

27 February 2022

### **Review of Plenary Session 5: Disciplinary & Ethics**

This note summarises the discussions held during Plenary Session 5 concerning the current Ethics and Disciplinary processes within World Sailing and the suggested new structures.

#### **Summary of Main Issues Raised**

1. Many speakers supported the simplification of the Disciplinary and Ethics processes and the consolidation of documentation and regulations.
2. Transparency of process was strongly supported and some speakers felt that all information about disciplinary proceedings should be published, even if not eventually charged. Others suggested that publishing a complaint by itself may not be appropriate if there was no subsequent follow-up. It was recognised by all that this was a difficult balance to achieve. Another speaker recommended that the level of seriousness of complaints should be a factor in considering this issue. It was observed that a policy of publishing all complaints could mitigate against frivolous complaints being made in the first place and such a policy might protect the Federation from being sued for defamation for the subsequent publication of any adverse findings against an individual.
3. The cost and expense of the disciplinary process was discussed and whether it was always in the best interests of World Sailing to pursue certain disciplinary cases (with the costs incurred). There was general support for the Investigation Panel making a judgment decision on whether it was in the best interests of World Sailing to proceed with a complaint, provided that its decisions were made transparently. Civil courts remained an option for an aggrieved party whose issue was declined by the Investigation Panel.
4. The idea of a mediation system was proposed and some felt it may resolve complaints which did not need to proceed to a disciplinary investigation. Another speaker recommended the idea of an ombudsman which may help participants address any issues informally. Possible advantages of these approaches was to provide a non-public early 'pressure release valve' and potentially amicable resolution before an issue got entangled in all the formalities and costs of full blown ethics proceedings.
5. Other comments included:
  - a. One speaker encouraged the Governance Sub-committee to liaise with the Racing Rules Committee concerning any proposals which may affect RRS 69 and how event-related misconduct is handled.
  - b. One speaker supported the proposal that with any form of adverse sanction (including a warning) there should be a right of appeal.

- c. In response to a view that only limited areas (such as Disciplinary and Ethics) ought to be changed now, it was noted that World Sailing has now been discussing governance reform for 5 years. WS ought to decide what it wanted. In context of the total proposed new constitution, the five areas under review comprised a small proportion of the total document.

Any members who wish to provide additional feedback, or respond to the issues noted above, are welcome to email [governance@sailing.org](mailto:governance@sailing.org) to provide them direct the Governance Sub-committee. The GSC is, of course, available for any further discussion or debate at the convenience of Stakeholders follow up conversations can be organised either individually or in a group.