor of World Sailing.

3.3 This Policy always applies to all World Sailing Member National Associations (MNA's) and World Sailing Class Associations (Classes) during participation in World Sailing Events, as defined.

4.WHAT IS HARASSMENT AND ABUSE?

4.1 Harassment and Abuse can be expressed but not limited to, in five forms which may occur in combination or in isolation.

- 4.1.1 Psychological abuse
- 4.1.2 Physical abuse
- 4.1.3 Sexual harassment
- 4.1.4 Sexual abuse
- 4.1.5 Neglect

4.2 This Policy contains all the definitions from the IOC Consensus Statement 2016 as well as from other relevant sources and provides more details on various forms of Harassment and Abuse.

4.3 Harassment and Abuse can be based on any grounds including. age, ability or disability, gender, gender identity, marital status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, language, socioeconomic background or identity, or migration status. It can include a one-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited, or coercive. The improper behaviour does not have to be made with the intent to harass or discriminate, to be in violation of this policy.

4.4 Harassment and Abuse may result from an abuse of authority, meaning the improper use of a position of influence, power, trust or authority by an individual against another person (in the UK under criminal law all coaches are deemed to be in a position of trust.)

4.5 All Athletes and others participating in sport are susceptible to being a target of the various forms of Harassment and Abuse.

4.6 The impact of the various forms of harassment and abuse on a participant may include any or all:

- 4.6.1 Physical e.g., illnesses and injuries, loss of performance, eating disorders, sexually transmitted infections, post-traumatic stress disorder.
- 4.6.2 Emotional e.g., volatile mood states
- 4.6.3 Behavioural e.g., drop out of the sport / competition, potential for cheating.
- 4.6.4 Mental Health / Cognitive e.g., anxiety, depression, self-harm, suicide, low self-esteem
- 4.6.5 Effect on relationships e.g., belittling, social exclusion

4.7 The following conduct constitutes a violation of this Policy:

- Psychological abuse (which includes Grooming, Hazing, Bullying and other forms)
- Physical abuse
- Sexual harassment
- Sexual abuse
- Neglect

- Complicity i.e., assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving a violation of this Policy.
- Retaliation: Retaliation is any adverse action taken by an accused person or their associates against a person participating in any investigation or proceedings initiated by World Sailing pursuant to this Policy. Retaliation by an accused person or their associates against a person for making an allegation, supporting a reporting party, or providing information relevant to an allegation is a serious violation of this Policy.
- Failure to cooperate: Failing to cooperate with any investigation carried out by, or on behalf of World Sailing in relation to a possible breach of this Policy, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by World Sailing as part of such investigation.
- Exploitation: Exploitation is the coercion, manipulation or deceit of a person or group of persons against another, that unfairly takes advantage of that person, for personal gain.

Obstructing or delaying any investigation that may be carried out by, or on behalf of World Sailing in relation to a possible violation of this Policy, including without limitation concealing, tampering with, or destroying any documentation or other information that may be relevant to the investigation.

5.RESponsibilities

5.1. World Sailing

5.1.1 The Board of World Sailing shall formerly adopt this policy and the World Sailing CEO must ensure that the policy and accompanying procedures are operationalised.

5.1.2 World Sailing shall appoint Safeguarding Officers who shall be responsible for implementing the Safeguarding Policy and Procedures and a Safeguarding Strategy

5.1.3 The World Sailing Safeguarding Officers shall be responsible for:

- a) Raising awareness of World Sailing's Safeguarding Policy and Procedures including the procedures for reporting concerns of harassment and abuse in Sailing.
- b) Ensuring that reported concerns of harassment and abuse are managed in a timely, fair, and responsible manner.
- c) Ensuring that all those persons involved in an alleged incident of harassment or abuse are appropriately supported.
- d) Providing reassurance to those who are concerned about a possible alleged incident that their personal information will not be disclosed, except, for example, if the concerned person gives their prior consent.
- e) Promptly informing the MNA's or Classes of any allegations (where possible) and/or sanction(s) imposed on any person under their jurisdiction relating to any harassment and/or abuse case(s).
- f) Imposing appropriate disciplinary or corrective measures, as determined by the Safeguarding Disciplinary Tribunal, when there has been a violation of this Policy.
- g) Ensuring that LOC's (Local Organising Committees) have a safeguarding plan and reporting procedure in place at all World Sailing Events underlining the

commitment of World Sailing to ensure that participants know that their safety and welfare are of paramount importance.

- h) Providing and raising awareness of suitable educational resources and training opportunities for all participants in World Sailing Events.
- i) Developing and promoting the Safeguarding Strategy to ensure the sport of sailing is free from any kind of Harassment and Abuse.

5.2 Member National Associations & Classes in membership of World Sailing

5.2.1 All MNA's and Classes in membership of World Sailing must play their part in ensuring that the sport of Sailing is free from any kind of Harassment and Abuse.

5.2.2 All MNA's and Classes in membership of World Sailing must have their own safeguarding policy and procedures which must be aligned with:

- a) The applicable laws in their country and for Classes in the country where their events are taking place.
- b) World Sailing 's Safeguarding Policy
- c) World Sailing 's guidance on MNA & Classes Safeguarding Policies and Procedures

5.2.3 MNA's and Classes must ensure that their Safeguarding Policies and Procedures are easy to understand and accessible and are communicated to their stakeholders as well as being actively promoted.

5.2.4 It is recommended that all MNA's and Classes should have a written safeguarding policy or officially adhere to the policy of its National Olympic and/or Paralympic Committee.

5.2.5 MNA's and Classes should understand their obligations in relation to mandatory reporting to public authorities within their country (e.g. alleged criminal matters to be reported to the police) and are responsible for defining and implementing their own policies and procedures, having been adapted to their own national legal framework and consistent with this Policy, to protect their athletes, staff and volunteers from harassment and abuse.

6. SAFEGUARDING OFFICERS

6.1 World Sailing shall appoint Safeguarding Officers, who shall have expertise in Safeguarding in Sport.

6.2. The World Sailing Safeguarding Officers shall have the following roles and duties:

- 6.2.1 To act as the main point of contact for anyone reporting alleged concerns of Harassment and Abuse to World Sailing.
- 6.2.2 To act as the main point of contact for MNA's and Classes regarding Safeguarding matters.
- 6.2.3 To review safeguarding concerns reported to World Sailing and refer cases to appropriate bodies for action based on the nature of the concern raised.
- 6.2.4 To refer cases to MNA's and Classes as is appropriate.
- 6.2.5 To refer matters to the Safeguarding Investigations Panel for Investigation.
- 6.2.6 To refer cases to World Sailing's Safeguarding Disciplinary Tribunal where the Safeguarding Investigations Panel has determined there is a case to answer and a charge has been issued.

- 6.2.7 To implement and uphold World Sailing's Safeguarding Policy and Procedures.
- 6.2.8 To agree safeguarding plans with the Local Organising Committee (LOC) and the host MNA's and Classes at World Sailing Events.
- 6.2.9 To respect the confidentiality of all parties concerned in respect of raised concerns.
- 6.2.10 To monitor and enforce contractual obligations to ensure Stakeholders and Partners are in compliance with World Sailing's Safeguarding Policy.
- 6.2.11 To ensure where concerns raised are required in law in specific jurisdictions to be reported to relevant authorities that this is done.

7. APPLICABLE LAW / RELEVANT AUTHORITIES

7.1 Any disputes relating to the application of World Sailing Regulations or the exercise of powers thereunder, shall be subject to the exclusive jurisdiction of the courts of England and Wales and their principles, and shall be governed by English law, excluding English choice of law principles.

7.2 In case of any report to the relevant local authorities, the applicable law will be the national law of the country where the incident happened.

7.3 In respect of concerns raised with World Sailing through its reporting processes and its Safeguarding Officers, the Safeguarding Officer will review the reports to determine whether:

7.3.1 the matter should be referred to the relevant authorities of the country where the incident happened, or

7.3.2 whether it should be referred to the relevant MNA, or

7.3.3 whether World Sailing has jurisdiction over the matter.

7.4 World Sailing's jurisdiction is to deal with safeguarding concerns arising from World Sailing Events, as defined and in relation to applicable persons/bodies as set out in 3.2 above.

7.5 If the raised concern of alleged Harassment and Abuse is considered as a potential breach of the law then the matter should be referred to the relevant authorities in the country where the incident occurred (e.g. criminal matters referred to the police). Referral can be made by the MNA and/or Class Safeguarding Officers. If there are concerns for the safety of a child or vulnerable adult, the matter should be reported immediately to the relevant local authorities.

7.6 The MNA, Class or World Sailing can only issue a sanction after any sanction is taken by the relevant local authorities in accordance with the applicable law. However, precautionary suspension of the alleged perpetrator from activities in the sport may be imposed in case of Harassment and Abuse where on the balance of probability the accused may pose a risk to children or vulnerable adults.

7.7 Raised concerns should be managed by the Safeguarding Officers of the MNA and/or Class of the country where the incident happened.

7.8 If the raised concern of alleged Harassment and Abuse is not considered as a penal infraction/criminal violation by the relevant local authorities in accordance with the applicable law and the concern falls within World Sailing's jurisdiction, the Safeguarding Officer may refer an investigation into the matter to the Safeguarding Investigations Panel.

7.9 Should the Safeguarding Investigations Panel determine that there is a case to answer, a Notice of Charge may be issued, and the matter will be referred to World Sailing's Disciplinary Tribunal.

8. CONFIDENTIALITY

8.1 The Safeguarding Officer shall respect the confidentiality of all the information received at any phase of the procedure.

8.2 All the information provided by a whistle blower shall be kept by the Safeguarding Officer and is considered as confidential at any time.

8.3 If a reported concern might constitute a penal infraction/criminal violation, the Safeguarding Officer must share the collected information with the relevant Local Authorities in the country where the incident took place in accordance with the applicable law.

8.4 Safeguarding Officers are allowed to use the confidential information in cases where the disclosure is necessary to protect child or adult unable to take care of him- or herself from the Harassment or Abuse that is being suffered as required in law in the country where the incident occurred.

8.5 Safeguarding Officers may disclose confidential information in cases involving adults where the alleged victim has given permission for this information to be shared with local authorities to protect them from further harm.

8.6 Where the alleged behaviour reported does not constitute a penal infraction/criminal violation but is inappropriate conduct, the Safeguarding Officer shall require the permission of the person who was allegedly subject to harassment or abuse to commission an investigation or to refer the matter to disciplinary proceedings where reported concerns shall be required to disclosed to the person against whom the allegations are made and/or the Disciplinary tribunal.

9.REPORTING CONCERNS

World Sailing strongly encourages all incidents of suspected Harassment or Abuse to be reported, regardless of who the offender may be to protect the rights and wellbeing of individuals in Sailing. Concerns that are raised must be referred to the relevant MNA or Class for consideration under their safeguarding policy and to any other sports body authorized to limit a potential perpetrator's involvement in sailing. (Safeguarding Concerns that fall within the scope of World Sailing's jurisdiction, can be referred to World Sailing.)

9.1 Whistle blowing

9.1.1 World Sailing recognises it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible.

9.1.2 World Sailing strongly supports whistle blowers by providing a confidential reporting system and believes it is important for anyone who has concerns to speak out early to prevent and stop any harm being inflicted on anyone.

9.1.3 The whistle blower can be anybody who is aware of or has concerns about any form of Harassment and Abuse taking place in the sport.

9.1.4 Where the victim of alleged Harassment or Abuse needs urgent medical or police attention, the whistle blower should immediately contact the appropriate local authorities.

9.1.5 A written report should be submitted to World Sailing's Safeguarding Officers using World Sailing's reporting form.

9.1.6 The whistle blower has a right to conserve his/her anonymity and all the information he gives to the Safeguarding Officer will be treated in strictest confidence. Please be aware however that anonymous reporting may make it difficult for the concern raised to be fully investigated and the allegations to be properly addressed.

9.2 Reporting Concerns

9.2.1 Anyone can report any incident or concerns within World Sailing's jurisdiction to the Safeguarding Officer who is the appropriate person at World Sailing to manage such cases.

9.2.2 When reporting concerns of alleged Harassment or Abuse, the Safeguarding Officer will take a report in the way that is most comfortable for the person initiating the report including an anonymous, in-person, verbal, or written report.

9.2.3. Individuals may complete an Incident Report Form. Information on this form will include:

- a) The name(s) of the complainant(s)
- b) The type of misconduct alleged (including psychological abuse, physical abuse, sexual harassment, sexual abuse, and neglect)
- c) The name(s) of the alleged victim(s)
- d) The name(s) of the individual(s) alleged to have committed the misconduct.
- e) The approximate date(s) and location(s) where the misconduct was committed.
- f) The names of other individuals who might have information regarding the alleged misconduct; and
- g) A summary statement of the reasons to believe that misconduct has occurred.

9.2.4 A copy of World Sailing's Incident Report Form can be found at Appendix C of this policy and on World Sailing's website.

9.2.5 Processing of Information provided to World Sailing will be dealt with in accordance with our Privacy and Personal Data Protection Policy.

9.2.6 All the information provided by the whistle blower shall be kept by the Safeguarding Officer and is always considered as confidential. If the alleged harassment or abuse are considered penal infraction/criminal violations against a child or vulnerable adult, Safeguarding Officers must share the information collected with the relevant local authorities in accordance with the applicable law.

10.COMMENCEMENT OF POLICY

10.1 This policy comes into force on *[Insert Date]*.

11.TRANSITIONAL PROVISIONS

11.1 This policy applies to violations committed after the commencement date.

APPENDIX A - Educational & Related Resources

The IOC Safeguarding Toolkit has been created to assist the Olympic Movement to develop and implement athlete-safeguarding policies and procedures

(www.olympic.org/athlete365/safeguarding/).

To complement the toolkit and ensure that athletes, their entourage, and other individuals understand the core components of this sensitive topic, a free bite-size IOC Athlete Safeguarding e-learning course has been developed and launched on the IOC Athlete Learning Gateway (<http://onlinecourse.olympic.org/course/baseview.php?id=39>).

Additional resources:

World Sailing Regulations

World Sailing Ethics Code

[IOC Code of Ethics](#)

[IOC Consensus Statement 2016: Harassment and Abuse in Sport](#)

[IPC Code of Ethics](#) (including [appendix A](#))

[IPC Policy on Non-Accidental Violence and Abuse in Sport](#) (including [Games-Time Reporting procedure](#) and [Games-Time Report Form](#) attachments)

[United Nations Convention on the Rights of the Child](#)

[International Safeguarding Children in Sport guidelines](#) (available in several languages)

[The Council of Europe](#): Article 1. (ii) of the European Sports Charter (version dated 2001)

[UNESCO](#): Article 10.1 of the Revised International Charter of Physical Education, Physical Activity and Sport (version dated 2015)

[UN Declaration of Human Rights](#)

[Safe Sport International](#)

[African Union/GIZ Safeguarding in Sport and Sport for Development Contexts Resources](#) (available in six languages)

APPENDIX B – WORLD SAILING INCIDENT REPORTING FORM

Date: / /

Please fill out the information below to the best of your knowledge. Out of respect for the importance of this issue and to encourage honest and effective reporting, knowingly making a false or vindictive report will not be tolerated and may be a violation of the World Sailing Rules & Regulations.

PERSON BEING REPORTED

Name: (First)		(Last)
World Sailing Reg # (if applicable):	Gender:	Age (or approx):
Discipline (if applicable):		
Position this individual holds or held: ☐ Coach ☐ World Sailing Official ☐ Trainer ☐ Athlete ☐ World Sailing Staff ☐ Other _____		

ALLEGED OFFENCE INFORMATION

Type of offence (check all that apply): ☐ Psychological Abuse ☐ Physical Abuse ☐ Sexual Harassment ☐ Sexual Abuse ☐ Neglect ☐ Other _____
Location Incident(s) Occurred:
Date(s) of Alleged Offences:
Description of Alleged Offences:

VICTIM OR VICTIMS' INFORMATION

Name: (First)		(Last)
World Sailing Reg # (if applicable):	Gender:	Age (or approx):
Discipline (if applicable):		
Additional Information:		

INDIVIDUAL(S) WHO MAY HAVE ADDITIONAL INFORMATION

Name: (First)		(Last)
World Sailing Reg # (if applicable):	Gender:	Age (or approx):
Discipline (if applicable):		
Relationship to Parties Involved:		
Brief explanation of the additional information (if known):		

Date: / /

REPORT SUBMITTED BY

Name: (First) _____ (Last) _____

Are you a World Sailing member? ☐ Yes ☐ No

World Sailing Reg # (if applicable): _____ Email: _____ Phone: _____

Did you witness the alleged offence (s)? ☐ Yes ☐ No

Relationship to victim:

☐ Self ☐ Parent/Guardian ☐ Other family relation ☐ Friend/Acquaintance ☐ Coach/Volunteer ☐ Prefer not to say ☐ Other _____

Signature: _____

ADDITIONAL INFORMATION

Any other information that you feel would be helpful to an investigation of the alleged offence you have reported:

CONTACT DETAILS OF OTHER ORGANISATION(S), AUTHORITY(IES), COURT(S), AND/OR POLICE (IF APPLICABLE) INFORMATION

If any other organisation(s), authorities, court(s), and/or the police have been informed of the allegations, please provide us with any relevant details:

WORLD SAILING SAFEGUARDING PROCEDURE

(Draft October 2023)

- 1. CASE MANAGEMENT**
- 2. PROVISIONAL SUSPENSIONS**
- 3. INVESTIGATIONS**
- 4. CHARGING PROCEDURE**
- 5. HEARING PROCEDURE**
- 6. STANDARD OF PROOF**
- 7. SANCTIONS**
- 8. APPEALS**

These Rules of Procedure apply to any safeguarding complaints received by World Sailing under Part I of Regulation 35. For the avoidance of doubt, they do not apply to safeguarding complaints received by MNA/Classes and/or Special Events.

1. CASE MANAGEMENT

1.1 Any Safeguarding Concerns reported to World Sailing will be reviewed by the Safeguarding Officers to determine whether:

- 1.1.1** The alleged victim is at risk of further harm and/or requires medical treatment and/or the concern should be reported to local authorities.
- 1.1.2** It is suspected that the allegation could be a penal infraction/criminal violation if proven, and the concern should be reported to the local authorities.
- 1.1.3** The concern reported falls outside the jurisdiction of World Sailing and should be referred to the relevant MNA/Class/Special Event as appropriate.
- 1.1.4** The concern reported if proven would constitute unacceptable conduct that would breach World Sailing's Safeguarding Policy (and is not a penal infraction/criminal violation) and therefore requires referral to the Safeguarding Investigations Panel for further investigation to determine if there is a disciplinary case to answer or not.

1.1.4.1 The Safeguarding Investigations Panel shall be an independent panel of Investigators comprised of professionals with safeguarding, welfare and/or medical experience.

1.1.4.2 Should the Safeguarding Investigations Panel determine, after investigation, that there is a case to answer, the reported concern should be referred to the Safeguarding Disciplinary Tribunal for hearing.

1.1.5 The reported concern constitutes poor practise and should be addressed through a different form of remedial action such as, relevant training or education, referral under Part C, D or E of Regulation 35

1.1.6 The reported concern requires no further action.

1.2 Safeguarding Officers are the only people who can review reported concerns under 1.1 and/or refer to the Safeguarding Investigations Panel under 1.1.4. to determine the nature of the reported concern and whether there is a case to answer.

1.3 Where Harassment or Abuse is suspected, persons bound by World Sailing's Rules, Regulations, Codes and Policies must provide the Safeguarding Officers with any information, documents, data recordings and storage devices (text, images, sound, etc) in connection with the possible violation or misconduct. Failure to cooperate with the Safeguarding Officers may lead to proceedings before the Safeguarding Disciplinary Tribunal.

1.4 In the case of suspicion of a penal infraction/criminal violation, it is not appropriate for the Safeguarding Officers to commission an investigation. They shall immediately refer the concern to the relevant local authorities, in accordance with the applicable law.

1.5 During the investigation procedure, Safeguarding Officers must respect the confidentiality of the information.

1.5.1 Following the receipt of a reported concern alleging misconduct, World Sailing may consider the circumstances in which it will notify other participants including athletes and/or their parents, legal guardians, or carers with whom the accused individual may have had contact.

1.5.2 At World Sailing's discretion, and as appropriate or required by law, World Sailing may notify relevant persons, i.e., competition managers, staff members, contractors, volunteers, parents, legal guardians, carers and/or athletes of any such allegation that,

- (a)** law enforcement authorities are actively investigating; or
- (b)** that World Sailing is investigating.

Advising others of an allegation may lead to additional reports of harassment or abuse and other misconduct.

1.6 Where World Sailing's rules and in particular this Policy have been breached, and the Safeguarding Investigations Panel has determined upon investigation that there is a case to answer, the Safeguarding Officers shall appoint a Safeguarding Disciplinary Tribunal to engage in the disciplinary procedure.

2. PROVISIONAL SUSPENSION AND PROVISIONAL MEASURES

2.1 Where the Safeguarding Concern reported involves alleged abuse or harassment that:

- 2.1.1** Is directed at a Child or Vulnerable Adult and/or
- 2.1.2** May result in Serious Criminal Charges being laid against the Individual whom allegations have been made against and/or
- 2.1.3** Suggests there is a further ongoing risk of harm being suffered by one or more persons involved in the sport,

then World Sailing, after being made aware of the safeguarding concern, shall consider whether any Provisional measures shall be imposed on the Individual whom allegations have been made against pending resolution of the Safeguarding Concern following the processes in this Procedure.

2.3 Provisional measures include but are not limited to suspension, revocation of Event accreditation, eviction from Event Hotel, restriction of duties, temporary redeployment, suspension or restriction of rights, privileges and benefits, and/or any other actions that World Sailing may deem appropriate.

2.4. The decision to impose any provisional suspension and/or provisional measures in accordance with this Section 2 of these procedures shall be authorised by at least two Safeguarding Officers.

2.5 There is no right of appeal against any provisional suspension and/or provisional measures in accordance with this Section 2 of these procedures. The Safeguarding Officers will review the temporary suspension and/or provisional measures at least every two weeks.

2.6 The imposition of any provisional suspension and/or provisional measures is a neutral act and does not amount to a sanction or a penalty under the Safeguarding Policy.

3. INVESTIGATIONS

3.1 Where the Safeguarding Concern reported, if proven would constitute unacceptable conduct that breaches World Sailing's Safeguarding Policy (and is not a penal infraction/criminal violation), the Safeguarding Officer will assign a Safeguarding Investigator from the Safeguarding Investigations Panel. The Safeguarding Investigator shall be responsible for investigating the complaint and shall:

- 3.1.2** Conduct initial, and if required, follow up interviews with the Complainant, Individual whom allegations have been made against and any other person connected with the complaint;
- 3.1.3** Obtain submissions from the Complainant and Individual whom allegations have been made against together with supporting evidence;
- 3.1.4** Request and review further evidence, and
- 3.1.5** Prepare and issue a final report

3.2 The report will make findings as to whether or not, on a balance of probabilities the Complainant has substantiated their complaint and as such the Individual whom allegations have been made against has:

- 3.2.1** A case to answer, or

3.2.2 No case to answer

3.3 Where the report makes a finding of No Case to Answer, the Complainant and Individual whom allegations have been made against will be notified, and the Investigation will be considered to be at an end.

3.4 Where the report makes a finding of A Case to Answer, the World Sailing Chief Executive Officer and/or World Sailing Director of Legal & Governance may issue a Charge. At this stage the Investigation will be considered to be at an end and the Safeguarding Disciplinary Tribunal shall be tasked with disciplining the relevant Individual in accordance with this Procedure.

4. CHARGING PROCEDURE

4.1 If World Sailing decides that a charge is to be issued, as soon as practicable, a written Notice of the Charge. shall be provided to the Respondent, which shall:

4.1.1 state briefly the nature of the alleged Harassment and/or Abuse; and

4.1.2 provide copies of documents or other material referred to in the charge.

4.2 A single charge may be issued against a Respondent in respect of more than one instance of Harassment and/or Abuse, but the charge shall state separately the nature of each alleged act of Harassment and/or Abuse alleged to have been breached and shall have effect as separate charges.

5. HEARING PROCEDURE

5.1 In the event of Harassment and Abuse, as defined in 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's Safeguarding Policy.

5.2 The Safeguarding Officer shall, within 14 days of issue of the Notice of Charge, appoint the Safeguarding Disciplinary Tribunal for a specific case.

5.2.1 The Safeguarding Disciplinary Tribunal shall consist of three persons with appropriate legal and/or Safeguarding experience.

5.2.2 The Safeguarding Officer will notify the parties of the composition of the Safeguarding Disciplinary Tribunal as soon as practicable, and

5.2.3 A date shall then be set for the Safeguarding Disciplinary Hearing.

5.2.4 The Safeguarding Disciplinary Tribunal shall conduct the proceedings as it sees fit but at all times in a manner which:

- (a)** complies with the World Sailing Constitution, Regulations and this Procedure;
- (b)** complies with its duty to act fairly and impartially;
- (c)** allows the Parties reasonable opportunity to put their respective cases;
- (d)** avoids unnecessary delay or expense and provides a fair and efficient means for resolving the concern.

5.3 The Safeguarding Officers (and Safeguarding Investigations Panel members) are prohibited from sitting on any disciplinary or appeals tribunal hearing of a case of alleged harassment and abuse.

6. STANDARD OF PROOF

6.1 The standard of proof that applies to all decisions made by a Safeguarding Investigator and the Safeguarding Disciplinary Tribunal, is the civil standard on a balance of probabilities.

7. SANCTIONS

7.1 Sanctions and measures shall be proportional to the infringement of the 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 the violation (it is one time or several repetitions)
- d) The background of the abused or harassed person (Child, Vulnerable Adult)
- e) The relationship between the abused or harassed person and the abuser or harasser
- f) Any other relevant circumstances

7.2 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.

8. APPEALS

8.1 World Sailing and the Parties hereby agree to respect and be bound by the decision of the Safeguarding Disciplinary Tribunal, subject only to the right of appeal set out below.

8.2 There is a right of appeal from the Safeguarding Disciplinary Tribunal if, and only if, the decision imposes:

8.2.1 a suspension or revocation of more than three months on Competition Eligibility or World Sailing Eligibility in the case of a competitor, boat owner or support person; or

8.2.2 any sanction imposed (except a warning, reprimand, admonishment or fine) in the case of World Sailing Board, committee or commission member, World Sailing Race Officials World

Sailing Member National Associations (MNA) representative sent by the MNA to attend World Sailing Events, meetings or other official functions, World Sailing Class Associations representative sent by the Class to attend World Sailing Events, meetings or other official functions, World Sailing Accredited Guests, World Sailing Contractors, Consultant or staff

8.3 Any appeal shall be made in writing within fourteen days of the decision appealed against.

8.4 The Safeguarding Officer shall review the appeal request to ensure compliance with 8.2 and 8.3. Where the appeal is in compliance with 8.2 and 8.3 the Safeguarding Officer shall, within fourteen days of receipt of the appeal, appoint an Independent Safeguarding Appeal Tribunal to hear and determine the appeal.

8.5 The Safeguarding Appeal Tribunal shall conduct the proceedings as it sees fit but at all times in a manner which:

- (a) complies with the World Sailing Constitution, Regulations and this Procedure;
- (b) complies with its duty to act fairly and impartially;
- (c) allows the Parties reasonable opportunity to put their respective cases;
- (d) avoids unnecessary delay or expense and provides a fair and efficient means for resolving the appeal.

8.6 World Sailing and the Parties hereby agree to be bound by the decision of the Independent Appeal Safeguarding Tribunal, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

8.7 The Safeguarding Appeals Tribunal may impose the sanctions as set out in 7.2 above.

9. LEGAL REPRESENTATION

Any individual subject to a safeguarding concern and/or safeguarding investigation and/or Safeguarding Disciplinary Tribunal and/or Safeguarding Appeal Tribunal is entitled to be represented, at their own cost.

APPENDIX 6 – DISCIPLINARY, APPEALS AND REVIEW CODE

This Code is undergoing a full review following the approval of the Governance Reforms in November 2022 by the Annual General Meeting. This Code remains in force until the new Code is brought into force in 2024.

35 MISCONDUCT AND DISCIPLINE

35.1 Introduction

35.1.1 This Code defines the structures applicable to allegations of Misconduct and to other judicial processes in the sport of sailing.

35.1.2 This Introduction is intended to give an overview of the way in which the Code operates. The introduction does not define the structures, and Participants should carefully read all the applicable Parts of this Code.

35.1.3 There are ~~five~~ four different structures in place, each designed to address the different circumstances which will apply to matters which will be addressed under them. Those structures are:

- (a) those relating to major international events (Part C);
- (b) those relating to all other events (Part D);
- (c) those relating to other disciplinary complaints (Part E); and
- (d) those relating to appeals and reviews of other decisions made by or within World Sailing (Part G).

(e) those relating to Safeguarding Concerns (Part I)

35.1.4 ~~Except for Part I it~~ The whole structure and process is administered by the Judicial Board.

Major International Events

35.1.5 Except for those cases relating to Safeguarding Concerns under Part I, aAt major international events, an investigator (known as the Event Disciplinary Investigation Officer) is appointed and makes decisions as to whether cases of Misconduct should be presented to the protest committee. If a case is to be presented, the matter proceeds to the protest committee at the event, which makes decisions as to any penalties appropriate to the event in question. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.

35.1.6 If the penalty imposed at the event is above a certain threshold, the protest committee must report the matter directly to World Sailing. World Sailing will investigate and decide whether a charge of Misconduct should be laid against the Participants and be determined by an Independent Panel appointed by the Judicial Board. That Independent Panel will be empowered to impose sanctions wider than

the event itself, including national or international sanctions, if it decides that the charge is ~~proved~~made-out.

- 35.1.7 An appeal lies to the Court of Arbitration for Sport against any decision by the Independent Panel (special arrangements apply for the Olympic and Paralympic Games).

All Other Events

- 35.1.8 At all other events the protest committee decides all issues of Misconduct at event level in accordance with the RRS. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.

- 35.1.9 If the penalty imposed at the event is above a certain threshold the protest committee must report the matter to the Participant's MNA, which then has three months to decide whether a wider penalty should be imposed or not (subject to any extensions of time which may be granted by the Judicial Board). Each MNA will have its own procedures by which such decisions are to be made and it is the responsibility of each MNA to ensure that such processes are fair and compliant with due process.

- 35.1.10 An appeal against the MNA decision on the ground that the decision was wrong on a point of law or in excess of jurisdiction or where it is alleged that there was a procedurally unfair process, or the decision was biased will lie to either:

- (a) an Independent Appeal Panel appointed by the Judicial Board; or
- (b) any other judicial decision making body that the MNA has previously nominated and which has been previously approved by World Sailing for that purpose.

- 35.1.11 If the MNA fails to reach any decision within 3 months, it must report the matter to World Sailing, and the Judicial Board shall treat the matter as if will then investigate the matter as if the event was a major international event.

Other Disciplinary Cases

- 35.1.12 Except for those cases relating to Safeguarding Concerns under Part I aAny complaint of Misconduct concerning a World Sailing committee or commission member, World Sailing Member, World Sailing officer, World Sailing Race Official or a World Sailing Representative may be made by persons who m the Judicial Board considers to have a direct and legitimate interest in the alleged Misconduct. The complaint is to be made to the World Sailing Chief Executive Officer within 14 days of the alleged Misconduct unless that time is extended by the Judicial Board either retrospectively or otherwise.

- 35.1.13 For other disciplinary complaints, the complaint is made to the relevant MNA and processed under its rules of procedure and this Code.

- 35.1.14 For World Sailing -level complaints:

- (a) the Judicial Board will appoint a Disciplinary Investigation Officer to investigate and decide whether a charge should be laid against the person against whom the complaint is made;
- (b) if a charge is laid, the Judicial Board will appoint an Independent Panel to determine the case and impose any appropriate sanction; and

- (c) an appeal will lie to an Independent Appeal Panel appointed by the Judicial Board.

Appeals and Reviews of Decisions made by World Sailing

- 35.1.15 Where the World Sailing Constitution or Regulations permit a decision to be reviewed or appealed the appeal will be heard by an Independent Panel appointed by the Judicial Board. In certain cases, an appeal against the decision of the Independent Panel will lie to the Court of Arbitration for Sport. In other cases, there is no appeal against the decision of the Independent Panel.

35.2 Part A – Obligations concerning Misconduct

- 35.2.1 In this Code, a “Participant” means
 - (a) any competitor, boat owner, support person; and
 - (b) any World Sailing Council, committee or commission member, working party member, any alternates appointed, World Sailing Member (including any representatives sent by a Member to attend World Sailing Events, meetings or other official functions), World Sailing Officer, World Sailing Race Official or World Sailing Representative, or any person, official or body subject to the World Sailing Constitution or World Sailing Regulations.
- 35.2.2 In this Code “Misconduct” means a breach of Regulation 35.2.3, 35.2.4 and/or Regulation 35.3.9.
- 35.2.3 Participants shall not commit misconduct, as defined under RRS 69.1.
- 35.2.4 Participants defined by Regulation 35.2.1(b) shall:
 - (a) not commit a breach of the World Sailing Constitution or Regulations that is deliberate, repeated or otherwise more than a misjudgement;
 - (b) act with the utmost integrity, honesty and responsibility;
 - (c) act in good faith towards each other with mutual trust and understanding in all their dealings;
 - (d) treat others with respect (without discrimination);
 - (e) not do anything which compromises, or is likely to compromise, the impartiality of those who work for World Sailing; and
 - (f) not disclose information which they know, or ought reasonably to know, is confidential without the consent of a person authorised to give it or unless required by law to do so.

35.3 Part B –Bodies, Personnel and General Provisions

The Judicial Board

- 35.3.1 The Judicial Board is appointed and constituted under Article 77 of the World Sailing Constitution.
- 35.3.2 The Judicial Board is responsible and has authority for:
 - (a) overall administrative oversight of the disciplinary system of World Sailing except for those cases relating to Safeguarding Concerns under Part I, and

ensuring that all disciplinary functions are carried out by appropriate persons or panels and in compliance with World Sailing Conflict of Interest Policy;

- (b) except for those cases relating to Safeguarding Concerns under Part I, overall administrative oversight of the appellate and judicial system of World Sailing and ensuring that all appeals and reviews permitted by the World Sailing Constitution or Regulations of any decisions made within or by World Sailing are carried out by appropriate persons or panels and in compliance with World Sailing Conflict of Interest Policy;
- (c) appointing and maintaining lists of people who may sit on Independent Panels and Independent Appeals Panels to carry out decision making in respect of disciplinary issues and other matters of an appellate or review nature;
- (d) appointing Disciplinary Investigating Officers to major international events, or to disciplinary matters in which World Sailing has become involved by virtue of this Code;
- (e) appointing Independent Panels and Independent Appeals Panels to make decisions and impose sanctions in relation to disciplinary matters in which World Sailing has become involved by virtue of this Code and other matters of an appellate or review nature;
- (f) issuing rules of procedure for all forms of hearings and procedures contemplated under this Code;
- (g) publishing guidance on disciplinary matters (including recommended sanctions);
- (h) ensuring cases are conducted expeditiously and deciding whether to grant any requests for extensions of time ~~under it~~;
- (i) maintaining and publishing a database of Independent Panel, Independent Appeals Panels and MNA decisions in relation to disciplinary matters made under the auspices of this Code;
- (j) the proper education and training of Disciplinary Investigating Officers and Independent Panel members; and
- (k) summarily dismissing determining whether a complaint ~~or~~ report or appeal received by World Sailing:
 - (i) ~~it is outside, or may be, within~~ the jurisdiction of World Sailing and the provisions of the Code;
 - (ii) ~~it is, not made or may be, within the relevant time period for making such a complaint or report and whether it can be considered by World Sailing; and that time period has not been extended;~~
 - (iii) it is not made by persons who have a direct and legitimate interest in the alleged misconduct; or
 - (iv) it is vexatious, frivolous, and/or has already been addressed by the disciplinary, judicial and/or appellate systems of World Sailing.

Disciplinary Investigating Officer

- 35.3.3 A Disciplinary Investigating Officer is an official appointed by the Judicial Board who is responsible for one or more of the following (depending upon the stage of the process in respect of which he is appointed):

- (a) the investigation of allegations of Misconduct, except for those cases relating to Safeguarding Concerns under Part I, at any event at which he is appointed;
- (b) presenting any case of Misconduct before a protest committee at any event at which he is appointed;
- (c) the investigation of reports received by World Sailing which require investigation;
- (d) any decision to charge a Participant for Misconduct; and
- (e) the prosecution of such cases before an Independent Panel.

35.3.4 A Disciplinary Investigating Officer shall have the right to conduct any investigations they considers appropriate and may gather evidence, both documentary, physical or oral, from any person or body that is willing to speak with them. In respect of any Participant, a Disciplinary Investigating Officer shall have the right to conduct an initial interview and follow-up interviews (as deemed necessary by them), with any Participant in furtherance of investigation of the possibility of any commission of act(s) of Misconduct, subject as follows:

- (a) the date and time of interviews shall be determined by the Disciplinary Investigating Officer with reasonable allowances made for Participants' racing commitments and schedules;
- (b) a Participant has the right to be accompanied to an interview (including by a legal representative at his own cost);
- (c) interviews will be recorded and shall be used for transcription and evidentiary purposes and thereafter will be retained by World Sailing for a minimum of 3 years in a secure place;
- (d) a Participant has the right to request an interpreter (the interpreter shall be arranged by the Participant and provided at their own cost); and
- (e) a recording or a transcript of an interview shall be provided to the Participant upon request within a reasonable time following its conclusion.

Independent Panel

35.3.5 An Independent Panel is a panel appointed by the Judicial Board to hear and adjudicate upon any matter in which World Sailing becomes involved by virtue of this Code.

35.3.6 Except as set out in Regulation 35.3.7, an Independent Panel shall consist of either:

- (a) three persons, in which case its chairman shall be legally qualified. As far as possible, at least one member of a 3-person Independent Panel shall be an active competitor. No World Sailing employee, World Sailing officer, World Sailing Committee or Commission member or Judicial Board member shall be appointed as a member of a 3-person Independent Panel; or
- (b) one person, in which case they shall be legally qualified. No World Sailing committee or commission member, World Sailing employee, World Sailing officer or World Sailing Race Official or Judicial Board member shall be appointed as a one-person Independent Panel.

- 35.3.7 If an Independent Panel is appointed to exercise any appellate functions under this Code (an Independent Appeals Panel), it shall consist of three legally qualified persons appointed by the Judicial Board. No World Sailing employee or World Sailing officer shall be appointed as a member of an Independent Appeals Panel.
- 35.3.8 The Judicial Board shall decide upon the constitution of the Independent Panel or Independent Appeals Panel in any individual case, and shall appoint it, having regard to all the circumstances of the case, and to any guidance which it has published. Any challenge to the constitution of the Panel shall be made in accordance with the time limits and procedure set out in the relevant Rules of Procedure and shall be decided by the Judicial Board. There shall be no appeal against the decision of the Judicial Board in this respect.

General Provisions

- 35.3.9 All Participants must take all reasonable measures to assist Disciplinary Investigating Officers in the collection of evidence. If a Disciplinary Investigating Officer requests the production of evidence from any person that person shall (subject to considerations of legal professional privilege or other legal impediment) be under an obligation to provide it. The request for production must be reasonable and relevant to the allegations under investigation. Failure to comply with a Disciplinary Investigating Officer's request without reasonable excuse shall be regarded as Misconduct.
- 35.3.10 Participants shall be determined to be immediately available at the most current postal address held by World Sailing, by an MNA or by the Organising Authority of an event concerning the investigation which has been commenced.
- 35.3.11 Any notice delivered to a Participant shall be deemed to have been received by the Participant on the date of delivery to such an address as recorded in the confirmation of delivery provided by any courier or postal service. Any other method of secure and confidential communication may be used including email and fax but the burden of proving delivery in such circumstances shall rest with the person delivering the document.
- 35.3.12 All decisions made under the auspices of this Code by any Independent Panel or Independent Appeals Panel, or by any MNA, shall be published by the Judicial Board, save that the Judicial Board 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.
- 35.3.13 Where any MNA is required under this Code to reach any decision on any disciplinary or other matter, that National Authority shall use its best endeavours to ensure that the procedures by which it reaches such a decision are fair and appropriate having regard to all the circumstances of any individual case.
- 35.3.14 Subject to the rights of appeal provided in this Code, all decisions made under this Code shall be recognized by World Sailing and all MNAs, which shall take any necessary action to render such decision effective.

~~Transitional Provisions Relating to Disciplinary and Misconduct Complaints~~

- ~~35.3.15 These Regulations shall apply only to allegations of Misconduct occurring after 14 November 2015. For all Misconduct occurring on or before 14 November 2015~~

~~the provisions in force as at 13 November 2015 shall apply until the conclusion of those processes, including any appeal.~~

~~35.3.16 In the event that it is unclear whether the alleged Misconduct occurred on or before 14 November 2015, or if the alleged Misconduct occurred or continued both before and after 14 November 2015, the Judicial Board shall decide whether to follow the old or new process, and shall make that decision having regard to the requirements of natural justice and having provided the person alleged to have committed the Misconduct a reasonable opportunity to make representations as to the appropriate procedure. Such a decision shall not be open to appeal.~~

~~*Transitional Provisions Relating to Appeals and Reviews of other Decisions of World Sailing*~~

~~35.3.17 Part G of this Regulation shall apply only to appeals or reviews of any decision of World Sailing if such appeal or review is made after 14 November 2015. For all appeals and reviews commenced on or before 14 November 2015 the provisions in force as at 13 November 2015 shall apply until the conclusion of those processes.~~

35.4 Part C – Misconduct at Major International Events

35.4.1 Save for those cases relating to Safeguarding Concerns under Part I, ~~the~~ procedures in this Part C apply only to the following events.

- (a) Olympic and Paralympic Sailing Competition;
- (b) World Sailing Events which have been designated by the Chief Executive Officer as major international events;
- (c) the America's Cup and its associated events; and
- (d) the Ocean Race.

35.4.2 The Judicial Board shall appoint and remove persons to an Investigations Panel (including a Chair and Vice-Chair). Members of the Panel shall include sailors, race officials and other legally qualified persons who are considered by the Judicial Board to be qualified to carry out the functions of the Investigations Panel.

35.4.3 The Investigations Panel advises Disciplinary Investigating Officers acting under Part C of this Code on the exercise of their functions (including advising them as far as practicable on investigations carried out by them). Disciplinary Investigating Officers must consult the Panel as far as practicable. Members of the Panel must keep all Panel discussions confidential. The names of the Panel members and of Disciplinary Investigating Officers appointed under Part C shall be published by the Chief Executive Officer.

35.4.4 The Judicial Board shall appoint a Disciplinary Investigating Officer (the "Event Disciplinary Investigating Officer") to investigate at the event complaints of Misconduct. If the Event Disciplinary Investigating Officer or a member of the Investigations Panel is a member of the international jury of the event, then they shall not be part of any hearing panel and shall not take part in any discussions or decisions concerning the case. The international jury remains properly constituted under RRS Appendix N if up to two of its number are unable to hear a case due to appointment under this Regulation. An Event Disciplinary Investigating Officer may authorise individuals to gather evidence and present allegations to the protest committee on their behalf and under their supervision.

35.4.5 Any complaint of Misconduct, save for those cases relating to Safeguarding Concerns under Part I, shall be referred to the Event Disciplinary Investigating

Officer. Referrals shall be made within 48 hours of the alleged Misconduct occurring unless the Event Disciplinary Investigating Officer determines, in his absolute discretion (against which there is no appeal), that there is good reason to extend this time.

- 35.4.6 ~~Following an investigation t~~The Event Disciplinary Investigating Officer shall, ~~following his investigation, in his absolute discretion (against which there is no appeal):~~
- (a) take no further action; or
 - (b) charge any Participant with Misconduct, but only if:
 - (i) there is a realistic prospect that a finding of Misconduct would be made based on the information available; and
 - (ii) it is in the best interests of the sport to make the charge.
- The decision of the Event Disciplinary Investigating Officer under this Regulation 35.4.6 is final and is not subject to any review or appeal.
- ~~issue a warning to a Participant against whom the complaint was made, and thereafter take no further action; or~~
- ~~(c) charge the Participant with Misconduct.~~
- 35.4.7 The decision of the Event Disciplinary Investigating Officer made under Regulation 35.4.64 shall be communicated in writing to the Participant and to the protest committee at the first reasonable opportunity.

Protest Committee Hearing and Decision

- 35.4.8 ~~Except for those cases relating to Safeguarding Concerns under Part I, if~~ the Event Disciplinary Investigating Officer decides that a charge of Misconduct should be made against the Participant, that case shall be considered by and adjudicated upon by the protest committee in accordance with the procedures in RRS 69 as modified by this Part of the Code. The protest committee may impose any sanctions relevant to the event as provided for in the RRS. Any right of appeal of that decision will be governed by the RRS.
- 35.4.9 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to World Sailing if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
 - (b) excludes the person from the event or venue; or
 - (c) in any other case if it considers it appropriate to do so (including under RRS 69.2(k)).
- 35.4.10 When a report is received by World Sailing under Regulation 35.4.7, the Judicial Board shall refer it to the Investigations Panel for review. No member of the Panel who was the Event Disciplinary Investigating Officer (or a person authorized by the Event Disciplinary Investigating Officer in accordance with Regulation 35.4.4) or who was a race official at the event shall take part in its proceedings. The Investigations Panel shall have the power and responsibilities of a Disciplinary Investigating Officer under this Code, and if it charges a Participant, must appoint one of its members to conduct the proceedings on behalf of the Panel.

- 35.4.11 Following the review, the Investigations Panel shall in its absolute discretion (against which there is no appeal):
- (a) take no further action; or
 - (b) issue a warning to any Participant in the report, and thereafter take no further action; or
 - (c) charge any Participant with any act(s) of Misconduct which, in the opinion of the Investigations Panel, may warrant disciplinary action wider than the event jurisdiction of the protest committee.
- 35.4.12 The decision of the Investigations Panel made under Regulation 35.4.11 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity. The Chief Executive Officer shall publish the decision of the Investigations Panel unless the Judicial Board decides there is good reason not to do so. If publishing a decision under Regulation 35.4.11(a), the decision shall be anonymised.
- 35.4.13 Within 14 days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.
- 35.4.14 Rules of Procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.
- 35.4.15 The sanctions that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F of this Code. When considering sanctions, the Independent Panel shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and
 - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

Appeals against the Decision of the Independent Panel

- 35.4.16 World Sailing and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out in Part H of this Code.

General Procedures relating to Charging

- 35.4.17 If a charge is issued, as soon as practicable a written notice of the charge shall be provided to the Participant and the protest committee and/or Judicial Board (as appropriate), which shall:
- (a) state briefly the nature of the alleged Misconduct;
 - (b) identify the rule(s) alleged to have been breached; and
 - (c) provide copies of documents or other material referred to in the charge.
- 35.4.18 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged act of Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.

- 35.4.19 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the Event Disciplinary Investigating Officer or the Investigations Panel (as appropriate) may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the protest committee and/or Independent Panel appointed deciding upon some alternative procedure.

35.5 Part D – All Other Events

- 35.5.1 Except for those cases relating to Safeguarding Concerns under Part I, The provisions of this Part of this Code apply to all events raced under the RRS except those listed in Regulation 35.4.1.
- 35.5.2 All complaints, allegations or reports of Misconduct shall be considered and adjudicated upon by the protest committee in accordance with the procedures in RRS 69. The protest committee may impose any sanctions relevant to the event as provided for in RRS 69. Any right of appeal of that decision will be governed by the RRS.
- 35.5.3 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to the MNA of the Participant if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
 - (b) excludes the person from the event or venue; or
 - (c) in any other case if it considers it appropriate.

Review by the MNA and further action

- 35.5.4 When a report is received by a MNA under Regulation 35.5.3, it shall review the report and may conduct a further investigation in relation to the matters in the report. However, the Judicial Board may direct that the report shall be transferred to and conducted by World Sailing under Regulation 35.6.12.
- 35.5.5 The MNA shall, within three months of receipt of the report from the protest committee, issue a decision in writing in which it decides:
- (a) to take no further action; or
 - (b) to issue a warning to any Participant in the report, and thereafter take no further action; or
 - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the MNA should be imposed.
- 35.5.6 The decision of the MNA made under Regulation 35.5.5 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity.
- 35.5.7 The sanctions that may be imposed by the MNA are set out in Part F of this Code. When considering sanctions, the MNA shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and

- (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 35.5.8 The time for reaching a decision set out in Regulation 35.5.5 may be extended by the Judicial Board on written application by the MNA.
- 35.5.9 If a MNA fails to reach a decision within the time limits prescribed in Regulation 35.5.5 (or any extended time):
- (a) the MNA shall report that failure to the Judicial Board; and
 - (b) any person with a sufficient connection with the subject matter of the report may bring that failure to the attention of the Judicial Board.
- 35.5.10 If the Judicial Board becomes aware of any failure of a MNA to reach a decision within the specified time, it may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the MNA to reach its decision; and/or
 - (b) require the MNA to reach a decision within any such extended time; or
 - (c) take over conduct of the report.
- 35.5.11 In the event that the Judicial Board takes over conduct of the report, such conduct shall be in accordance with Regulations 35.4.8 to 35.4.16, save that the time limits will run from the date that the Judicial Board took over conduct of the report. The MNA shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

Appeals against the decision of the MNA

- 35.5.12 There is a right of appeal from the decision of the MNA to:
- (a) an alternative dispute resolution body appointed by the MNA if those arrangements have been approved by World Sailing; or
 - (b) if World Sailing has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the MNA imposes a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility of the Participant and it is alleged the decision was wrong on a point of law; in excess of jurisdiction; or, where it is alleged that there was a procedurally unfair process and/or the decision was biased;
- ÷ or
- (c) the Judicial Board if the Chief Executive Officer considers that the decision of the MNA is unduly lenient.
- 35.5.13 Any appeal shall be made in writing within fourteen days of the decision of the MNA.
- 35.5.14 If the appeal is made to the Judicial Board, the Board shall, within 14 days of receipt of the appeal appoint an Independent Appeal Panel to hear and determine the appeal.
- 35.5.15 The procedure to be adopted by the Independent Appeal Panel will be governed by Rules of Procedure published by the Judicial Board.
- 35.5.16 World Sailing, MNAs and Participants hereby agree to be bound by the decision of the Independent Appeal Panel determining the appeal, or by the decision of the

alternative dispute resolution body appointed. There will be no appeal from such a decision.

35.6 Part E - Any Other Disciplinary Complaints

- 35.6.1 Except for those cases relating to Safeguarding Concerns under Part I, ~~t~~The provisions of this Part of this Code apply to all complaints of Misconduct received by World Sailing or by MNAs which cannot be addressed under Parts C or D above. However it does not apply to complaints that could have been brought under any other Part of this Code, but which were excluded by virtue of time limits or decisions made under that Part.
- 35.6.2 All such complaints must be made:
- (a) in writing to the World Sailing Chief Executive Officer if the complaint relates to Misconduct of any World Sailing committee or commission member, World Sailing officer, World Sailing Race Official or World Sailing Representative whilst acting in that capacity, or any World Sailing committee, commission or body;
 - (b) in writing to the equivalent person at the MNA of the Participant who is the subject of the complaint in all other instances;
 - (c) within 14 days of the alleged Misconduct, unless that time is extended by the Judicial Board either retrospectively or otherwise; and
 - (d) by a race official, competitor, technical delegate, MNA or authorised member of an organising authority or an international class association, Participant or other person or body with sufficient standing or relationship to the alleged Misconduct as is permitted by the Judicial Board.
- 35.6.3 Notwithstanding Regulation 35.6.2, the World Sailing Chief Executive Officer or the equivalent person at an MNA may initiate a complaint of Misconduct within 14 days of the information becoming available to them which justifies them making a decision to initiate a complaint. For the purpose of this Regulation, the World Sailing Chief Executive Officer or the equivalent person at an MNA is entitled to investigate matters of which they have become aware so as to enable a proper decision to be taken without the 14-day period commencing during such investigations.

Complaints to MNAs

- 35.6.4 The MNA shall review the complaint and may conduct an investigation in relation to the matters in the complaint. However, the Judicial Board may direct that the complaint shall be transferred to and conducted by World Sailing under Regulation 35.6.12.
- 35.6.5 The MNA shall, within three months of receipt of the complaint, issue a decision in writing in which it decides:
- (a) to take no further action; or
 - (b) to issue a warning to any person the subject of the complaint, and thereafter take no further action; or
 - (c) that a case of Misconduct has been proved~~made-out~~ and whether any and if so what further sanction within the jurisdiction of the MNA should be imposed.

- 35.6.6 The decision of the MNA made under Regulation 35.6.5 of this Part of the Code shall be communicated in writing to the Participant, to the Judicial Board, and the complainant at the first reasonable opportunity.
- 35.6.7 The sanctions that may be imposed by the MNA are set out in Part F. When considering sanctions, the MNA shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event;
 - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 35.6.8 The time for reaching a decision set out in Regulation 35.6.5 may be extended by the Judicial Board on written application by the MNA.
- 35.6.9 If a MNA fails to reach a decision within the time limits prescribed in Regulation 35.6.5 (or any extended time), any person with a sufficient connection with the subject matter of the complaint may bring that failure to the attention of the Judicial Board.
- 35.6.10 The Judicial Board may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the MNA to reach its decision; and/or
 - (b) require the MNA to reach a decision within any such extended time; or
 - (c) take over conduct of the complaint.
- 35.6.11 In the event that the Judicial Board takes over conduct of the complaint, such conduct shall be in accordance with Regulations 35.4.8 to 35.4.16 of this Code, save that the time limits will run from the date that the Judicial Board took over conduct of the complaint. The MNA shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

Complaints to World Sailing

- 35.6.12 ~~Except for those cases relating to Safeguarding Concerns under Part I, w~~When a complaint is received by World Sailing under this Part of the Code, it shall be passed by the Chief Executive Officer to the Judicial Board. The Judicial Board will decide if the complaint should be summarily dealt with under Regulation 35.3.2 (k)(i – iv). If it is not tThe Judicial Board shall within fourteen days of receipt of the complaint appoint a Disciplinary Investigating Officer to investigate it.
- 35.6.13 Following ~~an investigation the review~~, the Disciplinary Investigating Officer shall ~~in his absolute discretion (against which there is no appeal):~~
- (a) take no further action; or
 - (b) charge any Participant with Misconduct, but only if:
 - (i) there is a realistic prospect that a finding of Misconduct would be made based on the information available;
 - (ii) it is in the best interests of the sport to make the charge; and
 - (iii) if there has been a previous finding of Misconduct at an event, the case warrants further disciplinary action under the jurisdiction of World Sailing.

The decision of the Disciplinary Investigating Officer under this Regulation 35.6.13 is final and is not subject to any review or appeal.

~~issue a warning to any Participant in the report, and thereafter take no further action; or~~

~~(c) charge any Participant with any act(s) of Misconduct which, in the opinion of the Disciplinary Investigating Officer, may warrant disciplinary action within the jurisdiction of World Sailing.~~

35.6.14 The decision of the Disciplinary Investigating Officer made under Regulation 35.6.13 shall be communicated to the Participant and the complainant at the first reasonable opportunity.

~~35.6.15 In the event that the Disciplinary Investigating Officer has decided to take no further action, within seven days of receipt of the decision, the complainant may make a written request to the Judicial Board that a second Disciplinary Investigating Officer be appointed independently to investigate the complaint. If such a request is made the Judicial Board shall, within 14 days of the request, appoint a second Disciplinary Investigating Officer to investigate and make a decision in accordance with Regulation 35.6.13. This process may only be applied once in relation to any complaint.~~

Procedures relating to Charging by World Sailing

35.6.16 If a charge is issued against a Participant, as soon as practicable a written notice of the charge shall be provided to the Participant and to the Judicial Board, which shall:

- (a) state briefly the nature of the alleged Misconduct;
- (b) identify the rule(s) alleged to have been breached; and
- (c) provide copies of documents or other material referred to in the charge.

35.6.17 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.

35.6.18 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the Disciplinary Investigating Officer may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the Independent Panel appointed deciding upon some alternative procedure.

Hearing and Determination of the Charge

35.6.19 Within fourteen days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.

35.6.20 Rules of procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.

35.6.21 The penalties that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F. When considering sanctions, the Independent Panel shall have regard to:

- (a) any sanction guidelines published by the Judicial Board prior to the event;
- (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

Appeals against the decision of the MNA or the Independent Panel

35.6.22 World Sailing and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out below.

35.6.23 There is a right of appeal from the decision of the MNA to:

- (a) an alternative dispute resolution body appointed by the MNA if those arrangements have been approved by World Sailing; or
- (b) if World Sailing has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the MNA imposes a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility of the Participant and it is alleged the decision was wrong on a point of law; or in excess of jurisdiction; or where it is alleged that there was a procedurally unfair process or the decision was biased-

35.6.24 There is a right of appeal from the Independent Panel if, and only if, the decision imposes:

- (a) a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility in the case of a competitor, boat owner or support person; or
- (b) any sanction **imposed** (except a warning, reprimand, admonishment or fine) in the case of World Sailing committee or commission members, World Sailing officers, World Sailing Race Officials or World Sailing Representatives.

However, the right of appeal under Regulation 35.6.24 shall only be available on the grounds that the decision was: wrong on a point of law; in excess of jurisdiction; or where it is alleged that there was a procedurally unfair process, or the decision was biased.

35.6.25 Any appeal shall be made in writing within fourteen days of the decision appealed against.

35.6.26 If the appeal is made to the Judicial Board, the Judicial Board shall, within fourteen days of receipt of the appeal appoint an Independent Panel (the Independent Appeals Panel) to hear and determine the appeal.

35.6.27 The procedure to be adopted by the Independent Appeals Panel will be governed by Rules of Procedure published by the Judicial Board.

35.6.28 World Sailing, MNA and Participants hereby agree to be bound by the decision of the Independent Appeal Panel, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

35.7 Part F – Penalties

35.7.1 The following penalties may be imposed on Participants by World Sailing or MNAs:

- (a) no sanction;

- (b) a warning, admonishment or reprimand;
- (c) a fine not exceeding €1000;
- (d) a direction not to compete or officiate in a particular event or class (or types of event or classes);
- (e) suspension or revocation of Competition Eligibility and/or World Sailing Eligibility (or the imposition of conditions on such Eligibility);
- (f) suspension or removal from office in the case of World Sailing officers, World Sailing Committee and Commission members or World Sailing Representatives;
- (g) suspension or removal of a certificate of appointment in the case of World Sailing Race Officials (or the imposition of conditions on such appointment);
- (h) any sanction set out in the World Sailing Code of Ethics;
- (i) 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
- (j) any other sanction which it is within the powers of World Sailing or the MNA to impose.

35.8 Part G – Appeals and Reviews of Other Decisions made by or within World Sailing

- 35.8.1 Except for those cases relating to Safeguarding under Part I, ~~t~~he provisions of this Part of this Code apply to any appeal or review of any decision made within or by World Sailing where the World Sailing Constitution and/or Regulations expressly permit any such appeal or review.
- 35.8.2 Any appeal or request for a review shall be made in writing to the Chief Executive Officer within the relevant time limit specified in the World Sailing Constitution or Regulations, or if no such time limit is specified, within fourteen days of the notification of the decision being appealed or reviewed.
- 35.8.3 The Chief Executive Officer shall pass the appeal or request for review to the Judicial Board, who shall, decide whether to summarily deal with the appeal or request under Regulation 35.3.2(k). If not the Judicial Board shall within fourteen days of receipt, appoint an Independent Panel to hear and determine the appeal or review.
- 35.8.4 Rules of Procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the appeal or review by the Independent Panel.
- 35.8.5 World Sailing and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out in Part H of this Code.

35.9 Part H – Appeals to the Court of Arbitration for Sport

- 35.9.1 No appeal from a decision of World Sailing lies to the Court of Arbitration for Sport except:
 - (a) in accordance with this Regulation 35.9; or

- (b) under Rule 61(2) of the Olympic Charter for disputes arising on the occasion of, or in connection with, the Olympic Games.
- 35.9.2 There is a right of appeal from a decision of an Independent Panel which directly concerns the eligibility of a person to participate in a major international event (as listed in Regulation 35.4.1) by way of arbitration before the Court of Arbitration for Sport in Lausanne, Switzerland. An appeal may be brought:
- (a) by World Sailing; or
- (b) by the Participant.
- 35.9.3 The time limit for lodging an appeal shall be fourteen days from receipt of the written decision of the Independent Panel appealed against. The arbitration shall be conducted in accordance with the Code of Sport-Related Arbitration. The Court of Arbitration for Sport panel will consist of one arbitrator and the language of the arbitration will be English.

35.10 Part I SAFEGUARDING

- 35.10.1 World Sailing seeks to protect everyone involved in Sailing in the belief that all athletes, coaches, officials, staff, and volunteers have the right to participate in sport in a safe and inclusive environment that is free from all forms of harm, harassment, abuse, exploitation, violence, and neglect.
- 35.10.2 In this Code any misconduct that is a Safeguarding Concern, which falls within 35.10.4, will be dealt with under this Regulation 35.10 Part I and the other Parts of this Code will not apply to those concerns unless, in accordance with the Safeguarding Procedures, it is determined that the matter is not a Safeguarding Concern.
- 35.10.3 Safeguarding means the measures taken to protect individuals from Harassment and/or Abuse and a Safeguarding Concern means an allegation of any conduct, concern, incident, suspicion, action, behaviour, or failure to act in a way which has caused or which causes or which may cause Abuse and/or Harassment of an Adult or Child.
- 35.10.4 The provisions of this Regulation 35.10 Part (I) of this Code apply to any of the following:
- (a) Safeguarding Concerns against a competitor, boat owner or support person occurring at a World Sailing Event defined under the World Sailing Safeguarding Policy as:
- the Olympic Sailing Competition;
 - the World Sailing Youth World Championships; and
 - the World Sailing Combined World Championships.
- (b) Safeguarding Concerns against a World Sailing Officer (Board, Council, Committee or Commission Members, including any alternate appointed to a World Sailing Officer post), Working Party Members, World Sailing Member National Associations (MNA) representative sent by the MNA to attend World Sailing Events, meetings or other official functions, World Sailing Class Associations representative sent by the Class to attend World Sailing Events, meetings, World Sailing Race Official or World Sailing accredited guest invited by World Sailing to attend World Sailing Events, meetings or other official functions.

(c) Safeguarding Concerns against a staff, consultant or contractor of World Sailing.

35.10.5 Any Safeguarding Concerns which do not fall within 35.10.4 should be reported to the MNA/Class/Special Event where the allegation arose and/or if appropriate/or required by the World Sailing Safeguarding Policy, to the relevant authorities such as local police and/or local government authorities.

35.10.6 All Safeguarding Concerns which fall within 35.10.4 shall be considered and adjudicated upon in accordance with the World Sailing Safeguarding Policy and World Sailing Safeguarding Procedures.

SECTION 4 - OTHER

~~35 MISCONDUCT AND DISCIPLINE (see Appendix 6)~~

36 ETHICS

Establishing and amending the Code of Ethics

36.1 There shall be a body of rules concerning the ethical behaviour and standards known as the World Sailing Code of Ethics ("the Code").

36.2 World Sailing and each of its members, any candidate for election to a World Sailing office or MNA office, members of its Council and its Committees, Commissions and working parties, World Sailing Race Officials, or any person, official or body subject to the World Sailing Constitution or World Sailing Regulations, all other World Sailing Representatives, Organising Committees of any World Sailing events and World Sailing Classes ("Parties") shall be bound by, respect and comply with the World Sailing Code of Ethics.

36.3 The Code shall be adopted by Council from time to time.

Complaints under the Code

36.4.1 Any complaint, allegation or report that a breach of the Code has been or may have been committed by a Party (a "Complaint") shall be submitted in writing to the Chief Executive Officer, ~~who shall refer it to an Ethics Officer. Any Complaint received prior to 19 May 2019 which has already been referred to the Ethics Commission shall be governed by the Regulations in force immediately prior to that date (unless the Parties to the Complaint agree otherwise with the approval of the Commission). Complaints must be submitted within 14 days of the alleged breach, unless that time is extended by the Ethics Commission either retrospectively or otherwise.~~

36.4.2 The Ethics Commission may summarily dismiss a complaint, allegation or report if it considers it:

(a) is outside the jurisdiction of World Sailing and the provisions of the Code;

(b) is not made within the relevant time period for making such a complaint or report and that time period has not been extended;

(c) is not made by persons who have a direct and legitimate interest in the alleged breach; or

(d) is vexatious, frivolous, and/or has already been addressed by the disciplinary, judicial and/or appellate systems of World Sailing.

36.4.3 All complaints, allegations or reports which are not summarily dismissed shall be referred to an Ethics Officer.

36.5 An Ethics Officer is an official appointed by the Ethics Commission who is responsible for one or more of the following:

- (a) the investigation of Complaints;
- (b) any decision to charge a Party with a breach of the Code;
- (c) the prosecution of such cases before the Ethics Commission;
- (d) any decision to appeal a decision of the Ethics Commission; and
- (e) the prosecution of such appeals before an Independent Appeal Panel.

An Ethics Officer cannot be a person listed in Regulation 35.2.1(b). ~~World Sailing committee or commission member, World Sailing employee, World Sailing officer or World Sailing Race Official or Judicial Board member.~~

36.6 An Ethics Officer shall have the right to conduct interviews with any Party in furtherance of investigation of the Complaint (or any potential breach of the Code of Ethics brought to his attention during the investigation) subject as follows:

- (a) the date and time of interviews shall be determined by the Ethics Officer with reasonable allowances made for the Party's commitments and schedules;
- (b) the Party has the right to be accompanied to an interview (including by counsel at his own cost);
- (c) interviews will be recorded and recorded interviews shall be used for transcription and evidentiary purposes and thereafter will be retained by World Sailing for a minimum of 3 years in a secure place;
- (d) the Party has the right to request an interpreter (the interpreter shall be arranged by the Participant and provided at his own cost); and
- (e) a recording or a transcript of an interview shall be provided to the Party upon request within a reasonable time following its conclusion (at the Party's own cost).

36.7 All Parties and World Sailing must take all reasonable measures to assist an Ethics Officer in the collection of evidence. This includes attending interviews under Regulation 36.5. If an Ethics Officer requests the production of evidence from any person that person shall (subject to considerations of legal professional privilege or other legal entitlement) be under an obligation to provide it. Failure to comply with an Ethics Officer's request may be reported as Misconduct under Regulation 35.

36.8 Parties shall be determined to be immediately available at the most current postal or email address held by World Sailing or by a National Authority.

36.9 Any notice delivered to a Party shall be deemed to have been received by the Party on the date of delivery to such an address recorded in the confirmation of delivery provided by any courier or postal service. Any other method of secure and

confidential communication may be used including email and fax but the burden of proving delivery in such circumstances shall rest with the person delivering the document.

36.10 Following the investigation, the Ethics Officer shall:

- (a) take no further action; or
- (b) charge any Party with a breach of the Code, but only if:
 - (i) there is a realistic prospect that a finding of a breach of the Code would be made based on the information available; and
 - (ii) it is in the best interests of the sport to make the charge.

The decision of the Ethics Officer under this Regulation 36.10 is final and is not subject to any review or appeal. issue a warning to any Party in the report, and thereafter take no further action; or

(c) — charge any Party with a breach of the Code.

36.11 The decision of the Ethics Officer shall be communicated to the Party and the complainant at the first reasonable opportunity. A copy of the decision shall be sent to the Chairman of the Ethics Commission.

~~36.12 In the event that the Ethics Officer has decided to take no further action, within seven days of receipt of the decision, the complainant may make a written request to the Chairman of the Ethics Commission that a second Ethics Officer be appointed independently to investigate the complaint. If such a request is made the Chairman may, within 14 days of the request, appoint a second Ethics Officer to investigate and make a decision in accordance with Regulation 36.10. This process may only be applied once in relation to any complaint.~~

Procedures relating to Charging

36.1~~23~~²³ If a charge is issued against a Party, as soon as practicable a written notice of the charge shall be provided to the Participant and to the Ethics Commission, which shall:

- (a) state briefly the nature of the alleged breach;
- (b) identify the provision(s) of the Code alleged to have been breached; and
- (c) provide copies of documents or other material referred to in the charge.

36.1~~34~~³⁴ A single charge may be issued against a Party in respect of more than one breach, but the charge shall state separately the nature of each alleged breach and the provision(s) alleged to have been breached and shall have effect as separate charges.

36.1~~45~~⁴⁵ Where the subject matter of or facts relating to a charge or charges against one or more Party(s) are sufficiently linked (including, but not limited to, where a breach is alleged to have been committed at the same time or place or where there is common evidence), the Ethics Officer may consolidate the proceedings so that they are conducted together and determined at a joint hearing, subject to the Ethics Commission appointed deciding upon some alternative procedure.

Hearing and Determination of the Charge

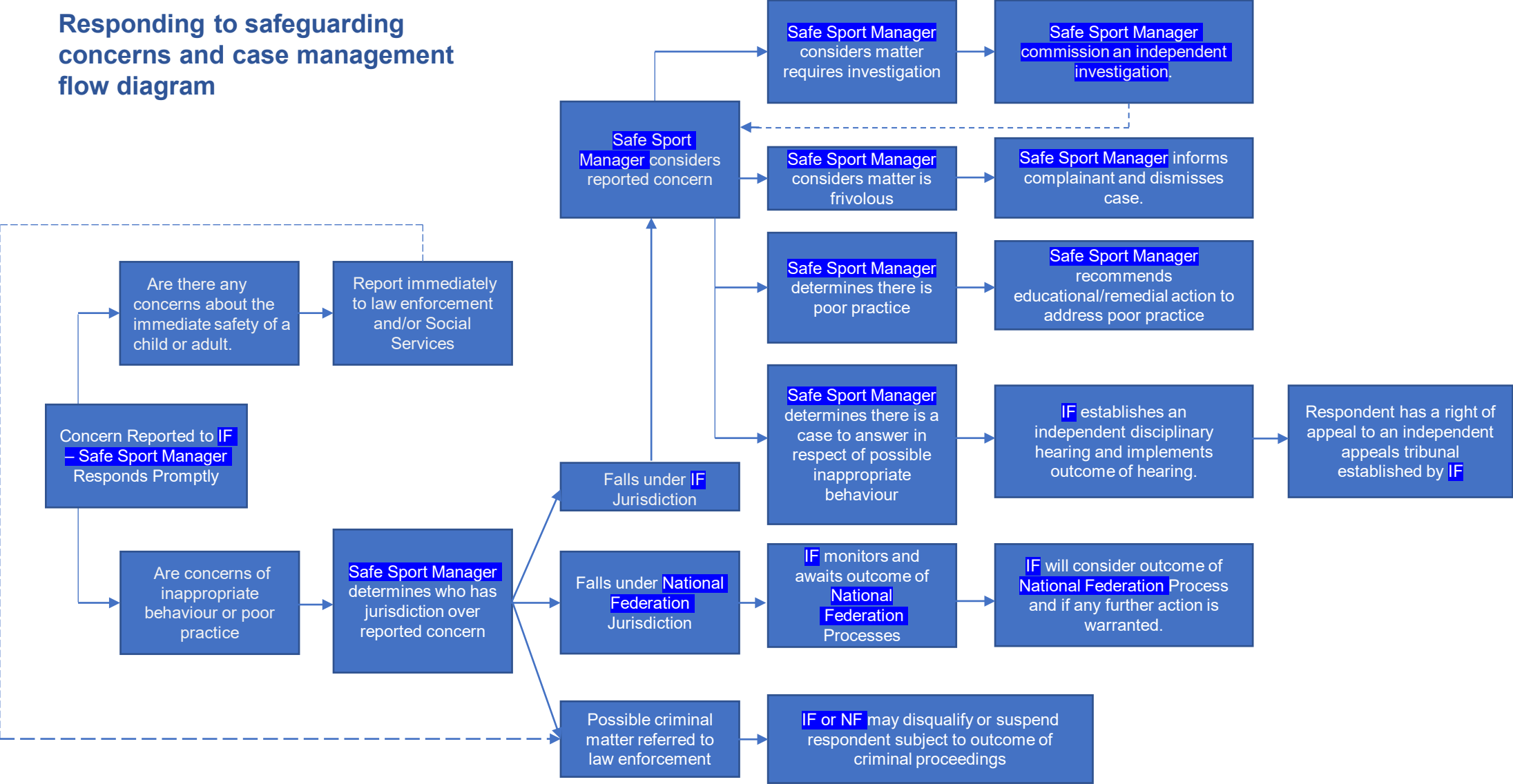
- 36.1~~56~~ Charge(s) shall be considered by and adjudicated upon by the Ethics Commission. Rules of Procedure published by the Commission shall apply to the conduct, determination and hearing of the charge and, in particular, may authorise a panel of at least three members of the Commission appointed by the Chairman to hear and adjudicate charges on behalf of the Commission (in which case Regulation 8.5.2 does not apply to such panel). Any challenge to the constitution of a panel shall be made in accordance with the time limits and procedure set out in the Rules of Procedure and shall be decided by the Chairman. There shall be no appeal against the decision of the Chairman.
- 36.1~~67~~ The Ethics Commission may impose penalties set out in the Code following a proven charge of a breach of the Code. The Commission shall publish its decisions unless there is a good reason not to do so.

Appeals against the decisions of the Commission

- 36.1~~78~~ The Ethics Officer or a Party hereby agree to respect and be bound by the decision of the Ethics Commission, subject only to the right of appeal set out below.
- 36.1~~89~~ There is a right of appeal from a decision of Ethics Commission to the Judicial Board which shall be heard under Part G of Regulation 35 (except that the Judicial Board shall appoint an Independent Appeal Panel to hear and adjudicate on the appeal).

36.19 However, the right of appeal under Regulation 36.18 shall only be available on the grounds that the decision was: wrong on a point of law; in excess of jurisdiction; or where it is alleged that there was a procedurally unfair process or the decision was biased.

Responding to safeguarding concerns and case management flow diagram



Key Safe Sport Manager = Safeguarding Officers
IF = World Sailing
NF= MNA