



# International Sailing Federation Disciplinary, Appeal and Review Code

## DRAFT ISAF Regulation 35

## 1. Introduction

- 1.1 This Code defines the structures applicable to allegations of Misconduct and to other judicial processes in the sport of sailing.
- 1.2 This Introduction is intended to give an overview of the way in which the Code operates. The introduction does not define the structures, and participants should carefully read all the applicable sections of this Code.
- 1.3 There are three different structures in place, each designed to address the different circumstances which will apply to matters which will be addressed under them. Those structures are:
  - (a) those relating to major international events (Part B),
  - (b) those relating to all other events (Part C); and
  - (c) those relating to other disciplinary complaints (Part D).
- 1.4 The whole structure and process is administered by the Judicial Board.

### *Major International Events*

- 1.5 At major international events, an investigator (known as the Event Disciplinary Investigation Officer) is appointed and makes decisions as to whether cases of Misconduct should be presented to the protest committee. If a case is to be presented, the matter proceeds to the protest committee at the event, which makes decisions as to any penalties appropriate to the event in question. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.
- 1.6 If the penalty imposed at the event is above a certain threshold, the protest committee must report the matter directly to ISAF. ISAF will investigate and decide whether a charge of Misconduct should be laid against the participant and be determined by an independent panel appointed by the Judicial Board. That Panel will be empowered to impose sanctions wider than the event itself, including national or international sanctions, if it decides that the charge is made out.
- 1.7 An appeal lies to the Court of Arbitration for Sport against any decision by the Independent Panel (special arrangements apply for the Olympic and Paralympic Games).

### *All Other Events*

- 1.8 At all other events the protest committee decides all issues of Misconduct at event level in accordance with the RRS. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.
- 1.9 If the penalty imposed at the event is above a certain threshold the protest committee must report the matter to the Participant's MNA, which then has three months to decide whether a wider penalty should be imposed or not. Each MNA will have its own procedures by which such decisions are to be made and it is the responsibility of each MNA to ensure that such processes are fair and compliant with due process.
- 1.10 An appeal against the MNA decision will lie to either:
  - (a) an independent Appeal Panel appointed by the Judicial Board; or
  - (b) any other judicial making body that the MNA has previously nominated and which has been previously approved by ISAF for that purpose.

1.11 If the MNA fails to reach any decision within 3 months, it must report the matter to ISAF, and Judicial Board will then investigate the matter as if the event was a major international event.

*Other Disciplinary Cases*

1.12 Any complaint of Misconduct concerning an ISAF committee or commission member, ISAF Member, ISAF officer, ISAF Race Official or an ISAF Representative may be made by certain persons with a legitimate interest in the alleged Misconduct. The complaint is to be made to the ISAF Chief Executive Officer.

1.13 For other disciplinary complaints, the complaint is made to the relevant National Authority and processed under its rules of procedure and this Code.

1.14 For ISAF-level complaints:

- (a) the Judicial Board will appoint a Disciplinary Investigation Officer to investigate and decide whether a charge should be laid against the person against whom the complaint is made;
- ~~(b)~~ if a charge is laid, the Judicial Board will appoint an Independent Panel to determine the case and impose any appropriate sanction; and
- (c) an appeal will lie to an Independent Appeal Panel appointed by the Judicial Board.

## **2. Part A – Obligations concerning Misconduct**

- 2.1 In this Code, a “Participant” means any competitor, boat owner, support person, ISAF committee or commission member, ISAF Member, ISAF Officer, ISAF Race Official, or ISAF Representative.
- 2.2 In this Code “Misconduct” means a breach of Regulation 2.3, 2.4 and/or Regulation 3.9.
- 2.3 No Participant shall commit gross misconduct, as defined under RRS 69.1(a).
- 2.4 No ISAF committee or commission member, ISAF member, ISAF officer, ISAF Race Official or ISAF Representative shall commit a breach of the ISAF Constitution or ISAF Regulations that is deliberate, repeated or otherwise more than a misjudgement.

### **3. Part B –Bodies, Personnel and General Provisions**

#### *The Judicial Board*

3.1 The Judicial Board is appointed and constituted under Article 77 of the ISAF Constitution.

3.2 The Judicial Board is responsible and has authority for:

- (a) overall administrative oversight of the disciplinary system of ISAF and ensuring that all disciplinary functions are carried out by appropriate persons or panels;
- (b) overall administrative oversight of the appellate and judicial system of ISAF and ensuring that all appeals and reviews permitted by the ISAF Constitution or Regulations of any decisions made within or by ISAF are carried out by appropriate persons or panels;
- (c) appointing and maintaining lists of people who may sit on Independent Panels to carry out decision making in respect of disciplinary issues and other matters of an appellate or review nature;
- (d) appointing Disciplinary Investigating Officers to major international events, or to disciplinary matters in which ISAF has become involved by virtue of this Code;
- (e) appointing Independent Panels to make decisions and impose sanctions in relation to disciplinary matters in which ISAF has become involved by virtue of this Code and other matters of an appellate or review nature;
- (f) issuing rules of procedure for all forms of hearings and procedures contemplated under this Code;
- (g) publishing guidance on disciplinary matters (including recommended sanctions);
- (h) ensuring cases are conducted expeditiously and authorising any requests for extensions of time or variations from the procedures set out under this Code (or authorised under it);
- (i) maintaining and publishing a database of Independent Panel and National Authority decisions in relation to disciplinary matters made under the auspices of this code; and
- (j) the proper education and training of Disciplinary Investigating Officers and Independent Panel members.

#### *Disciplinary Investigating Officer*

3.3 A Disciplinary Investigating Officer is an official appointed by the Judicial Board who is responsible for one or more of the following (depending upon the stage of the process in respect of which he is appointed):

- (a) the investigation of allegations of Misconduct at any event at which he is appointed;
- (b) presenting any case of Misconduct before a protest committee at any event at which he is appointed;
- (c) the investigation of reports received by ISAF which require investigation;
- (d) any decision to charge a Participant for Misconduct; and
- (e) the prosecution of such cases before an Independent Panel.

3.4 A Disciplinary Investigating Officer shall have the right to conduct an initial interview and follow-up interviews (as deemed necessary by him), with any Participant in furtherance of investigation of the possibility of any commission of act(s) of Misconduct, subject as follows:

- (a) the date and time of interviews shall be determined by the Disciplinary Investigating Officer with reasonable allowances made for Participants' racing commitments and schedules;
- (b) a Participant has the right to be accompanied to an interview (including by counsel at his own cost);
- (c) interviews will be recorded and recorded interviews shall be used for transcription and evidentiary purposes and thereafter will be retained by ISAF for a minimum of 3 years in a secure place;
- (d) a Participant has the right to request an interpreter (the interpreter shall be arranged by the Participant and provided at his own cost); and
- (e) a recording or a transcript of an interview shall be provided to the Participant upon request within a reasonable time following its conclusion.

#### *Independent Panel*

- 3.5 An Independent Panel is a panel appointed by the Judicial Board to hear and adjudicate upon any matter in which ISAF becomes involved by virtue of this Code.
- 3.6 Except as set out in Regulation 3.7, an Independent Panel shall consist of either:
- (a) three persons, in which case its chairman shall be legally qualified. As far as possible, at least one member of a 3-person Independent Panel shall be an active competitor. No ISAF employee, ISAF officer or Judicial Board member shall be appointed as a member of a 3-person Independent Panel; or
  - (b) one person, in which case he shall be legally qualified. No ISAF committee or commission member, ISAF employee, ISAF officer or ISAF Race Official or Judicial Board member shall be appointed as a one-person Independent Panel.
- 3.7 If an Independent Panel is appointed to exercise any disciplinary appellate functions under this Code (an Independent Appeals Panel), it shall consist of three legally qualified persons appointed by the Judicial Board. No ISAF employee or ISAF officer shall be appointed as a member of an Independent Appeals Panel.
- 3.8 The Judicial Board shall decide upon the constitution of the Independent Panel or Independent Appeals Panel in any individual case, and shall appoint it, having regard to all the circumstances of the case, and to any guidance which it has published. Any challenge to the constitution of the Panel shall be made in accordance with the time limits and procedure set out in the Rules of Procedure and shall be decided by the Judicial Board. There shall be no appeal against the decision of the Judicial Board in this respect.

#### *General Provisions*

- 3.9 All Participants must take all reasonable measures to assist Disciplinary Investigating Officers in the collection of evidence. If a Disciplinary Investigating Officer requests the production of evidence from any person that person shall (subject to considerations of legal professional privilege) be under an obligation to provide it. Failure to comply with a Disciplinary Investigating Officer's request shall be regarded as Misconduct.
- 3.10 Participants shall be determined to be immediately available at the most current postal address held by ISAF, by a National Authority or by the Organising Authority of an event concerning the investigation which has been commenced.
- 3.11 Any notice delivered to a Participant shall be deemed to have been received by the Participant on the date of delivery to such an address in the recorded in the confirmation of delivery provided by any courier or postal service. Any other method of secure and confidential communication may be used including email and fax but the burden of proving delivery in such circumstances shall rest with the person delivering the document.

- 3.12 All decisions made under the auspices of this Code by any Independent Panel or Independent Appeals Panel, or by any National Authority, shall be published by the Judicial Board, save that the Judicial Board may, in its absolute discretion (against which there is no appeal):
- (a) decide not to publish a decision if such publication is inappropriate in all the circumstances; or
  - (b) decide to redact parts of the decision and publish only the redacted copy.
- 3.13 Where any National Authority is required under this Code to reach any decision on any disciplinary or other matter, that National Authority shall use its best endeavours to ensure that the procedures by which it reaches such a decision are fair and appropriate having regard to all the circumstances of any individual case.
- 3.14 Subject to the rights of appeal provided in this Code, all decisions made under this Code shall be recognized by ISAF and all National Authorities, which shall take any necessary action to render such decision effective.

#### **4. Part C – Misconduct at Major International Events**

4.1 The procedures in this Part apply only to the following events.

- (a) Olympic and Paralympic Sailing Competition;
- (b) all events organised by or on behalf of ISAF;
- (c) the America's Cup and its associated events; and
- (d) the Volvo Ocean Race.

##### *Investigation of allegations of Misconduct*

4.2 The Judicial Board shall appoint a Disciplinary Investigating Officer (the "Event Disciplinary Investigating Officer") to investigate at the event complaints of Misconduct. If the Event Disciplinary Investigating Officer is a member of the international jury of the event, then he shall not be part of any hearing panel and shall not take part in any discussions or decisions concerning the case. The international jury remains properly constituted if one of its number is unable to hear a case due to appointment as the Event Disciplinary Investigating Officer, as provided for in RRS Appendix N.

4.3 Any complaint of Misconduct shall be referred to the Event Disciplinary Investigating Officer. Referrals shall be made within 48 hours of the alleged Misconduct occurring unless the Event Disciplinary Investigating Officer determines, in his absolute discretion (against which there is no appeal), that there is good reason to extend this time.

4.4 The Event Disciplinary Investigating Officer shall, following and considering his investigation, in his absolute discretion (against which there is no appeal):

- (a) take no further action; or
- (b) issue a warning to a Participant against whom the complaint was made, and thereafter take no further action; or
- (c) charge the Participant with Misconduct.

4.5 The decision of the Event Disciplinary Investigating Officer made under Regulation 4.4 shall be communicated in writing to the Participant and to the protest committee at the first reasonable opportunity.

##### *Protest Committee Hearing and Decision*

4.6 If the Event Disciplinary Investigating Officer decides that a charge of Misconduct should be made against the Participant, that case shall be considered by and adjudicated upon by the protest committee in accordance with the procedures in RRS 69 as modified by this Part of the Code. The protest committee may impose any sanctions relevant to the event as provided for in the RRS. Any right of appeal of that decision will be governed by the RRS.

4.7 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to ISAF if it:

- (a) imposes a penalty greater than one non-excludable disqualification from a race;
- (b) excludes the person from the event or venue; or
- (c) in any other case if it considers it appropriate to do so.

4.8 When a report is received by ISAF under Regulation 4.7, the Judicial Board shall appoint a new Disciplinary Investigating Officer (the ISAF Disciplinary Investigating Officer) to review it. The ISAF Disciplinary Investigating Officer shall not be the Event Disciplinary Investigating Officer and shall not have been a race official at the event.

4.9 Following the review, the ISAF Disciplinary Investigating Officer shall in his absolute discretion (against which there is no appeal):



- (a) take no further action; or
  - (b) issue a warning to any Participant in the report, and thereafter take no further action; or
  - (c) charge any Participant with any act(s) of Misconduct which, in the opinion of the ISAF Disciplinary Investigating Officer, may warrant disciplinary action wider than the event jurisdiction of the protest committee.
- 4.10 The decision of the ISAF Disciplinary Investigating Officer made under Regulation 4.9 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity.
- 4.11 Within 14 days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.
- 4.12 Rules of procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.
- 4.13 The sanctions that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F of this Code. When considering sanctions, the Independent Panel shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and
  - (b) any published decisions under RRS69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

*Appeals against the Decision of the Independent Panel*

- 4.14 ISAF and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out below.
- 4.15 There is a right of appeal from a decision of the Independent Panel acting under Part C of this Code by way of arbitration brought before the Court of Arbitration for Sport in Lausanne, Switzerland. An appeal may be brought:
- (a) by ISAF; or
  - (b) by a Participant who has had a penalty greater than a warning, admonishment or caution imposed on him,
- 4.16 The arbitration shall be conducted in accordance with the Code of Sports-Related Arbitration. The Court of Arbitration for Sport panel will consist of one arbitrator and the language of the arbitration will be English.

*General Procedures relating to Charging*

- 4.17 If a charge is issued, as soon as practicable a written notice of the charge shall be provided to the Participant and the protest committee and/or Judicial Board (as appropriate), which shall:
- (a) state briefly the nature of the alleged Misconduct;
  - (b) identify the rule(s) alleged to have been breached; and
  - (c) provide copies of documents or other material referred to in the charge.
- 4.18 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged act of Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.
- 4.19 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged

to have been committed at the same time or place or where there is common evidence), the relevant Disciplinary Investigating Officer may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the protest committee and/or Independent Panel appointed deciding upon some alternative procedure.

## 5. Part D – All Other Events

- 5.1 The provisions of this Part of this Code apply to all events raced under the RRS except those listed in Regulation 4.1.
- 5.2 All complaints, allegations or reports of Misconduct shall be considered and adjudicated upon by the protest committee in accordance with the procedures in RRS 69. The protest committee may impose any sanctions relevant to the event as provided for in RRS 69. Any right of appeal of that decision will be governed by the RRS.
- 5.3 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to the National Authority of the Participant if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
  - (b) excludes the person from the event or venue; or
  - (c) in any other case if it considers it appropriate.

### *Review by the National Authority and further action*

- 5.4 When a report is received by a National Authority under Regulation 5.3, it shall review the report and may conduct a further investigation in relation to the matters in the report.
- 5.5 The National Authority shall, within three months of receipt of the report from the protest committee, issue a decision in writing in which it decides:
- (a) to take no further action; or
  - (b) to issue a warning to any Participant in the report, and thereafter take no further action; or
  - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the National Authority should be imposed.
- 5.6 The decision of the National Authority made under Regulation 5.5 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity.
- 5.7 The sanctions that may be imposed by the National Authority are set out in Part F of this Code. When considering sanctions, the National Authority shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and
  - (b) any published decisions under RRS69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 5.8 The time for reaching a decision set out in Regulation 5.5 may be extended by the Judicial Board on written application by the National Authority.
- 5.9 If a National Authority fails to reach a decision within the time limits prescribed in Regulation 5.5 (or any extended time):
- (a) the National Authority shall report that failure to the Judicial Board; and
  - (b) any person with a sufficient connection with the subject matter of the report may bring that failure to the attention of the Judicial Board.
- 5.10 If the Judicial Board becomes aware of any failure of a National Authority to reach a decision within the specified time, it may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the National Authority to reach its decision; and/or
  - (b) require the National Authority to reach a decision within any such extended time; or

(c) take over conduct of the report.

5.11 In the event that the Judicial Board takes over conduct of the report, such conduct shall be in accordance with Regulations 4.8 to 4.16, save that the time limits will run from the date that the Judicial Board took over conduct of the report. The National Authority shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

*Appeals against the decision of the National Authority*

5.12 There is a right of appeal from the decision of the National Authority to:

- (a) an alternative dispute resolution body appointed by the National Authority if those arrangements have been approved by ISAF; or
- (b) if ISAF has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the National Authority imposes a suspension or revocation of more than three months on the Competition Eligibility or ISAF Eligibility of the Participant.

5.13 Any appeal shall be made in writing within fourteen days of the decision of the National Authority.

5.14 If the appeal is made to the Judicial Board, the Board shall, within 14 days of receipt of the appeal appoint an Independent Appeal Panel to hear and determine the appeal.

5.15 The procedure to be adopted by the Independent Appeal Panel will be governed by Rules of Procedure published by the Judicial Board.

5.16 ISAF, National Authorities and Participants hereby agree to be bound by the decision of the Independent Appeal Panel determining the appeal, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

## 6. Part E - Any Other Disciplinary Complaints

- 6.1 The provisions of this Part of this Code apply to all complaints of Misconduct received by ISAF or by National Authorities which cannot be addressed under Parts C or D above. However it does not apply to complaints that could have been brought under any other Part of this Code, but which were excluded by virtue of time limits or decisions made under that Part.
- 6.2 All such complaints must be made:
- (a) in writing to the ISAF Chief Executive Officer if the complaint relates to Misconduct of any ISAF committee or commission member, ISAF officer, ISAF Race Official or ISAF Representative whilst acting in that capacity;
  - (b) in writing to the equivalent person at a National Authority in all other instances;
  - (c) within 14 days of the alleged Misconduct, unless that time is extended by any person empowered by the rules of procedure applicable to grant an extension; and
  - (d) by a race official, competitor, technical delegate, National Authority or authorised member of an organising authority or an international class association, Participant or other person or body with sufficient standing or relationship to the alleged Misconduct as is permitted by the person authorised by the rules of procedure to determine standing.
- 6.3 Notwithstanding Regulation 6.2, the ISAF Chief Executive Officer or the equivalent person at a National Authority may initiate a complaint of Misconduct within 14 days of the relevant information becoming available to them.

### *Complaints to National Authorities*

- 6.4 The National Authority shall review the complaint and may conduct an investigation in relation to the matters in the complaint.
- 6.5 The National Authority shall, within three months of receipt of the complaint, issue a decision in writing in which it decides:
- (a) to take no further action; or
  - (b) to issue a warning to any person the subject of the complaint, and thereafter take no further action; or
  - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the MNA should be imposed.
- 6.6 The decision of the National Authority made under Regulation 6.5 of this Part of the Code shall be communicated in writing to the Participant, to the Judicial Board, and the complainant at the first reasonable opportunity.
- 6.7 The sanctions that may be imposed by the National Authority are set out in Part F. When considering sanctions, the National Authority shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event;
  - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 6.8 The time for reaching a decision set out in Regulation 6.5 may be extended by the Judicial Board on written application by the National Authority.
- 6.9 If a National Authority fails to reach a decision within the time limits prescribed in Regulation 6.5 (or any extended time), any person with a sufficient connection with the subject matter of the complaint may bring that failure to the attention of the Judicial Board.

- 6.10 The Judicial Board may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the National Authority to reach its decision; and/or
  - (b) require the National Authority to reach a decision within any such extended time; or
  - (c) take over conduct of the complaint.
- 6.11 In the event that the Judicial Board takes over conduct of the complaint, such conduct shall be in accordance with Regulations 4.8 to 4.16 of this Code, save that the time limits will run from the date that the Judicial Board took over conduct of the complaint. The National Authority shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

*Complaints to ISAF*

- 6.12 When a complaint is received by ISAF under this Part of the Code, it shall be passed by the Chief Executive Officer to the Judicial Board. The Judicial Board shall within fourteen days of the complaint appoint a Disciplinary Investigating Officer to investigate it.
- 6.13 Following the review, the Disciplinary Investigating Officer shall in his absolute discretion (against which there is no appeal):
- (a) take no further action; or
  - (b) issue a warning to any Participant in the report, and thereafter take no further action; or
  - (c) charge any Participant with any act(s) of Misconduct which, in the opinion of the Disciplinary Investigating Officer, may warrant disciplinary action within the jurisdiction of ISAF.
- 6.14 The decision of the Disciplinary Investigating Officer made under Regulation 6.13 shall be communicated to the Participant and the complainant at the first reasonable opportunity.
- 6.15 In the event that the Disciplinary Investigating Officer has decided to take no further action, within seven days of receipt of the decision, the complainant may make a written request to the Judicial Board that a second Disciplinary Investigating Officer be appointed independently to investigate the complaint. If such a request is made the Judicial Board shall, within 14 days of the request, appoint a second Disciplinary Investigating Officer to investigate and make a decision in accordance with Regulation 6.13. This process may only be applied once in relation to any complaint.

*Procedures relating to Charging by ISAF*

- 6.16 If a charge is issued against a Participant, as soon as practicable a written notice of the charge shall be provided to the Participant and to the Judicial Board, which shall:
- (a) state briefly the nature of the alleged Misconduct;
  - (b) identify the rule(s) alleged to have been breached; and
  - (c) provide copies of documents or other material referred to in the charge.
- 6.17 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.
- 6.18 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the Disciplinary Investigating Officer may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the Independent Panel appointed deciding upon some alternative procedure.

### *Hearing and Determination of the Charge*

- 6.19 Within fourteen days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.
- 6.20 Rules of procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.
- 6.21 The penalties that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F. When considering sanctions, the Independent Panel shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event;
  - (b) any published decisions under RRS69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

### *Appeals against the decision of the National Authority or the Independent Panel*

- 6.22 ISAF and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out below.
- 6.23 There is a right of appeal from the decision of the National Authority to:
- (a) an alternative dispute resolution body appointed by the National Authority if those arrangements have been approved by ISAF; or
  - (b) if ISAF has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the National Authority imposes a suspension or revocation of more than three months on the Competition Eligibility or ISAF Eligibility of the Participant.
- 6.24 There is a right of appeal from the Independent Panel if, and only if, the decision imposes:
- (a) a suspension or revocation of more than three months on the Competition Eligibility or ISAF Eligibility in the case of a competitor, boat owner or support person; or
  - (b) any sanction imposed (except a warning, reprimand, admonishment or fine) in the case of ISAF committee or commission members, ISAF officers, ISAF Race Officials or ISAF Representatives.
- 6.25 Any appeal shall be made in writing within fourteen days of the decision appealed against.
- 6.26 If the appeal is made to the Judicial Board, the Judicial Board shall, within fourteen days of receipt of the appeal appoint an Independent Panel (the Independent Appeal Panel) to hear and determine the appeal.
- 6.27 The procedure to be adopted by the Independent Appeal Panel will be governed by rules of procedure published by the Judicial Board.
- 6.28 ISAF, National Authorities and Participants hereby agree to be bound by the decision of the Independent Appeal Panel, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

## **7. Part F – Penalties**

7.1 The following penalties may be imposed on Participants by ISAF or National Authorities:

- (a) no sanction;
- (b) a warning, admonishment or reprimand;
- (c) a fine not exceeding €1000;
- (d) a direction not to compete or officiate in a particular event or class (or types of event or classes);
- (e) suspension or revocation of Competition Eligibility and/or ISAF Eligibility (or the imposition of conditions on such Eligibility);
- (f) suspension or removal from office in the case of ISAF officers or ISAF Representatives;
- (g) suspension or removal of a certificate of appointment in the case of ISAF Race Officials (or the imposition of conditions on such appointment);
- (h) any sanction set out in the ISAF Code of Ethics;
- (i) make a report to a MNA, ISAF Class, ISAF (under another ISAF Regulation or the ISAF Racing Rules of Sailing) or any other appropriate organisation; and/or
- (j) any other sanction which it is within the powers of ISAF or the National Authority to impose.



## **8. Part G – Appeals and Reviews of Other Decisions made by or within ISAF**

- 8.1 The provisions of this Part of this Code apply to any appeal or review of any decision made within or by ISAF where the ISAF Constitution or Regulations expressly permit any such appeal or review.
- 8.2 Any appeal or request for a review shall be made in writing to the Chief Executive Officer within the relevant time limit specified in the ISAF Constitution or Regulations, or if no such time limit is specified, within fourteen days of the notification of the decision being appealed or reviewed.
- 8.3 The Chief Executive Officer shall pass the appeal or request for review to the Judicial Board, who shall, within fourteen days of receipt, appoint an Independent Panel to hear and determine the appeal or review.
- 8.4 Rules of Procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the appeal or review by the Independent Panel.
- 8.5 If the decision of the Independent Panel directly concerns the eligibility of a person to participate in a major international event as listed in Regulation 4.1 above, there is a right of appeal from the decision of the Independent Panel by way of arbitration brought before the Court of Arbitration for Sport in Lausanne, Switzerland. An appeal may be brought:
  - (a) by ISAF; or
  - (b) by a Participant
- 8.6 The arbitration shall be conducted in accordance with the Code of Sports-Related Arbitration. The Court of Arbitration for Sport panel will consist of one arbitrator and the language of the arbitration will be English.
- 8.7 There will be no right of appeal from any other decision of the Independent Panel