

Constitution Committee Minutes

Constitution Committee Minutes

Wednesday 15 November 2023 and Friday 17 November
at the Hotel NH, Malaga Spain.



Present:	Apologies:
David Tillett (AUS) - Chair	Juan-Antonio Curbelo-Cabrera (ESP)
Sarah Treseder (GBR) – Vice Chair	Weidong Lui (CHN)
Peter Hall (CAN)	Andrie Kypridemou (CYP)
Hiromu (Mochie) Mochizuki (JPN)	JP Daniels (RSA)
Jevan Tan (SGP)	
Ana Jasna Gamulin (SLO)	
Ute Reisinger (AUT)	In Attendance:
Fabio Mazzoni (ITA)	Urvashi Naidoo -WS Director of Legal and Governance
Ashley Tobin (USA)	Alice Hug – Para-legal
Balazs Hajdu (HUN)	
Philip Baum - Vice-President	

1. Opening of the Meeting

- (a) Welcome from the Chairman

The Chair welcomed the Committee Members to the meeting.

- (b) Apologies for absence

The apologies as above were noted.

- (c) Declaration of Conflicts of Interests

There were no additional Conflicts of Interest. Jevan Tan and Hiromu (Mochie) Mochizuki noted that they were also representing their MNAs at the Conference. Peter Hall noted his position as a Council Member in relation to the item on MNA Review.

2. Minutes of the Previous Meeting

- (a) Minutes

The minutes of the meetings of 25 October 2022 (circulated and approved after the meeting) were noted.

- (b) Minutes Matters Arising

There were no matters arising not covered elsewhere on the agenda.

3. MNA Review

Under Regulation 2.4 every four years, the representation of Full Members on Council through the Groups should be reviewed by the Constitution Committee. The Committee had appointed a working group to carry out the review and make any recommendations to the Council and the AGM for their approval. The Vice Chair presented the findings and recommendations of the working group.

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The Committee noted that there were very few responses to the survey despite it being a requirement of the Regulations and it was agreed that the Executive Office would consider options for increasing input for the next review.

It was also noted that a review could take place as required and did not have to be at four- year intervals.

The Chair thanked the Vice Chair and all the members of the working group for their work.

The Committee approved the following recommendations that:

- a) The Philippine Sailing Association move from Group J to Group K; and
- b) Group K's number of representatives nominated to Council be increased from 1 (one) to 2 (two).

4. Submissions

Please refer to the World Sailing website www.sailing.org for the details of the submissions

The Committee considered and discussed the following submissions and made the following recommendations to Council:

To consider and give an opinion on the submissions where the Constitution Committee is the Reporting Committee:

**001-23 Proposal to amend Regulations 19.7, 20.4.3, 28.2.6 and 29.2.5
To eliminate repetition required in Notice of Race and Sailing Instructions**

Reporting Committee: Racing Rules

Other Committee: Constitution

Recommendation to Council: Approve

Notes:

**117-23 Proposal to amend 117 -23 Article 51.10 New Constitution
To correct minor differences between current and new regulation.**

Reporting Committee: Constitution

Other Committee: Classes

Recommendation to Council: Reject

Notes:

Proposal 1 - Terminology does not match the new Constitution e.g. classes should be Olympic World Class Association.

Proposal 2 Terminology does not match the new Constitution eg. no current definition of "Discipline Led Events" which is proposed in the amended wording.

Wrong Article quoted should be 51.10 rather than 51.11.

It is noted that this is a proposed change of Articles of the new Constitution. As such the AGM cannot amend the wording of the proposed resolution to rectify these matters.

Any Members seeking to propose amendments to the new Constitution are urged to consult the Governance Working Party in advance of making any submissions.

To consider and give an opinion on the following submissions for which the Board is the Reporting Committee

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- 100-23 Proposal to amend Regulation 10 To clarify what plaque fees World Sailing Classes can expect to be required to pay to World Sailing Reporting Committee: Board**
Other Committee: Classes/Equipment
Recommendation to Council: Approve subject to policy with the following amendment
Notes: Insert into Regulation 10.3. (c) **Above £1,000,000 as a guideline for negotiation**
- 149-23 Proposal to amend Regulation 24.1 to 24.3.4 To provide flexibility in relation to the Sailing World Championships including to split the Sailing World Championships into multiple events and to include additional events where appropriate.**
Reporting Committee: Board
Other Committee: Events **Constitution Committee**
Recommendation to Council: Approve subject to policy
Notes:
The Committee understands the Board will amend the submission to change all references in Regulation 24 from “Sailing World Championships” to “World Sailing Championships”.
The Committee does not consider this to be a substantial change to the submission.
- 155-23 Proposal to amend Regulation 8.15.2 amend Terms of Reference for the Safety Commission**
Reporting Committee: Board
Other Committee: Constitution
Recommendation to Council: Approve subject to policy
Notes: The paragraph commencing “ With the exception of the Chair...” should have been highlighted in red as a new insertion.

The Committee discussed the withdrawal of Submission 148-23. The Chair gave some background as he had been copied on additional correspondence from the Sailing Federation of Ukraine who had written to World Sailing Executive Board asking them to exercise the powers under the Constitution and Regulations to suspend, rather than cancel, the Russian Yachting Federation due to their alleged breaches of the Constitution and Regulations.

The World Sailing Board had written to the Russian Yachting Federation and the process within the Regulations was underway.

The Committee noted the update.

To consider and give an opinion on the following submissions for which the Classes Committee is the Reporting Committee.

- 109-23 Proposal to amend 109-23 Regulation 25.2.1 (a) (ii)**
To enable Classes to have a Transgender Policy awarding female World Championship titles and World Championship titles open to any gender.
Reporting Committee: Classes

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Other Committee:

Recommendation to Council: Reject

Notes: This is an important issue and it is essential that there is consistency within the sport.

World Sailing is in the process of developing a policy which will be presented to Council in May 2024. It would therefore be premature to amend the Regulations before such policy is presented.

To consider and give an opinion on the following submissions for which the Oceanic and Offshore Committee is the Reporting Committee

- 098-23 Proposal to amend Regulation 10.2.1 (d)(e) to allow for recognition of offshore classes which due to the cost of the boats and nature of racing are not likely to meet the current criteria despite the providing competition for a wide range of nationalities.**

Reporting Committee: Oceanic and Offshore

Other Committee: Equipment

Recommendation to Council: Approve subject to policy

Notes:

- 106-23 Proposal to amend Regulation 10.5 To allow time for current Offshore classes such as IMOCA and Class 40 which do not hold World Championships to qualify as International Measures. Alternative Proposal.**

Reporting Committee: Oceanic and Offshore

Other Committee: Equipment

Recommendation to Council: Approve subject to policy

- 114-23 Proposal to amend Regulation 30.3 To introduce a process for the issuing of Offshore Special Regulations interpretations**

Reporting Committee: Oceanic and Offshore

Other Committee: Equipment

Recommendation to Council: Approve with the following amendment

Notes: Regulation 30.3:

(e) delete “**the validity of**”

(g) insert recommend “**to the Oceanic and Offshore Committee**”....

To consider and give an opinion on the following submissions for which the Race Officials Committee is the Reporting Committee

- 108-23 Proposal to amend Regulation 23.3.1 and 25.8.2 For the Board to approve the Chief and Deputy Chiefs to the Olympic Games**

Reporting Committee: Race Officials

Other Committee:

Recommendation to Council: Approve with the following amendment

Notes: To undo the proposed deletion of the Chair of the Racing Rules Committee and to change references from Chairman to Chair.

Regulation 23.3.1.

The Board shall appoint the Chair~~man~~ and Vice-Chair~~man~~ of the Olympic Jury, Principal Race Officer and Deputy Principal Race Officer of the Olympic Race Committee, Chief Umpire and Deputy Chief Umpire of

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Olympic Medal Racing, Chair and Vice Chair of the Olympic Technical Committee after having considered the recommendations of the Event Appointment Working Party, and the Chair~~man~~ of the Race Officials Committee, and **the Chairman of the Racing Rules Committee**. No recommendation from a person with a conflict of interest shall be considered Regulation 25.8.2 (a) an experienced current or former World Sailing Race Official (as Chair~~man~~)

- 115-23 Proposal to amend Regulation 31.15 To amend the Regulation 31.15 by changing the reapplication time for WS Race Officials after the termination of their appointment.**
Reporting Committee: Race Officials
Other Committee:
Recommendation to Council: Approve subject to policy
Notes:
- 116-23 Proposal to amend Regulations 31.7 and 6.10.7.3(i), 6.10.8.3(i), 6.10.9.3(i) and 6.10.10.3(i) To propose an alternative Grouping system for Race Officials.**
Reporting Committee: Race Officials
Other Committee:
Recommendation to Council: Reject
Notes: No change to the current Regulation is required to achieve this.

To consider and give an opinion on the following submissions for which the Events Committee is the Reporting Committee

- 107-23 Proposal to amend Regulation 15.6 To allow the 2024 Mid-Year Council meeting to approve regulation changes to Regulation 23 Olympic Sailing Competition.**
Reporting Committee: Events
Other Committee:
Recommendation to Council: Approve subject to policy
Notes: If submission 107-23 is approved by Council, then submissions 153-23 and 154-23 are redundant.
- 111-23 Proposal to amend Regulation 27.2 To update the Regulations to clarify that there can be three principal national championships, open, women and youth**
Reporting Committee: Events
Other Committee:
Recommendation to Council: Approve subject to policy
Notes:
- 113-23 Proposal to amend Regulation 27.2.3 To level the playing field and make the weight limit in open match racing fair and inclusive to people of all weight ranges**
Reporting Committee: Events
Other Committee:
Recommendation to Council: Approve subject to policy
Notes:
- 153-23 Proposal Option 1 Timeline and selection of new events for the Olympics**
Reporting Committee: Events

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Other Committee: Classes

Recommendation to Council: Reject

Notes: See comment in submission 107-23. Uses terms which purport to be definitions but there are no definitions for such terms.

154-23 Proposal Option 2

Timeline and selection of new events for the Olympics

Reporting Committee: Events

Other Committee: Classes

Recommendation to Council: Reject

Notes: See comment in submission 107-23. Uses terms which purport to be definitions but there are no definitions for such terms.

To consider and give an opinion on the following submissions for which the Equipment Committee is the Reporting Committee

101-23 Proposal to amend Regulation 10.4 (a) To adjust the timeline to notify World Sailing of the next World Championship of an international class

Reporting Committee: Equipment

Other Committee: Classes

Recommendation to Council: Approve subject to policy

Notes:

102-23 Proposal to amend 102-23 Regulation 10.4.(d) To clarify that the chair of the Event Technical Committee is an International Measurer of the Class.

Reporting Committee: Equipment

Other Committee: Classes

Recommendation to Council: Reject

Notes: Incorrect terminology and would be incompatible with Sailing World Championships.

If approved, amend wording of Regulation 10.4 (d) to read as follows:
appoint an International Measurer **of the class** to **act as chair of** the **event** technical committee for the world championships unless otherwise agreed with World Sailing

103-23 Proposal to amend 103 -23 Regulation 10.4.(d) To allow classes the opportunity to have a Class approved Measurer who may not be an International Measurer.

Reporting Committee: Equipment

Other Committee: Classes

Recommendation to Council: Reject

Notes: Already provided for in the Regulations

151-23 Proposal to amend Regulation 10.2.1.(d) and (e) and Regulation 10.4 – To differentiate between having the right to host a World Championship and being classified as a WS class and allow flexibility in terms of global distribution criteria.

Reporting Committee: Equipment

Other Committee: Events

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Recommendation to Council: Approve with the following amendment

Notes: Proposal 2 Regulation 10.2.1(e) additional amends:

the Committee consider ~~sing a that~~ the class which serves a unique aspect of sailing. is actively racing and meets equivalent global distribution demonstrated by any other means.

5. Governance Reform

Vice President Philip Baum updated the Committee on the progress made with the governance reform. The following documents were being presented to Council for approval not based on submissions:

- General Assembly Rules of Procedure
- Council Rules of Procedure
- 23 x Terms of Reference for the Committees and Sub-committees for which the recruitment process starts next year ahead of the elections (replacing the long current Regulation 6)
- Amendments to the Disciplinary and Ethics Regulations and their ancillary rules of procedure for the Ethics Commission and Independent Panels of the Judicial Board (which continue in force until November 2024).
- Anti- Doping Rules (amended numbering only)
- Betting and Anti-Corruption Code (updated to match IOC template and guidance)

All the documents had been shared in advance with stakeholders. Town Halls and Plenary Sessions were conducted to provide stakeholders with further opportunities to discuss the documents.

The Committee noted the progress made to date and also noted the timetable for the production of the next documents which would be put to the Council at the 2024 Mid-Year meeting and the 2024 Annual Conference.

The Committee thanked the Vice President for his report and confirmed that they would be supporting the approval of the documents subject to minor amendments.

6. Safeguarding

The Committee considered the Safeguarding Policy and Procedures which were being presented to the Council for approval not based on submission. UN confirmed that the documents were a starting position and that more work would be needed in the next stage to promote safeguarding and assist smaller MNA's with policy templates. The Committee notes some amends. In particular it was recommended that an amendment to the burden of proof be made in the Safeguarding Procedures from "on the balance of probabilities" to "comfortable satisfaction" and also some minor typos would be corrected in Regulations 35 and 36.

The Committee confirmed that they would be supporting the approval of the documents subject to the amendments to Regulations. Vice President Sarah Treseder and Ashley Tobin would liaise with UN over further amends necessary to improve the policy.

7. Constitution & Regulations

There had been no interpretations issued by the Committee since its last meeting and no further amendments were required to the Constitution or Regulations.

8. Annual General Meeting

The Committee noted the agenda of the Annual General Meeting.

9. Annual Report

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The Committee received the Chairman's report to Council covering the period October 2022 to October 2023. This had been circulated via email and published and would be presented at the Council Meeting.

10. Any Other Business

The Committee met over two days to consider recommendations and yellow papers from other Committees and the Board. Urvasi Naidoo was directed to prepare the Yellow Paper for publication to include the above recommendations on submissions and the proposal not based on submission on governance reforms and safeguarding.

The Chair thanked the Vice Chair and all attendees for their input into the meeting and closed the meeting.

David Tillett

Chair of the Constitution Committee.