

GUIDELINES FOR PANELS CONSTITUTED TO INVESTIGATE ALLEGATIONS MADE UNDER REGULATION 32

Introduction

Regulation 32 (Race Officials Performance) contains provisions on the procedure to be followed upon receipt of a report alleging inadequate conduct or competence of a World Sailing Race Official. These guidelines are intended to provide the appointed panels with guidance on procedures, processes, and decision-making.

Receipt of a report/allegation by World Sailing

Basic requirements

According to Regulation 32.2 a report alleging inadequate conduct or competence of a World Sailing Race Official shall be in writing and may be submitted by a race official, competitor, technical delegate, Member National authority or authorized member of the organizing authority or class association. The Chief Executive Officer may decide that a report from another source is to be considered. The submitter of the report shall accept that his identity is disclosed to the World Sailing Race Official concerned.

Actions before a panel is appointed

The report will be considered by the Chief Executive Officer upon receipt and if it needs further action, it shall be referred to the Chairman of the Race Officials Committee and a Vice President who shall place it in one of three categories (see Regulation 32.3).

Only if the report is categorized as Category C (significant report which is considered to allege inadequate conduct or competence so serious that it requires urgent action) a panel of three people shall be appointed to investigate the report (and the Race Official may be suspended immediately) - see Regulation 32.6.

If the report is categorized as Category B (significant report which is considered to allege inadequate conduct or competence of the World Sailing Race Official concerned) the Race Official concerned shall receive an allegation based on the report. The Race Official can either accept the allegation or request an investigation. If the Race Official requests an investigation a panel of three people shall be appointed to investigate the report (see Regulation 32.5).

Appointing a panel

Where formal action is to be taken, the Chairman of the Race Officials Committee shall appoint a panel of three (3) people to investigate the report. The panel shall include two (2) members of the Race Officials Committee or its sub-committees and may include one member of other World Sailing committees, sub-committees, commissions, or the Judicial Board, if appropriate (see Regulation 32.7).

Actions after a panel is appointed

The World Sailing Office will inform the panel members of the initial allegation(s), all information provided by the submitter and the World Sailing Race Official including contact data.

Task of the Panel

The panel shall investigate the report and make a recommendation in accordance with Regulation 32.9. The panel may extend or vary the allegation(s) based on information discovered during the investigation. The World Sailing Race Official concerned shall be informed of the investigation at its inception and be supplied with the report and all relevant documents.

The World Sailing Race Official shall be entitled to answer the initial and any extended or varied allegation(s) in writing within a reasonable time set by the panel. If sanctions are recommended, they shall be specified (see Regulation 32.8).

PROCEDURAL MATTERS

Validity

Basically, the validity should already have been checked before a panel is appointed.

However, the panel should briefly check whether the validity requirements are met, which are:

- written report
- submitted by a race official, competitor, technical delegate, Member National authority or authorized member of the organizing authority or class association; or from another source if so decided by the Chief Executive Officer
- concerning a World Sailing Race Official (see Definition in the Regulations)

Procedures

Once appointed, the panel will conduct all proceedings.

The panel shall decide on any issues by a majority.

The panel determines its own procedure and shall conduct the proceedings as it sees fit but at all times in a manner which:

- (a) complies with the World Sailing Constitution and Regulations;
- (b) complies with its duty to act fairly and impartially;
- (c) allows the World Sailing Race Officials reasonable opportunity to make their respective cases;
- (d) avoids unnecessary delay or expense; and
- (e) provides a fair and efficient means for dealing with the case.

The panel may follow any procedure if in the Panel's opinion it is reasonably practicable so to do. With the consent of the World Sailing Race Official, the panel may proceed in an expedited manner for which it shall issue appropriate directions.

The panel shall communicate through the chairperson or the World Sailing Office when so decided by the panel. All communication shall be sent by email at the address set out in the latest version of the World Sailing Yearbook.

Proceedings

All communication shall be addressed to the chairperson of the panel only.

The chairperson should as soon as possible contact the other two members of the panel and agree a timeline as well as the next steps necessary which might include asking for additional information from the World Sailing Race Official or other persons/organisations involved.

It is usually best to have an online call to discuss these matters.

Following the call/meeting/exchange by the panel members the chairperson shall inform the World Sailing Race Official of the proceedings and the identity of the panel members.

The World Sailing Race Official shall be given ten (10) days to respond to the allegation and - if additional information is needed that can be provided by the World Sailing Race Official - it shall be provided within this time as well.

The chairperson of the panel will either directly or via the World Sailing Office make a reasonable effort to obtain any additional information/documents from the relevant authority (official/governmental bodies, MNA, class association, other officials, etc.) that cannot be provided by the World Sailing Race Official.

It should be noted that it is the sole obligation of the World Sailing Race Official to provide relevant documents/information.

Within no more than twenty-eight (28) days upon receipt of all information requested, the panel shall reconvene to establish the facts, reach conclusions, and come to a decision.

Unless the panel directs otherwise no further information shall be considered after the time-limit set by the panel.

If any person or organisation involved fails to submit information within the time-limit set, the panel may proceed with the case and deliver its decision.

If there is good reason to extend any time-limit set, the panel shall do so and inform the World Sailing Office and the World Sailing Race Official accordingly.

Find facts, draw conclusions and come to a decision

The panel shall find facts, draw conclusions, and issue its decision within an adequate time, usually not more than three (3) months after being appointed, unless the case proves to be complex, and more information is needed that could not be retrieved within that time.

The decision of the panel shall be in writing, shall be dated and signed by the chairperson, and shall state the reasons on which the decision is based. The chairperson shall transmit the decision to the World Sailing Office and the Chairman of the Race Officials Committee.

Recommendations and decisions may be that no further action is taken, that sanctions shall be imposed or that a report shall be made to the Chief Executive Officer under Regulation 35.

The following are examples of sanctions that may be imposed (see Regulation 32.9):

- formal warning;
- reprimand (i.e. a strong warning);
- the World Sailing Race Official shall
 - not be appointed to or approved for events of a specific grade or type;
 - be supervised when attending an event;
 - attend a seminar before attending a further event;
 - be re-assessed if an assessment is required before appointment in a discipline;
 - take a test in the discipline concerned;
 - be suspended from the appointment for a specific period of time followed by a re-evaluation prior to reinstatement or termination of appointment;
- terminate the appointment of the World Sailing Race Official

All sanctions can be limited in time or to specific (grades or types of) events.

The panel may request a redacted list of decisions from previous investigations from the World Sailing Office to check whether the decision is also proportional.

If the Panel concludes that the report was not substantiated in any way and/or may have been made solely to discredit or defame a World Sailing Race Official, it should also recommend the initiation of proceedings under Regulation 32 or 35 against the submitter of the report.

When the decision has been made

The decision shall be reviewed by the Chairmen of the Race Officials Committee and all its Sub-committees who decide either to confirm it or that the sanction to be imposed shall be less than that recommended (see Regulation 32.8).

When a decision is made the Chairman of the Race Officials Committee shall report it to the Board. If the recommendation is that the appointment be terminated, the matter shall be referred to the Board which shall be the only body with authority to terminate an appointment. The Board may also direct that the Race Official concerned is ineligible to be appointed as a World Sailing Race Official for such period of time as it thinks fit.

The World Sailing Race Official may **appeal** against any sanction imposed under Regulation 32, except a report to the Chief Executive Officer under Regulation 35, to the World Sailing Judicial Board.

For this reason, the panel should follow a consistent procedure, investigate the facts correctly and completely, come to reasonable conclusions and reach a fair and appropriate decision.

The submitter of a report shall be informed of the actions taken by World Sailing, unless the Chairman of the Race Officials Committee decides that this is inappropriate.

After a decision has become final, it shall be published by the Chief Executive Officer, unless the Chairman of the Race Officials Committee decides that this inappropriate to do so.

APPENDIX A - PROCEDURE (SHORT)

tasks / situation	timeline
1. appointment of panel members	
2. confirmation of receipt of documents by panel members	within 2 days upon receipt
3. panel chair schedules a preliminary meeting of the panel to agree timeline and next steps necessary	within 7 days upon confirmation
4. panel chair informs WS Race Official of the proceedings and the identity of the panel members	asap after meeting
5. WS Race Official may respond to the allegation and/or provide additional documents	within 10 days after notification
6. panel reconvenes to establish the facts, reach conclusions, and come to a decision	within 28 days after response of WS Race Official
7. written, dated and signed decision is sent to WS Office and the Chairman of the Race Officials Committee	within not more than 3 months

APPENDIX B - SHORT STYLE GUIDE

Everything stated should be a finite English sentence. Generally, a sentence should not have more than two clauses.

Sentences shall be numbered for ease of reading. Use automatic numbering or type the numbering yourself.

Facts/findings are always in past tense.

APPENDIX C - TEMPLATE

Note:

The use of this template is not mandatory. It only provides a sample format for documenting the investigation.

BEFORE A PANEL APPOINTED UNDER REGULATION 32.5 AND 32.7

IN THE MATTER OF AN INVESTIGATION BASED ON A REPORT UNDER REGULATION 32 CONCERNING
... [*describe the content of the investigation/allegation brought forward*]

INTERNATIONAL RACE OFFICIAL(S) INVOLVED

[first name and family name (name abbreviation), race officials' status] from [country]¹

INITIAL ALLEGATION

1. "*text of the initial allegation as stated in the letter/information to the race official in question*"

ACCEPTING THE ALLEGATION OR REQUIRING AN INVESTIGATION

2. [name abbreviation] acknowledged receipt of the allegation [*add other documents if these were enclosed*] and required an investigation.
3. Since [name abbreviation] required an investigation, formal action by World Sailing was taken and a panel of three members was appointed as required by Regulation 32.5² and 32.7.

MEMBERS OF THE PANEL

[first name and family name, country], chairperson
[first name and family name, country], panel member
[first name and family name, country], panel member

INVESTIGATION CONDUCTED BY THE PANEL

4. After going through the documents provided, the panel decided that further information was needed and contacted [the office, the class association, the MNA, the race official, ...] to [answer questions raised by the panel, provide further/the following documents (name requested documents), give a statement on the case, ...].

After going through the documents provided, the panel decided that no further information was needed to make a decision.³

¹ for example: Fred Bloggs (FB), IRO from ...

² When a report is categorized as Category C the applicable Regulation is 32.6.

³ Alternative text in case the information provided is sufficient to come to a decision.

5. The panel considered [the answers, documents, information, statements] received.
6. The information provided included:⁴
7. The panel, after careful examination of all information provided, decided that:

- [name the decision, which - according to Regulation 32.? - may be to
-

The panel recommends that no further action is taken since there was no inadequate conduct or competence by [name abbreviation].⁵

Reasons

8. *Give the reasons, your decision is based on; start by summarizing the facts found, give conclusions, and describe whether/why the conduct/behaviour/actions of the race official meet a level of competence (clearly/slightly) (below the standards) required for an international race official*
9. ...
10. In the overall consideration of the incident, the panel considers [describe the decision in short words] to be sufficient and appropriate, but also necessary given [name abbreviation] conduct.

Decision

11. The panel recommends that
 - [name the decision]
 -

The panel recommends that no further action is taken.⁶

Additional Note⁷

12. *These may include proposals to improve processes from items that arose from the case or suggestions to start an investigation against other race officials involved and or the submitter in case the initial allegation was not substantiated in any way and/or may have been made solely to discredit or defame a World Sailing Race Official*

[name of chairperson]
[date of decision]

⁴ All documents should be listed and attached.

⁵ Alternative text in case the panel is satisfied that the allegation cannot be upheld.

⁶ Alternative text in case the panel is satisfied that the allegation cannot be upheld.

⁷ There is no need to have an additional note; still sometimes panels want to point out something or make certain suggestions.