

Rule 69

Flyswatter's....



....or Elephant Guns?



Introductions

- Carol Barrow
- Peter Gerard
- John Pearce
- Ron Hopkins - Moderator

Ground rules of this discussion!

- Will not discuss any current cases.
- Rules quoted during this presentation may be **paraphrased** for ease of discussion, unless the actual rule is cited. Please consult the actual rules.
- This is a moderated forum, a difference of opinion is expected.
- Not an official interpretation of the rules. See rule 70.4.

Rule 2 vs Rule 69

- Rule 2 protects the competition
- Rule 69 protects the community (the Sport)

The “Rule” ... what it is and isn’t.

- Is designed for resolving misconduct;
- Not a “Protest”!
 - Resolve on the water, Part 2...boat on boat issues 1st.
 - (Example 1)

The “Rule”... applies to;

- A competitor
- A boat owner
- A support person

Act of Misconduct

- Misconduct is:
 1. Conduct that is a breach of good manners, a breach of good sportsmanship, or unethical behavior; or
 2. Conduct that may bring the sport into disrepute.

An Allegation...

- An allegation of a breach of rule 69 “misconduct”,
 - (a) shall be resolved in accordance with the provisions of rule 69.
 - It is not a “Protest” and rule 63.1 (Requirements for a hearing) do not apply!

Report can be in any format; by observation, verbal, written.

Hearing or....

- A protest committee may...IF
- from it's own observation or a report from any source,
- including evidence taken during a hearing,
- (if) it believes a person MAY have broken rule 69.1 (a),
- it shall decide whether or not to call a hearing.

...Investigation.

- If a protest committee needs more information to make a decision, it may appoint a person or persons to conduct an investigation.
- Those persons appointed to investigate shall not be part of the protest committee that will decide the matter.

Action by the PC...this is where many process problems happen.

- Rights of the “person”... if the decision to call a hearing is made, they must...
 - Be informed promptly **in writing** of the alleged breach;
 - Informed of the time and place of the hearing;

- The rights and requirements include the following rules apply...
- 63.2 – Time & Place, Reasonable time to prepare,
- 63.3 – Right to be present,
- 63.4 – Conflict of interest...
- and 63.6 – Taking evidence and finding fact.

Right to an “advisor” ...

- Entitled to have an advisor (who may be a lawyer) and a representative with him who may act on his behalf.

Right to attend...

- If unable to attend the hearing and,
 - Provides a good reason, the PC shall reschedule it;
- or,
- Does not provide a good reason and does not come to it, the PC MAY conduct it without the person present.

Standard of Proof...

- Test of comfortable satisfaction... bearing in mind the seriousness of the alleged misconduct.

Possible actions...

- Issue a warning;
- Change a boats score on 1 or more races, including DSQ (s) or DND (s):
- Exclude the person from the event or venue or remove any privileges or benefits;
- Take any other actions within its jurisdiction as provided by the *rules*.

Follow up actions...

If the PC;

- Imposes a penalty greater than one DNE;
- Excludes a person from the event or venue; or
- In any other case, considers it appropriate.

It shall report the finding to the National Authority, who may impose further penalties, including possible suspension.

Review Board- Article 15

- Role of the Review Board.
- Follow-up action by World Sailing.

Discussion...what is the purpose of rule 69?

- Punish?
- Teach?
- Protect?

Hypothetical situations...

- Foul Language
- Illegal substance abuse
- Bullying
- Cheating
- Theft/ vandalism
- Violence
- Child abuse
- Sexual harassment

Other agencies...

- Center for Safe Sport and US Sailing
- Local and state jurisdiction?

Best advise!!!

- Process is very important
- Don't be afraid to get help or advise.

Rule 69

Q+A



Reference materials

- World Sailing Rule 69 Guidance Booklet
- USOC Safe Sport Manual
- US Sailing Judges Manual
- USOC Athlete Rights (Not a USOC document)
- Ted Stevens Sports Act
- US Sailing Regulations, Article 15

Your Opinion Matters

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