Constitution Committee Minutes

The Constitution Committee met via videoconference between 07:00 – 11:00 hrs (GMT) on Monday 26 October 2020 and 07:00 – 09:00 hrs (GMT) on Wednesday 28 October 2020.

Please refer to the World Sailing website www.sailing.org for the details of the submissions on the agenda and referred to in these minutes.

1. Opening of the Meeting
The Chairman welcomed everyone to the meeting, including observers, and noted the apologies.

2. Minutes of the Previous Meeting
(a) Minutes
The minutes of the meetings of 29 and 31 October 2019 were noted and approved.

(b) Matters Arising
There were no matters arising.
Constitution Committee Minutes (cont’d)

3. Submissions

(a) The Committee considered, and gave a recommendation on, the following submissions for which the Committee is the Reporting Committee:

i) Submission 025-20 – Policy Decisions of Council – A Regulation to ensure policy decisions of Council are public, published and accessible.

   Recommendation to Council: Approve with the following amended wording:

   World Sailing shall publish and make accessible on its website in a conspicuous place, as it does for the Constitution and Regulations, the Policy decision of Council referred to in Article 68(a).

   The Committee also approves the amendment suggested by the Board, subject to the following amendment:

   This Policy Regulation only applies to policy decisions made since November 2012.

ii) Submission 026-20 - Improving Submissions to Council – Principles to be used to re-write the current Regulation 15 for Submissions

   Recommendation to Council: Reject

   The Committee acknowledged that the submission process needs to be reconsidered, and there are helpful aspects of the submission that the Board may wish to consider in the future. However, given the submission process is an integral part of the governance framework, careful consideration will need to be given to the matter and it would be helpful to have a draft Regulation to consider in the future.

iii) Submission 027-20 – Regulation 35 – Amendments to Regulation 35

   Recommendation to Council: Approve with the following amendment:

   35.2.4(f) not disclose information which they know, or ought reasonably to know, is confidential information without the consent of a person authorised to give it, or unless required by law to do so or for the purposes of obtaining legal advice.

(b) The Committee considered, and gave an opinion on, the following submissions for which the Audit Committee is the Reporting Committee:

i) Submission 001-20 – Audit Committee Improvements – Broadening Membership in the Audit Committee to enhance oversight

   Opinion: Reject with the following comment:

   Subject to policy.

   Although the Committee’s opinion was to reject the submission, the Committee noted that it has been a positive in the context of highlighting matters that should be considered further. The Board has recognised that in its Recommendation Not Based on Submission in respect of the Audit Committee

(c) The Committee considered and gave an opinion on the following submissions for which the Board is the Reporting Committee:

i) Submission 003-20 – A Policy for Nominations and Appointments to Committees and Sub-Committees

   Opinion: Reject
Constitution Committee Minutes (cont’d)

The Committee notes that this submission is similar to changes proposed by the Governance Commission. This would require a complete re-draft of the Regulation, and could not be implemented in this quad.

ii) Submission 004-20 – World Sailing Constitution – Accounting Records – Article 93

Opinion: Reject

The Constitution already provides for access to records (subject to the Board’s requirements). It is also important to ensure that confidential and commercially sensitive information of World Sailing is protected, and it is not consistent with normal commercial practice adopted by similar organisations.

iii) Submission 005-20 – World Sailing Constitution – Accounting Records – Article 93

Opinion: No Opinion

Subject to policy. See comments on 004-20.

The Committee notes that as it is a special resolution, it is on the AGM agenda.

iv) Submission 006-20 – World Sailing Classes Making Individual Nominations to Committees and Sub Committees

Opinion: Approve

Subject to policy.

The Committee noted Regulation 5.1.7 whereby “the nominating MNA must pay all the respective travel/accommodation cost of the Committee Member to attend WS meetings, or as may be arranged between the Member National Authority and the nominee.” A question arises about who pays for the costs of a WCA nominee to attend WS meetings?

v) Submission 007-20 – Treasurer for World Sailing – Appointment of a Treasurer

Opinion: Reject

Subject to policy.

The Committee noted that all directors are responsible for the financial management of the company.

vi) Submission 009-20 – Regulation 25.8 – Event Appointments Working Party

Opinion: Approve with the following amendment

When making appointments that affect Olympic Classes, the Event Appointments Working Party shall respect the terms of the Olympic Classes Contract, particularly:

a) For the 2022 Sailing World Championship or the Sailing World Cup, to not appoint or approve any race official unless it has given due consideration to any list submitted by the Class Association of its preferred Race Officials;

b) For other events, consult with the Class Association if it proposes to appoint different officials from the Class Association’s nominated list before any appointment is made;

c) If replacement appointments are made, the costs shall be equal or less than those of the original nominee appointed person.

Subject to policy.

The Committee approves the amendments suggested by the World Sailing Classes Committee and notes that they are necessary in order to make the submission workable.
Constitution Committee Minutes (cont’d)

vii) Submission 010-20 – World Sailing Governance – Maintaining the World Sailing Ethics Commission under a new Constitution

Opinion: Reject

Subject to policy.

There is no new Constitution to consider at this point and the submission is therefore redundant.

viii) Submission 011-20 – Advertising Code – Manufacturer’s Marks

Opinion: Approve with the following amendment:

20.7.1 The display of the manufacturer’s and sailmaker’s marks is permitted at all times as detailed in Table 2 but not on areas detailed in Regulation 20.4 and Table 1 (with the exception of Windsurfers where the sailmaker’s logos may cover the area detailed in Table 1) and shall not constitute a limitation to the rights to display Advertising as set forth in the Code, in the class rules and in the rules of a System.

Subject to Policy.

ix) Submission 012-20 – World Sailing Committees – Nominations and Appointments to Committees and Sub-Committees – Regulation 5

Opinion: Approve with the following amendment:

5.1.2 The Nominations Panel will assess the nominations against the specification and criteria and make a recommendation to the Board. In making its recommendations, the Nominations Panel shall, if reasonably possible, ensure that the Committee or Sub-committee has:

…

5.7.3 The timelines set out in new regulation 5 may be amended by the Board to allow proper appointment of the Nominations Panel and their recommendation for appointment

Subject to policy.

The Committee noted there will be a significant resource implication for the Executive Office to implement this change.


Opinion: Reject

Subject to policy.

The Committee considers that there is considerable merit in the Board considering an appropriate freedom of information policy.

xi) Submission 015-20 – New Regulation 1.28 – Suspended Members Register

Opinion: Approve

Subject to policy.

xii) Submission 017-20 – World Sailing Regulations – Regulation 15.1

Opinion: Approve

Subject to policy.

xiii) Submission 018-20 – 2021 to 2024 Anti-Doping Code – New Regulation 21

Opinion: Approve

Subject to policy.

The Committee noted that it is a requirement of the World Anti-Doping Agency that the new Anti-Doping Code be implemented.
Constitution Committee Minutes (cont’d)

(d) The Committee considered and gave an opinion on the following submissions for which the Classes Committee is the Reporting Committee:

i) Submission 024-20 – Regulation 6.7.4 – Composition of the Olympic Classes Sub-Committee
   
   **Opinion:** Approve with the following amendment:

   6.7.4.5 Committee members shall only **discuss and vote on matters that relate to the Olympic Games of which the class they represent are part of.**

   Subject to policy.

(e) The Committee considered, and gave an opinion on, the following submissions for which the Development and Regions Committee is the Reporting Committee:

i) Submission 028-20 – Regional Games – Equipment for Men’s and Women’s Winsurfer Events

   **Opinion:** Approve

   Subject to policy.

ii) Submission 029-20 – Regulation 25.13.4 - Equipment for the Kiteboarding Event

   **Opinion:** Approve

   Subject to policy.

(f) The Committee considered, and gave an opinion on, the following submissions for which the Equipment Committee is the Reporting Committee:

i) Submission 031-20 – Regulation 10.5(f)(iii) – Requirements to Maintain World Sailing Class Designation

   **Opinion:** Approve

   Subject to policy.

ii) Submission 032-20 – Regulation 25.2.1 - Approval of World Championships and other Events

   **Opinion:** Approve

   Subject to policy.

(g) The Committee considered, and gave an opinion on, the following submissions for which the Equipment Committee and Events Committee is the Reporting Committee:

i) Submission 036-20 – 2024 Olympic Sailing Competition – Events & Equipment

   **Opinion:** Invalid

   The Submission is invalid because the submission seeks to change a Regulation that does not exist yet (as the events and equipment for the 2028 Olympic Games has not been determined). The submitters requested to delete the references to ‘2028’ in order to save the submission however, the Committee does not consider that to be a ‘minor’ and ‘not substantial’ amendment. Further, Regulation 23 sets out a process for making decisions and it has not been followed.

ii) Submission 037-20 – 2024 and 2028 Olympic Sailing Competition – Retain the 2020 Events and Equipment for the 2024 Olympic Sailing Competition

   **Opinion:** Approve
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Subject to policy.

The Committee noted that the submission incorrectly refers to the RS:X. The submitters requested to amend the submission to refer to the iQFoil instead, however the Committee determined that it is not a ‘minor and ‘not substantial’ amendment.

(h) The Committee considered, and gave an opinion on, the following submissions for which the Events Committee is the Reporting Committee:
   i) Submission 033-20 – Regulation 24.5.3 - Equipment for the Kiteboarding event in the Youth World Championships
      Opinion: Approve
      Subject to policy.
   ii) Submission 034-20 – Youth Sailing World Championships - Equipment for Windsurfer Events
      Opinion: Approve
      Subject to policy.

(i) The Committee considered, and gave an opinion on, the following submissions for which the Race Officials Committee is the Reporting Committee:
   i) Submission 038-20 – World Sailing Race Officials Administration – Regulation 31
      Opinion: Approve
      Subject to policy.
   ii) Submission 039-20 – World Sailing Race Officials Administration – Regulation 31.15
      Opinion: Approve
      Subject to policy.

(j) The Committee considered, and gave an opinion on the following submissions for which the Racing Rules Committee is the Reporting Committee:
   i) Submission 044-20 – Racing Rules Q&A Service
      Opinion: Approve
      Subject to policy.

(k) There were no other submissions to be discussed by the Committee.

4. Working Parties
(a) The Committee received verbal reports from the following Working Parties:
   i. Membership Working Party
      The Committee received a verbal report from the Vice Chairperson on the progress of the following matters.
      - Membership for Bolivia.
Constitution Committee Minutes (cont’d)

The Working Party noted the recommendation for the placement of Bolivia in to Group N. The Vice Chairperson noted that the website needs to be updated to reflect their membership.

- Amendment to Pakistan Constitution.
  The Working Party noted that it had been asked to review amendments to the Pakistan Sailing Federation’s Constitution. After providing some initial feedback, the Working Party approved a further amended Constitution.

- Membership for Jordan
  The Working Party noted the approval of Jordan’s membership application and the recommendation for placement to Group I.

ii. Rule 69 & Judicial Matters Working Party
  The Working Party noted proposed changes to the International Judges Manual are currently under consideration.

iii. Submission Working Party
  The Committee noted that no requests for assistance to prepare submissions were received this year. The Committee thanked the Working Party for its work in reviewing the submissions, and noted the comments provided were invaluable in enabling the Committee to hold effective online meetings.

5. Constitution & Regulations
 (a) The Committee reviewed and approved Interpretations 001-20, 002-20 and 003-20.
 (b) The Committee received a request for interpretation from the Chair of the Race Officials Committee. The Committee subsequently issued interpretation 004-20.

6. Annual General Meeting
  The Committee noted the agenda for the AGM.

7. Annual Report
  The Committee received the Chairman’s report to Council covering the period 1 January 2020 to 31 December 2020.

8. Any Other Business
  The Committee discussed a potential project to make the WS Regulations gender neutral, and proposed to work on it as a Committee in the following year.

  The Chairman thanked the members of the Committee for all of their hard work over the last 12 months, and the 4 years the Committee has worked together. The Committee also thanked the World Sailing legal department for their work and acknowledged the efforts of all World Sailing staff.