

ISAF Race Officials Committee

Guidelines for assessing a Conflict of Interest for Race Officials

The Race Officials Committee (ROC) is, under its Terms of Reference defined in ISAF Regulation 6.9.6(g), required to determine if a Race Official (RO) has a conflict of interest (Col) that could impact on the performance of his or her duties as a RO.

These guidelines are intended to aid ISAF and RO's in adopting a consistent approach to the issue of Col worldwide. This is especially important as our sport expands into different cultures and because of the increasing level of competition, event management professionalism and the scrutiny of the media. The guidelines outline how the ROC will discharge this duty and any actions it would recommend as a result of such a conflict being determined.

A conflict of interest may be either actual or perceived, with the circumstances giving rise to a Col related to how our sport's administration and officials are perceived, despite their actual behaviour or relationships. It is vital that our sport is seen to be fair and without bias by all involved, regardless of whether they be competitors, coaches, parents, organisers and other ROs. Therefore, potential and actual Col's cannot and should not be ignored. An omission to declare a Col, whether actual or perceived, or the failure to request clarification from the ROC to determine if an actual or perceived Col exists, may lead to action being taken against the RO as stated in Regulation 35 "Misconduct of ISAF Race Officials and ISAF Representatives".

1. Existing Guidance

Some existing documents and manuals contain reference to areas and/or situations where a Col may exist and define the ROs' responsibilities: these are listed or referenced below.

1.a. ISAF Regulations

PART IV – Administration, Section 3 - Officials

34. CONFLICT OF INTEREST

34.1 A conflict of interest exists when an ISAF Race Official has, or reasonably appears to have, a personal or financial interest, which could affect the official's ability to be impartial.

34.2 When an ISAF Race Official is aware of a conflict of interest, he/she shall decline an invitation to serve at a regatta at which an International Jury is appointed.

34.3 When the ISAF Race Official has any doubt whether or not there is a conflict of interest, the ISAF Race Official shall promptly consult ISAF, prior to accepting the invitation and be bound by its decision.

34.4 When, at an event, an ISAF Race Official becomes aware of a conflict of interest, the official shall disclose the potential conflict to the International Jury which shall take appropriate action.

RO's need to consider whether he or she may have a Col prior to accepting an invitation to serve at an event. A RO's failure to declare an existing or a potential Col when serving at an event may result in costs to the organising authority, or embarrassment to the RO and even disrepute to our sport.

1.b. ISAF Race Official Manuals

The various race official disciplines have different standards of reference to Col in their manuals. However, they are all bound by the ISAF regulations. All ROs should make themselves familiar with the guidance that exists in the manual for their discipline.

1.c. Register of Interests

Currently, there is not a central register of RO potential interests established by ISAF. Thus International ROs are generally not requested to declare potential conflicts. It is mainly undertaken on an event by event basis. Some events (e.g. Olympic Games and America's Cup) require a declaration of potential conflicts specific to the event.

As an example, ROs who are employed by an MNA or race team or are in similar relationships, no matter how short their duration, are requested to inform the Race Officials secretary in the ISAF Secretariat of this potential Col. Where an RO has any potential Col this should be declared to ISAF, even if only for one event, to enable ISAF to establish a Central Register.

2. Procedure for the RO

If an RO believes or suspects he or she may have a Col, the RO should follow the procedure described below. Simple procedures will be established within this guidance for implementation of the ISAF Race Official's Col policy.

2.a. Conflict

Appendix A contains 2 sets of questions, which a RO should always consider:

- a) General: Their relationship with competitors' teams, MNA's etc.
- b) Specific: When they are invited to an event.

These sets of questions are not exhaustive. Thus if an RO considers he/she has any association, whether the same or similar, to those stated may constitute a Col, they should ask for clarification from the ROC. If there is an obvious conflict then they should decline the invitation.

2.b. Level

Appendix B contains questions that may help an RO determine the level of a Col. There is a wide range of potential conflicts. Conflicts have been categorized into a number of levels in order to help ISAF and the RO determine the appropriate action. These levels are explained in Appendix B.

Many Cols will decrease, lessen or disappear over time. When a relationship ends, there will be a quarantine period which will depend on the type and level of the Col. The quarantine period is typically between 6 months and 2 years.

2.c. Action

There are a number of possible actions that should be taken if an RO identifies a Col. Usually, the matter is always better dealt with prior to the RO accepting an invitation. Appendix C contains some recommended actions that an RO should or must take if a Col is identified. If a request is made to the ROC, the RO's actions will typically be taken into account.

2.d. Examples

Appendix D refers to examples of cases where the ROC has ruled on a Col request from an RO. These examples identify the conflicts and actions.

2.e. Timing

An RO should always consider these guidelines before accepting an appointment. However, under certain circumstances it may be difficult as the RO's position may change subsequent to accepting an invitation. Therefore, the following timing should be observed:

Before an Event:

- The RO consults Appendix A and B.
- If there is doubt, he submits a question to the ROC through the ISAF secretariat. The ROC has a Col working party that answers these questions:
 - The ROC Col working party makes a decision based on the information provided by the RO.
 - The RO is notified of the decision by ISAF.
 - The decision may be appealed to the ROC in which case a decision will be made by the whole ROC.

At an Event:

- The RO submits the potential Col information to the Jury Chairman for a decision and/or requests a decision by the Jury.
- The recommended action is advised to the RO and the response is reported to the ISAF Secretariat.
- ISAF may consider action under Regulation 32 or 35.

Appendix A

Part 1: General question: Do you have or have you ever had any involvement, including financial, with or a relationship, either personal (including being related to) or professional (other than that expected at an event); with?		
Question	Yes/Scale	Comment
Any competitor	1-4	The nature and timing of the relationship will determine the level of conflict.
Any coaches	1-4	
A National Authority	2-4	Almost by default all RO's have an association with either their MNA or another, however, the level of that association may result in the association being a category 4 in some situations.
A different department of a National Authority	1-2	If the RO is not related to a group of competitors or coaches from the same MNA, there is usually no Col
A Class or Class Associations	1-3	Seldom will there be a conflict in this area that is category 4.
National Olympic Committees	2-4	There will always be a conflict when the RO is on the committee, other associations with the committee may result in a conflict including acting as an adviser.
Regional Games Committees	2-4	There will always be a conflict when the RO is on the committee, other associations with the committee may result in a conflict including acting as an adviser.
Other RO	1-4	This is a category that will mainly affect IJ's and IU's in situations where they are assessing another RO.
An affirmative response in this part should be followed by an assessment from ISAF.		

Part 2: Specific question: have you had involvement, including financial, with or a relationship; personal or professional (other than that expected at an event) with anyone involved in the event to which you have been invited?		
A competitor	2-4	There will always be a level of conflict.
A coach	2-4	There will always be a level of conflict.
Coaching	4	This is always a conflict, in some cases this may also affect associated events, e.g. all events in the World Match Race Tour and the ISAF Sailing World Cup
Mentoring	2-3	There will always be a level of conflict.
Rules advising in a close relation to a competitor or team	4	This is always a conflict: in some cases this may also affect associated events, e.g. all events in the World Match Race Tour and the ISAF Sailing World Cup or trials for the same.
Training	2-4	There will always be a level of conflict and would seldom be level 2.
Selecting Team or Competitor	4	This is always a conflict, in some cases the conflict will be until all events dealing with the selection are complete and may affect associated events e.g. the ISAF Sailing World Cup
Officiating at a closed event	3-4	A race official may participate in an event that is only for competitors from a limited group of MNAs
Sponsoring	1-4	Should always be a question to ISAF
An RO in another discipline of the event e.g. an IJ with an IRO	1-4	Should always be a question to ISAF
When the RO has been involved with a team or group of competitors that are competing on different boats	2-4	There will always be a level of conflict e.g. 1. When the competitors involved comprise less than 50% of the crew; category 2-3 2. More than 50%; category 4 3. Skipper, tactician, navigator; category 4 4. In all case there should be a question to ISAF
An affirmative response in this part should be followed by an assessment from ISAF or, if that is not practical, from the lead race official of the discipline in the event, i.e. the jury chairman, principal race officer, chief measurer or chief umpire.		

Appendix B

These are some of the factors that ISAF will use to determine the level of a Col:

- The duration of the relationship (continuous for years, a year, some months or weeks, once only)
- The intensity of the relationship (full time, part time, occasional, one time)
- The amount of payment received (usually not the significant factor)
- The time that has passed since the relationship ended (this should be considered relative to the cycle of the event in question; a Col in an event with a short cycle, e.g. a series with several events every year, will decrease faster than an event with a longer cycle, e.g. an annual event.

Based on the nature of the conflict and these factors, the Col will be assigned to one of the following categories (the number scale is the same as in Appendix A):

- 1) No conflict
- 2) Insignificant conflict
- 3) Minor conflict
- 4) Major conflict

Appendix C

Below are the actions that ISAF will require from a race official when deciding on a specific request:

- 1) **No conflict:** RO may accept the invitation and be appointed.
- 2) **Insignificant conflict:** RO may accept the invitation and be appointed; the circumstances of the conflict shall be posted on the notice board and declared at any other appropriate time.
- 3) **Minor conflict:** RO may accept the invitation and be appointed subject to the OA being able to run the event with the RO being restricted in some of their usual duties. The circumstances of the conflict shall be posted on the notice board and declared at any other appropriate time.
- 4) **Major conflict:** RO should not accept the invitation and should not be appointed.

It should be noted that an action that may be appropriate at one event, may be different action at another event. The actions above are typical for top level events. However, for lower level events, the action required will generally be less significant.

Appendix D

This guide should be read together with specific examples. At the ISAF website, there is a collection of examples of Col requests that have been decided by the ROC in the past.