

GUIDELINES FOR PANELS CONSTITUTED TO INVESTIGATE ALLEGATIONS MADE UNDER WORLD SAILING REGULATION 18 and Policy L4

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Introduction

There are two documents dictating the procedures to be followed upon receipt of a report alleging inadequate performance or competence of a World Sailing Race Official:

1. [Regulation 18 "Race Officials Performance"](#), and
2. [Policy L4 "Race Officials Performance"](#), which contains the principles guiding the decision-making process.

The Code of Ethics Annex C contains provisions on the procedure to be followed upon receipt of a complaint by World Sailing alleging Misconduct by a World Sailing Race Official. [Regulation 18 advises that, if a report could also be considered under the Code of Ethics, the Investigations Panel must decide what procedure is more appropriate having first consulted the Chair of the Race Officials Committee.](#)

These guidelines advise the Panels appointed under Policy L4 3.1 on procedures, processes, and decisions.

Receipt of a report alleging inadequate performance or competence of a Race Official under Regulation 18 and Policy L4

Appointing a Panel

The World Sailing Office will appoint three people to the panel. It will inform the Panel members of the initial allegation or allegations and will forward to the Panel all the information provided by the submitter and the World Sailing Race Official, including contact data.

Tasks of the Panel

[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 Panel shall investigate the report. The Panel may extend or vary the allegation or allegations, based on information discovered in the investigation.](#)

Validity

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, Member National authority or an authorized member of the organizing authority or class association; or from another source if so decided by the Chief Executive Officer; and](#)
- [concerning a World Sailing Race Official as defined in Regulation 17.](#)

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 which it considers to be reasonably practicable. Its proceedings shall:

- a. comply with the World Sailing Constitution, Regulations and Policies;

- b. comply with its duty to act fairly and impartially;
- c. allow the World Sailing Race Official a specified amount of time to make their case;
- d. avoid unnecessary delay or expense; and
- e. provide a fair and efficient means for investigating and deciding the case.

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 may communicate directly with persons involved in their investigation, or the Chair may communicate through the World Sailing Office. All communication from the Panel shall be sent by email to the address provided by the World Sailing Official or the address listed in the latest version of the World Sailing Yearbook.

Proceedings

All communications shall be addressed to the Chair of the Panel only.

The Chair should, as soon as possible, contact the other two members of the Panel and agree a timeline and the next steps necessary. The steps might include asking for additional information from the World Sailing Race Official or from other persons or organisations involved. It is usually best for the Panel to have an online call to discuss these matters.

The Chair shall then inform the World Sailing Race Official of the planned proceedings.

The World Sailing Race Official shall be given ten days to respond to the allegation. If the Panel then requests additional information, the World Sailing Race Official shall provide it within ten days of receiving the further request.

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

It is the sole obligation of the World Sailing Race Official to provide documents and information relevant to the investigation.

Within no more than ten 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 Race Official accordingly.

Any evidence collected by the panel during its operation shall be promptly disclosed to the World Sailing Race Official.

Find facts, draw conclusions and come to a decision

The Panel shall find facts, make conclusions, and recommend any sanctions in its decision. It shall state the reasons on which the decision is based. It shall issue its decision within an adequate time, usually

not more than two months after being appointed, unless more information is needed that was not provided or could not be retrieved within that time.

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

The decisions and sanctions available to World Sailing are in Regulation 18.3.

If the Panel concludes that the report was not substantiated in any way or may have been made solely to discredit or defame a World Sailing Race Official, or both, it should also recommend the initiation of proceedings under Regulation 18 or The Code of Ethics against the person who submitted report.

A report of decision of the Panel shall be in writing and be dated and signed by the Chair. The Chair will submit the Panel's report to the Chair of the Race Officials Committee and to the World Sailing Office.

The Panel should follow a consistent procedure, investigate the facts correctly and completely, come to reasonable conclusions, and reach a fair and appropriate decision.

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 proceeding and the identity of the Panel members	As soon as possible after meeting
5. WS Race Official may respond to the allegation and provide additional documents upon request	Within 10 days after notification
6. Panel reconvenes to establish the facts, reach conclusions, and come to a decision	Within 10 days after response of WS Race Official
7. Written, dated and signed decision is sent to WS Office and the Chair of the Race Officials Committee	Within not more than 3 2 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 and 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.

Blue writing describes content to be written

Green writing is suggested wording, if applicable.

BEFORE A PANEL APPOINTED UNDER REGULATION 18 and Policy L4

IN THE MATTER OF AN INVESTIGATION BASED ON A REPORT UNDER REGULATION 18 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 Policy L4 2.3².

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, ...].

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

² When a report is categorized as Category C, Policy L4 2.4 applies.

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

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 18.3 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 simple 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. *If applicable. 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*

[names of Panel members]
[date of decision]

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