



**WORLD SAILING
INVESTIGATIONS PANEL
RULES OF PROCEDURE**

PART 1: DEFINITIONS

Specific Definitions

The words and phrases used in these Rules that are defined terms (denoted by initial capital letters) shall have the meanings specified in the Constitution, the Regulations and in Codes or Policies, or (in respect of the following words and phrases) the following meanings:

"Applicable Persons" means the persons referred and subjected to any relevant rules in the Constitution, Regulations, Codes or Policies.

"Chief Executive Officer" means the Chief Executive Officer of World Sailing as described in the Constitution.

"CAS" means the Court of Arbitration for Sport with its headquarters in Switzerland.

"Demand" has the meaning given to it in Rule 15.

"Disciplinary Tribunal Website" means the page of the World Sailing website dedicated to the Disciplinary Tribunal.

"Doping" and **"Doping Violation"** means a breach of the Anti-Doping Code including an anti-doping rule violation under the World Sailing Anti-Doping Rules and, for the purposes of these Rules.

"Elections" means the Annual General Meeting held every four years at which elections under Article 47 of the Constitution are undertaken.

"Existing Official" means any person who is in office as an Official.

"Financial Year" means the financial year of World Sailing which is from 1 January to 31 December.

"Members of the Investigations Panel" means the members of the Investigations Panel who are independent of World Sailing, and, subject to Article 43.3 of the Constitution and Rule 4.4 of these Rules, are appointed by the General Assembly.

"Investigations Panel Staff" means any person who undertakes work for the Investigations Panel, or on its behalf.

"Investigations Panel Website" means the page of the World Sailing website dedicated to the Investigations Panel.

"Major Transactions" means any expenditure, liability, commitment or transaction (when singularly or combined with other transactions) amounting to 500,000 Euros or greater or any expenditure, liability, commitment or transaction which is unprecedented, complex or high-profile of any amount, as decided by the Investigations Panel.

"Non-Doping" and **"Non-Doping Violation"** means a breach of the Code of Ethics or World Sailing Rules which is not a Doping Violation for the purposes of these Rules.

"Notice of Charge" has the meaning given to it in Rule 16.

"Prima Facie case" means a case considered by the chair of the Investigation Panel to warrant investigation.

"Provisional Suspension" means temporary suspension from participating in any competition or activity (or such lesser restriction as may be specified in any Provisional Suspension order).

"Publicly Disclosed" means disclosure of the decision to the public on the Disciplinary Tribunal page, the World Sailing website and the Investigations Panel page and such other public notification as decided by the Investigations Panel.

"Report" means a report as described in Rule 13.

"President" means the President of World Sailing as described in Article 50 of the Constitution.

"Procedure, Rules of" means the rules setting out the procedures for dealing with alleged breaches of the World Sailing Rules including reporting, investigating, prosecuting and deciding such breaches includes the Investigations Panel Rules, the Disciplinary Tribunal Rules and the Anti-Doping Rules.

"Referral" means a referral as described in Rule 18.

"Safeguarding Concern" means any safeguarding concern as defined in the Safeguarding Rules.

"Vice Presidents" means the Vice Presidents of World Sailing as described in Article 23 of the Constitution.

"WADA" means the World Anti Doping Agency.

"World Sailing Rules" means the World Sailing Constitution, the World Sailing Constitution, the World Sailing Codes or World Sailing Policies or any other World Sailing document setting out rules that intend to bind members.

"World Sailing Staff" means any person employed or engaged by World Sailing to undertake work for World Sailing, or on its behalf.

"World Sailing Website" means the website of World Sailing.

PART 2: REMIT, SCOPE AND OPERATIONS

1. Purpose of these Rules

1.1 The purpose of these Rules is to set out:

- (a) the Role of the Investigations Panel and its functions;
- (b) the terms on which Council (on behalf of General Assembly) delegates authority to the Investigations Panel to establish and maintain the Investigations Panel.

2. Application of these Rules

2.1 These Rules apply to all World Sailing Officials including Staff and all committees, panels and persons referred to in these Rules and those delegated authority under these Rules.

3. Scope of these Rules

3.1 These Rules define the structure and functions of the Investigations Panel including the powers, roles, responsibilities and authority of the constituent parts of the Investigations Panel, namely the:

- (a) Investigations Panel
- (b) Chair of the Investigations Panel; and
- (c) Investigations Panel operations (including its functions, financial arrangements, staffing and branding as described in these Rules).

4. Investigations Panel – Composition and Appointment

4.1 In accordance with the Constitution, the Investigations Panel will be governed in accordance with these Rules and any applicable Regulations.

Composition of Investigations Panel

4.2 In accordance with Article 44 of the Constitution, the Investigations Panel shall be comprised of:

- (a) at least three independent members.

Appointment of Investigations Panel

4.3 Subject to Rule 4.4, at each General Assembly meeting where ordinary elections take place, the independent members of the Investigations Panel will be appointed by General Assembly, on the recommendation of the Nominations Panel (as specified in Article 44.2 and as further described in these Rules).

4.4 Each member of the Investigations Panel is a World Sailing Official and subject to vetting. As such, the appointment or election of any person to be a member of the Investigations Panel is subject to the person being eligible.

4.5 Each member of the Investigations Panel shall have a term of office of four years commencing at the first Council meeting held after the Election General Assembly

meeting at which they were appointed and ending at the first Council meeting held after the next Election General Assembly meeting (held four years later).

5. Investigations Panel – Responsibilities, Powers and Duties

Responsibilities and Powers

5.1 The Investigations Panel shall be responsible for governing the Investigations Panel and ensuring its role is fulfilled. The Investigations Panel shall have the powers and responsibilities to:

- (a) investigate and prosecute cases as permitted by these rules or any of the World Sailing Rules, that are referred to it;
- (b) consider and recommend to Council any amendments to the Constitution, the Rules (including these Rules and the Code of Ethics) and any Regulations relevant to the Investigations Panel;
- (c) establish sub-committees of the Investigations Panel and other groups, taskforces or persons to carry out the work of the Investigations Panel under its delegated authority;
- (d) establish whether:
 - (i) there exists a case to answer for the commission of an anti-doping rule violation (other than an Adverse Analytical finding, an Atypical Finding, an Adverse Passport Finding or a Whereabouts Failure) as set out in the Anti-Doping Rules;
 - (ii) there exists a case to answer for the commission of a breach of the World Sailing Rules;
 - (iii) World Sailing will appeal decisions of the Disciplinary Tribunal in Doping cases and Non-Doping cases to CAS;
 - (iv) World Sailing will participate in any appeal or other proceeding before CAS or any other tribunal to which World Sailing is not a party.
- (e) approve and amend policies and procedures for the making of other decisions permitted or required of the Chair of the Investigations Panel as set out in the Rules;
- (f) if requested by the Chair of the Investigations Panel, make decisions permitted or required of the Chair of the Investigations Panel as set out in the Rules;
- (g) make recommendations to the General Assembly, (on the recommendation of any sub-committee, taskforce or group established by the Investigations Panel for this purpose or the Chair of the Investigations Panel), of any proposal to suspend, or otherwise take steps in relation to a Member in accordance with Article 52 of the Constitution;

- (h) engage, contract or otherwise agree to obtain the assistance or advice of any person or organisation, including to delegate any task or work of the Investigations Panel;
- (i) approve and amend policies and procedures for the operation of the Investigations Panel, in particular to ensure that it operates independently from World Sailing (provided that such policies and procedures are not inconsistent with the Constitution, and any Rules and Regulations);
- (j) report to General Assembly and the Council in accordance with the Constitution and these Rules; and
- (k) subject to the Constitution, the Rules (including these Rules) and Regulations, do all things necessary to fulfil the role of the Investigations Panel.

Duties of Investigations Panel Members

5.2 The duties of all members of the Investigations Panel (including those who are nonvoting members) are to:

- (a) protect the integrity of sailing and World Sailing as a whole throughout the world;
- (b) at all times act in good faith and in the best interests of the Investigations Panel;
- (c) exercise the powers of the Investigations Panel for proper purposes;
- (d) act, and ensure the Investigations Panel acts, in accordance with the Constitution, the Rules and Regulations including the Code of Ethics;
- (e) maintain a reputation for high standards of business conduct;
- (f) be bound by all Investigations Panel decisions and publicly support all decisions made by the Investigations Panel, even if they do not privately agree with them;
- (g) act independently from the organs of World Sailing including, but not limited to, the President, Vice Presidents, Council, Board, Commissions, Committees, Disciplinary Tribunal, Vetting Panel, except to the extent specified in these Rules;
- (h) not agree to, nor cause or allow, the activities of the Investigations Panel to be carried on in a manner likely to create a substantial risk of serious loss to World Sailing' creditors;
- (i) not agree to the Investigations Panel incurring any obligations unless the Investigations Panel member believes at that time, on reasonable grounds, that the Investigations Panel will be able to perform the obligations when it is required to do so;
- (j) except for the Chair, not speak or make statements publicly on behalf of the Investigations Panel or World Sailing unless authorised to do so by the Chair, or in accordance with delegated authority in writing from the Investigations Panel;

- (k) exercise the care, diligence and skill that a reasonable Investigations Panel member would exercise in the same circumstances;
- (l) in addition to any other steps specified in any Rules and Regulations, disclose to the Investigations Panel the nature and extent of any interest in a transaction or proposed transaction of the Investigations Panel as soon as the Investigations Panel member becomes aware of the fact that they have such interest;
- (m) not disclose information that the Investigations Panel member would not otherwise have available, other than in their capacity as an Investigations Panel member, to any person, or make use of or act on the information except:
 - (i) as agreed by the Investigations Panel for the purposes of the Investigations Panel; or
 - (ii) as required by law;
- (n) make reasonable efforts to attend and actively participate in all Investigations Panel meetings and General Assembly meetings; and
- (o) participate in an annual review of the Investigations Panel's performance in the manner decided by the Investigations Panel.

Duties of Chair

5.3 The Chair of the Investigations Panel shall have the following powers and responsibilities:

- (a) be the lead representative for the Investigations Panel;
- (b) promote the Investigations Panel and liaise and cooperate with other sports organisations, public and private organisations and authorities (including WADA) and other stakeholders including the media;
- (c) be a spokesperson for the Investigations Panel, in accordance with policies decided by the Investigations Panel;
- (d) chair meetings of the Investigations Panel;
- (e) lead the work of the Investigations Panel including ensuring it (and its subcommittees) implements good governance practices, functions effectively, acts within its powers and meets its obligations and responsibilities;
- (f) only authorise transactions and sign any documentation on behalf of World Sailing for the Investigations Panel, with at least one other member of the Investigations Panel in accordance with decisions, policies and procedures decided by the Investigations Panel, or as otherwise specified in these Rules.

6. Investigations Panel – Procedures

Meetings

- 6.1 Meetings of the Investigations Panel shall occur at such regular intervals as decided by the Investigations Panel and may also be called at any time by the Chair or any three members of the Investigations Panel. Except to the extent set out in these Rules, the Investigations Panel shall regulate its own procedure.
- 6.2 Any one or more Investigations Panel members (including the Investigations Panel as a whole) may participate in any meeting of the Investigations Panel without being physically present. Such meetings may occur by telephone, through video conference facilities or by other means of verbal communication provided that prior notice of the meeting is given to all Investigations Panel members and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by any Investigations Panel member in this manner at a meeting shall constitute the presence of that Investigations Panel member at that meeting.
- 6.3 The quorum for an Investigations Panel meeting shall be three.

Voting

- 6.4 Each independent member of the Investigations Panel shall be entitled to one vote on each resolution of the Investigations Panel. All resolutions shall be carried by simple majority of the independent members of the Investigations Panel unless expressly specified otherwise in these Rules. The Chair of the Investigations Panel shall not have a casting vote in the event of a tie in votes and any tied vote on a resolution will not be carried. Except for resolutions passed outside of an Investigations Panel meeting under Rule 6.5, voting at Investigations Panel meetings shall be by voice, or upon request of any independent member of the Investigations Panel, by show of hands or secret ballot. Proxy voting is not permitted.

Resolutions

- 6.5 A resolution in writing signed or consented to by email, facsimile or other forms of visible or other electronic communication by all the independent members of the Investigations Panel shall be valid as if it had been passed at a meeting of the Investigations Panel. Any such resolutions may consist of several documents in the same form each signed or consented to by one or more independent members of the Investigations Panel.

7. Investigations Panel – Reporting

- 7.1 The Investigations Panel is required to report annually at regular intervals to the Board and the Chair of the Disciplinary Tribunal, under Article 44.5 of the Constitution.
- 7.2 The Investigations Panel General Assembly Report shall be made available to all Delegates at the General Assembly and presented in person by the Chair of the Investigations Panel. If the Chair is unavailable, then one of the independent members of the Investigations Panel shall present the General Assembly Report.

7.3 The Investigations Panel General Assembly Report shall also be made publicly available on the Investigations Panel microsite and the World Sailing Website after the General Assembly meeting.

7.4 In addition to reporting to General Assembly, the Investigations Panel shall provide to Council, in between General Assembly meetings, the following information:

- (a) information (only to the extent appropriate and necessary) about any significant cases or controversy about or involving the Investigations Panel (including the Investigations Panel) which is in the public domain.

8. Investigations Panel – Other Matters

Indemnity

8.1 World Sailing shall indemnify all members of the Investigations Panel, including the Chair of the Investigations Panel, in respect of any personal liability arising from any act done or omitted to be done by them if done in good faith in pursuance or intended pursuance of the functions, duties, powers, or authorities as specified in the Constitution and these Rules.

9. Operations of Investigations Panel Functions

9.1 In order to fulfil its Role, the functions of the Investigations Panel shall include:

- (a) investigating alleged breaches of the Code of Ethics by Applicable Persons as defined in this document;
- (b) prosecuting alleged breaches of the Code of Ethics by Applicable Persons, before the Disciplinary Tribunal including any appeals or other proceedings arising from such prosecutions;
- (c) investigating alleged breaches of the Constitution, the Regulations, the Codes or Policies.
- (d) prosecuting alleged breaches of the Constitution, the Regulations, the Codes or Policies by relevant persons before the Disciplinary Tribunal.
- (e) monitoring compliance with the Code of Ethics by Applicable Persons; and
- (f) fulfilling its responsibilities under the Safeguarding Rules.

Systems and Security

9.2 The Investigations Panel shall ensure the Investigations Panel has sufficient systems and procedures in place to ensure the security of all information held by the Investigations Panel and that such information is kept confidential from World Sailing in all material respects. Such systems and procedures should meet current best practice business accreditation standards and must be strictly compliant with applicable privacy laws. The Investigations Panel shall ensure such systems and procedures in place are documented.

10. Financial Funding

10.1 Articles 44.4 of the Constitution require the Board to allocate funding to the Investigations Panel to enable:

- (a) it to undertake its functions and fulfil its responsibilities; and
- (b) the Disciplinary Tribunal to undertake its functions and fulfil its responsibilities.

10.2 The Board will allocate funding for the Investigations Panel annually and may also do so at the request of the Investigations Panel at other times.

10.3 Funding will be allocated to the Investigations Panel in accordance with the following process:

- (a) The Investigations Panel shall submit a request to the Board for funding prior to the end of each Financial Year. The request shall:
 - (i) specify the total amount requested for the next Financial Year;
 - (ii) be accompanied by the annual plan of the Investigations Panel and proposed budget for the Financial Year;
 - (iii) specify the funding which it forecasts will be required for the three financial years, following the Financial Year;
 - (iv) be presented at a meeting of the Board by the Chair of the Investigations Panel.
- (b) The Board shall consider the request and decide on the funding allocation for the next Financial Year prior to the end of the Financial Year.
- (c) The Board shall also provide an indication of forecasted funding for the three Financial Years, following the funding which has been allocated.
- (d) In addition to the annual allocation of funding, the Investigations Panel may request approval from the Board for additional funding from time to time as required. The information provided in Rule 10.3.1 shall be updated and submitted with the request, together with an explanation for the reason for the additional funding.

10.4 Funding allocated to the Investigations Panel shall only be used for the purposes of fulfilling the role of the Investigations Panel, and, where the funding has been allocated to the Investigations Panel pursuant to Rule 10.1(b), the Disciplinary Tribunal's functions and responsibilities and for no other purposes.

10.5 In the event there is unexpended funding at the end of the funding period for which it was allocated, the amount of the unexpended funding shall be disclosed to the Board together with the reason for such underspend. Such unexpended funding may only be carried over into subsequent funding periods for use by the Investigations Panel under Rule 10.4, with the prior approval of the Board.

Financial Year

11.6 The Investigations Panel shall have the same Financial Year as World Sailing.

Accounts

- 11.7 The Investigations Panel shall use financial recording systems that are the same as those used by World Sailing.
- 11.8 The Investigations Panel shall prepare and approve annual financial statements for the Investigations Panel in the same form as that used for the World Sailing annual financial statements.
- 11.9 The annual financial statements of the Investigations Panel shall be consolidated into and form part of the World Sailing annual financial statements.

PART 3: PROCEDURES

12. Duty to Report

- 12.1 Every Applicable Person has an obligation to report, as soon as practicable, any act, thing or information which they become aware of, which may constitute (on its own or with other information) a breach of the World Sailing Rules (including the World Sailing Constitution, The World Sailing Regulations, The World Sailing Codes or World Sailing Policies). This includes any approaches or requests to engage in conduct that may constitute a breach of the World Sailing Rules. This can be done by lodging an official report with the Investigations Panel (“Report”).
- 12.2 All Reports should be made or confirmed in such form as may be decided by the Investigations Panel from time to time. Reports should be signed and dated by the person lodging the Report and should include all available evidence.
- 12.3 Any Safeguarding Concern must be reported to the Chair of the Investigations Panel in accordance with the procedures set out in the Safeguarding Rules. Safeguarding Concerns shall be dealt with in accordance with the Safeguarding Rules and not as a breach under these Rules of Procedure (save as specifically set out in the Safeguarding Rules).

13. Prima Facie Case

- 13.1 The Chair of the Investigations Panel shall first assess whether the Report relates to an alleged breach of the World Sailing Rules.
- 13.2 If, upon review, the Chair of the Investigations Panel considers the Report to be frivolous or malicious, they may decide to take no further action. If, upon review, the Chair of the Investigations Panel considers the Report or a particular breach to be a minor breach, they may make a Referral pursuant to Rule 18. All Reports that are not pursued or are subject to a Referral pursuant to Rule 18 will be reported to the Investigations Panel at its next meeting. If the Chair of the Investigations Panel considers it appropriate to do so, they may ask any person filing a Report to provide further information or may make other enquiries before a decision is taken under Rule 13.3 as to whether a Prima Facie case is made out.
- 13.3 If the evidence submitted with, or subsequent to, any Report is considered by the Chair of the Investigations Panel to establish a Prima Facie case of a breach of the World Sailing Rules, the Chair of the Investigations Panel will cause an investigation to be commenced, unless in the view of the Chair of the Investigations Panel, in consultation with the Investigations Panel, there is a good reason not to cause an investigation to be commenced either immediately or at all.
- 13.4 In addition to information provided in a Report, the Chair of the Investigations Panel may consider information that has come to their attention by whatever means to establish whether there is a Prima Facie case of a breach of the World Sailing Rules, and in such circumstances, they will initiate an investigation for an alleged breach of the World Sailing Rules in accordance with these Rules.
- 13.5 Grounds do not need to be given for the initiation of an investigation for an alleged breach of the World Sailing Rules and the decision may not be contested. The Applicable Person will be notified of the commencement of such an investigation and

of the possible breach of the World Sailing Rules to which the investigation relates, and will be afforded the right to make a written submission as part of the investigation.

13.6 The Chair of the Investigations Panel may write to any Applicable Person against whom a *Prima Facie* case has been found to exist, to ask whether or not they wish to admit any breach of the World Sailing Rules suggested by the *Prima Facie* case. If the Applicable Person wishes to admit any breach of the World Sailing Rules, the Chair of the Investigations Panel will have the power to direct that the matter proceed directly to a decision by the Disciplinary Tribunal on the consequences and sanction.

13.7 At any time, whether or not the Chair of the Investigations Panel considers there is a *Prima Facie* case, they may refer any information they receive from a Report or otherwise to the appropriate criminal or other authorities or bodies, if they consider it appropriate to do so or it is required by law.

14. Provisional Suspension

14.1 At any time after a *Prima Facie* case of a breach of the World Sailing Rules has been determined by the Chair of the Investigations Panel to exist pursuant to Rule 13 of these Rules, the Chair of the Investigations Panel may make an *ex parte* application to the Chair of the Disciplinary Tribunal to impose a Provisional Suspension on the Applicable Person, pending completion of the investigation and a decision whether the Applicable Person has a case to answer.

14.2 Upon an application made under Rule 14.1, the Chair of the Disciplinary Tribunal may impose a Provisional Suspension if they consider that the integrity of the sport could otherwise be seriously undermined. Any Provisional Suspension imposed under Rule 14.1 will take effect from the date specified in the Chair's decision. At the same time as such notification, a copy of the decision to impose a Provisional Suspension on the Applicable Person shall be:

- (a) notified to the Investigations Panel, the Applicable Person's Member Federation unless the Chair of the Disciplinary Tribunal decides for good reason otherwise; and
- (b) Publicly Disclosed, unless the Chair of the Disciplinary Tribunal decides for good reason otherwise.

14.3 Where a Provisional Suspension under Rule 14.1 is imposed, the Applicable Person will have the right within seven days of notification of the decision to make an application to contest such Provisional Suspension in a hearing before a special panel of the Disciplinary Tribunal convened to hear their case. This Panel may include the Chair of the Disciplinary Tribunal provided that in this situation, the Panel comprises of three members.

14.4 At any hearing under Rule 3.3, the Provisional Suspension may only be lifted if the Applicable Person establishes:

- (a) that the facts do not give rise to a *Prima Facie* case;
- (b) that the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case; or

- (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a full hearing on the merits of the charge(s). This ground is to be construed narrowly, and applied only in exceptional circumstances (e.g. the fact that the Provisional Suspension would prevent the person from participating in a particular event will not qualify as exceptional circumstances for these purposes).

15. Investigating Potential Breaches

- 15.1 The Investigations Panel will have the power to conduct investigations where a Prima Facie case of a breach of the World Sailing Rules has been determined to exist pursuant to Rule 13 of these Rules.
- 15.2 Investigations under these Rules may be undertaken in whole or in part by Investigations Panel Staff or persons acting under delegated authority from the Investigations Panel.
- 15.3 Investigations for breach of the World Sailing Rules by or on behalf of the Investigations Panel may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other relevant authorities or bodies. The Investigations Panel will have discretion, where it deems it appropriate, to stay its own investigation pending the outcome of investigations being conducted by other relevant authorities or bodies. However, the mere existence of another investigation does not entitle the subject of an investigation to seek a stay of the investigation being carried out by the Investigations Panel.
- 15.4 All Applicable Persons must cooperate fully with investigations conducted by the Investigations Panel and a refusal or failure to do so without compelling justification shall constitute a breach of the Code of Ethics.
- 15.5 The Investigations Panel may at any stage after the Chair of the Investigations Panel considers there to be a Prima Facie case (including after the Notice of Charge) make a written demand (Demand) to an Applicable Person to provide the Investigations Panel with any information, record, article or thing in their possession or control that the Chair of the Investigations Panel reasonably believes may evidence or lead to the discovery of evidence of a breach of the World Sailing Rules.
- 15.6 Without limiting the foregoing, and considering applicable local privacy laws, the Investigations Panel may require an Applicable Person to:
 - (a) attend before the Investigations Panel for an interview, or to answer any question, or to provide a written statement setting out their knowledge of any relevant facts and circumstances;
 - (b) provide (or procure to the best of their ability the provision by any third party) for inspection, copying and/or downloading any records or files in hardcopy or electronic format, that the Chair of the Investigations Panel reasonably believes may contain relevant information (such as itemised telephone bills, bank statements, ledgers, notes, files, correspondence, emails, messages, servers);
 - (c) provide (or procure to the best of their ability the provision by any third party) for inspection, copying and/or downloading any electronic storage device in which the Chair of the Investigations Panel reasonably believes relevant information may be stored (such as cloud based servers, computers, hard

drives, tapes, disks, mobile telephones, laptop computers, tablets and other mobile storage devices);

(d) provide passwords, login credentials and other identifying information required to access electronically stored records that are the subject of a Demand.

15.7 Subject to Rule 15.8, an Applicable Person must comply with a Demand in such reasonable period of time as determined by the Investigations Panel and set out in the Demand. Each Applicable Person waives and forfeits any rights, defences and privileges provided by any law in any jurisdiction to withhold any information, record, article or thing requested in a Demand.

15.8 Where a Demand relates to any information, record, article or thing that the Chair of the Investigations Panel reasonably believes is capable of being damaged, altered, destroyed or hidden (any electronic storage device, or electronically stored information shall be deemed to meet this criterion), then for the purposes of evidence preservation, the Investigations Panel may require an Applicable Person to comply immediately with the Demand. In such a case:

- (a) the Applicable Person must immediately comply with the Demand and permit the Investigations Panel to take immediate possession of, copy and/or download the information, record, article or thing. However, the Investigations Panel may take no steps to inspect or use the same other than as provided in Rule 15.8(d) below;
- (b) a refusal or failure by an Applicable Person to comply immediately with the Demand shall constitute an independent breach of the Code of Ethics and any attempted or actual damage, alteration, destruction or hiding of such information, record, article or thing upon receipt of or after the Demand shall constitute an independent breach of the Code of Ethics;
- (c) the Applicable Person has seven days from receipt of the Demand to file an objection to the Demand by requesting a review by the Chair of the Disciplinary Tribunal or their delegate in accordance with Rule 15.9; and
- (d) if the Applicable Person does not file an objection within seven days of receipt of the Demand (or files an objection and the Chair of the Disciplinary Tribunal or their delegate subsequently finds there is a reasonable belief basis to the Demand), or notifies the Investigations Panel that they do not object to the Demand, the Investigations Panel may forthwith inspect the information, record, article or thing and otherwise make use of it in accordance with these Rules.

15.9 An Applicable Person may object to a Demand made under Rule 15.5 by filing an application with the Chair of the Disciplinary Tribunal within seven days of receipt of the Demand specifying the grounds for such objection. Where such an application is made, subject always to Rule 15.8, the time for complying with a Demand shall be stayed pending the outcome of the objection.

15.10 The Chair of the Disciplinary Tribunal or their delegate (who shall in all cases be another member of the Disciplinary Tribunal) shall consider the objection to the Demand with as much expediency as the justice of the matter permits and, unless exceptional circumstances apply, such review shall be conducted by way of written evidence and submissions only. In considering the Demand, the Chair of the

Disciplinary Tribunal shall have the discretion, but not the obligation, to invite submissions from the Investigations Panel and the Applicable Person, as they see fit.

- 15.11 Where the Chair of the Disciplinary Tribunal or their delegate determines that there is no reasonable belief basis to the Demand, then the Investigations Panel shall not pursue the Demand with the Applicable Person. The information, record, article or thing and any copy or download of the same shall either be immediately returned to the Applicable Person or destroyed, as the case requires.
- 15.12 If the Chair of the Disciplinary Tribunal or their delegate determines that there is a reasonable belief basis to the Demand, and if the Applicable Person fails to produce the information, record, article or thing and any copy or download of the same, then it shall constitute an independent breach of the Code of Ethics.
- 15.13 The ruling of the Chair of the Disciplinary Tribunal or their delegate as to whether there is a reasonable belief basis to a Demand shall not be subject to appeal.
- 15.14 If a Demand is set aside, it shall not preclude the Investigations Panel from making any other Demand in relation to the same or another investigation.
- 15.15 Any information, record, article or thing provided to the Investigations Panel under this Rule will be kept confidential except when it becomes necessary to disclose such information, record, article or thing to further the investigation of and/or to bring or as part of proceedings relating to a breach of the World Sailing Rules, or when such information, record, article or thing is reported to administrative, professional or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations, or is otherwise required by law.
- 15.16 If an Applicable Person obstructs or delays an investigation (e.g. by providing false, misleading or incomplete information or documentation and/or by tampering or destroying any documentation or other information that may be relevant to the investigation), this may itself constitute an independent breach of the Code of Ethics.
- 15.17 The Investigations Panel may at any time require a Member Federation or Area Association:
 - (a) to assist in an investigation into a potential breach of the World Sailing Rules by one or more persons under its jurisdiction (where appropriate, acting in conjunction with any other relevant national authority or body); and
 - (b) to provide a written report on such assistance within a reasonable time period as stipulated by the Investigations Panel.
- 15.18 If a Member Federation refuses or fails to comply with Rule 15.17 without compelling justification, or obstructs or delays an investigation (e.g. by providing false, misleading or incomplete information or documentation and/or by tampering or destroying any documentation or other information that may be relevant to the investigation), it shall constitute a serious breach of the Rules. This shall be reported to Council or Congress and for which Council or Congress may exercise their respective suspensive and other powers to sanction against the Member Federation in accordance with Parts II and III of the Constitution.
- 15.19 Where during the course of, or pursuant to, any investigation the Investigations Panel identifies any additional Applicable Persons against whom it considers there exists a

Prima Facie case of a breach of the World Sailing Rules, the investigation may be expanded to deal with their involvement in the events in question.

- 15.20 In each case following completion of the investigation, subject to the prior approval of the Investigations Panel, the Chair of the Investigations Panel shall decide whether there is a case to answer for the commission of a breach of the World Sailing Rules and, if so, whether the athlete or other person should be Provisionally Suspended, or should continue to be Provisionally Suspended, pending resolution of the case.
- 15.21 Where the decision is that an Applicable Person has a case to answer for commission of a breach of the Code of Ethics, the Chair of the Investigations Panel will send a Notice of Charge in accordance with Rule 16.
- 15.22 Where the decision is that there is no case to answer, the matter shall not proceed further and any Provisional Suspension previously imposed shall be lifted.

16. Notice of Charge

- 16.1 When the Chair of the Investigations Panel decides pursuant to Rule 15 that there is a case to answer, the Chair of the Investigations Panel will send a written notice (“**Notice of Charge**”) to the Applicable Person subject to the charge(s) with a copy to their Member Federation.
- 16.2 The Notice of Charge shall set out:
 - (a) the breach of the World Sailing Rules alleged to have been committed (the specific rule, code or regulation of the relevant World Sailing Rules alleged to have been infringed),
 - (b) a summary of the facts upon which such allegations are based, and any other relevant information;
 - (c) a summary of the potential consequences and sanctions if it is determined that the alleged breach of the World Sailing Rules have been committed; and
 - (d) the Applicable Person’s entitlement to respond to the Notice of Charge in accordance with Rule 16.3.
- 16.3 The Applicable Person may respond to the Notice of Charge in one of the following ways:
 - (a) admit the breach of the World Sailing Rules charged and accept all or any of the potential consequences and sanctions specified in the Notice of Charge;
 - (b) admit the breach of the World Sailing Rules charged, but dispute and/or seek to mitigate all or any of the potential consequences and sanctions specified in the Notice of Charge and have the Disciplinary Tribunal determine the consequences and sanctions at a hearing conducted in accordance with Rule 16.6; or
 - (c) deny the breach of the World Sailing Rules charged, and have the Disciplinary Tribunal determine the charge(s) and (if the charge(s) is upheld) any consequences and sanctions, at a hearing conducted in accordance with Rule 16.6.

16.4 If the Applicable Person wishes to exercise their right to a hearing before the Disciplinary Tribunal, they must submit a written request for such a hearing so that it is received by the Investigations Panel as soon as possible, and in any event, within 10 days of their receipt of the Notice of Charge or such other deadline specified in the Notice of Charge. The request must also state how the Applicable Person responds to the charge(s) and must explain (in summary form) the basis for such response. A copy of the written request for a hearing shall be sent to the Chair of Disciplinary Tribunal, together with a copy of the Notice of Charge.

16.5 In the event the Applicable Person does not respond to the Notice of Charge in the manner set out in Rule 16.3 by the specified deadline, the Applicable Person will be deemed to have admitted the breach of the World Sailing Rules charged, and the consequences and sanctions specified in the Notice of Charge will apply, provided that the Notice of Charge has been given to the Applicable Person in accordance with Rule 17.

16.6 On receipt of a written request for a hearing from an Applicable Person and the corresponding Notice of Charge, the Chair of the Disciplinary Tribunal (or by agreement with them, his/her delegate) will appoint a panel of the Disciplinary Tribunal to hear and decide the matter as set out in the Disciplinary Tribunal Rules of Procedure.

16.7 In the Notice of Charge, or at any other time prior to the determination of the charge(s) by the Disciplinary Tribunal, the Investigations Panel may invite the Applicable Person to admit the breach of the World Sailing Rules charged.

16.8 In the event that the Investigations Panel withdraws the Notice of Charge, or the Applicable Person admits the breach of the World Sailing Rules charged and accepts the consequences and sanctions specified (or is deemed to have done so in accordance with Rule 16.5), a hearing before the Disciplinary Tribunal will not be required. If this occurs, the Investigations Panel will:

- (a) promptly issue a decision confirming (as applicable) its withdrawal of the Notice of Charge or the admission of the breach of the World Sailing Rules and the imposition of the specified consequences and sanctions;
- (b) Publicly Disclose any decision confirming the admission of the breach of the World Sailing Rules and the imposition of the specified consequences and sanctions in accordance with the Disciplinary Tribunal Rules (but shall not disclose a decision to withdraw a Notice of Charge);
- (c) send a copy of the decision to the Applicable Person subject to the charge(s), and for any decision confirming the admission of the breach of the World Sailing Rules and the imposition of the specified consequences and sanctions,
- (d) send a copy of that decision to their relevant Member Federation.

17. Notice

17.1 Any notice or other communication required to be given by the Investigations Panel or the Disciplinary Tribunal pursuant to these Rules must be given in writing and must be sent by email or personal service. If transmitted by email before 5:00 pm (BST) on a business day, the notice or other communication will be deemed to have been given on that day. If transmitted by email on a non-business day, or at or after 5:00 pm

(BST) on a business day, the notice or other communication will be deemed to have been given on the next business day.

- 17.2 A party's last-known residence, place of business or email will be a valid address for the purpose of any notice or other communication, unless notification of a change to such address has been communicated to the Investigations Panel or the Disciplinary Tribunal (as applicable). Notice to a person who is a member of or affiliated to a Member Federation may be accomplished by delivery of the notice to the Member Federation.
- 17.3 Any period of time specified in these Rules will begin to run on the day following the day when a notice or other communication is given. Non-business days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-business day, then it will be deemed to end on the next business day.
- 17.4 The Chair of the Investigations Panel or the Chair of the Disciplinary Tribunal, as appropriate, may for good reason extend any period of time specified in these Rules, if necessary with retrospective effect.

18. Alternative Procedure for Minor Breaches

- 18.1 Notwithstanding any other provision of these Rules, where the Chair of the Investigations Panel considers an alleged breach of the Code of Ethics or the World Sailing Rules (other than a Doping Violation or a Safeguarding Concern) to be a minor breach, rather than follow the procedures set out above the Chair of the Investigations Panel may refer the matter to the Disciplinary Tribunal to be dealt with in accordance with the Disciplinary Tribunal Rules of Procedure (a **Referral**).
- 18.2 The Referral will set out:
 - (a) the name of the Applicable Person who is the subject of the Referral (the Respondent);
 - (b) a brief statement of the details of the alleged breach;
 - (c) the specific provisions of the Code of Ethics or World Sailing Rules alleged to have been violated; and
 - (d) details of any relevant evidence, including copies of any relevant documents.
- 18.3 If upon investigation the Disciplinary Tribunal identifies facts or matters that suggest that a minor sanction may not be adequate, given the conduct of the Applicable Person, they shall raise this with the Chair of the Investigations Panel, who will then decide whether to maintain the Referral or else withdraw the Referral and pursue the matter in accordance with the ordinary procedures set out above. Alternatively, the Chair of the Investigations Panel may withdraw the Referral of their own accord at any time and pursue the matter in accordance with the procedures set out above.