

DRAFT TERMS OF REFERENCE

INVESTIGATIONS PANEL

NB: Sections in italics are from the Constitution

1. Purpose

The role of the Investigations Panel is to:

- (a) establish and operate an independent whistleblowing mechanism to allow complaints to be made directly to it;*
- (b) receive complaints (including any whistleblowing reports) concerning breaches of the Constitution, Regulations, Code of Ethics or other applicable rules;*
- (c) facilitate resolution of complaints by agreement (if appropriate);*
- (d) refer any matter to the Ombudsman;*
- (e) investigate whether or not a breach of the Constitution, Regulations, Code of Ethics or other applicable rules may have occurred, and if so, charge a person before the Disciplinary Tribunal; and,*
- (f) exercise any other investigation functions conferred on it by the Regulations or the Code of Ethics.*

For the avoidance of doubt, investigations under the World Sailing Safeguarding Policy will be investigated by a specialist Safeguarding Investigator.

2. Membership

2.1 *The Panel composition as per Article 44.2 must consist of*

of at least three persons with experience of the investigation and prosecution of disciplinary cases within sports organisations.

2.2 *At least one-third of the Panel, including the chair, must be legally qualified.*

2.2 *The Panel is an Independent Body. “Independent” is defined in the Constitution and means:*

- (a) has not held any position (other than an Independent position) within the Federation or any Member within the three years prior to first appointment;*
- (b) does not have any close connection or relationship with a director or Employee of the Federation; and,*
- (c) from the perspective of an objective outsider, would be viewed as independent.*

2.3 *The Panel is appointed by the General Assembly on the recommendation of the Nominations Panel.*

2.4 *The term of office for member of the Investigations Panel is four years. A Panel member is eligible for re-appointment for one additional term of office.*

3. Remit

3.1 *The Panel must conduct its work and make its recommendations in an objective and non-political manner. Its procedures must be fair, objective and transparent and must be published on the World Sailing website.*

3.2 *The Panel must act independently of the Federation (but always in accordance with the law, the Constitution, Regulations, Code of Ethics and any rules of procedure).*

3.3 *The Panel may request such reasonable support and advice from the World Sailing Executive Office as the Panel decides is appropriate.*

3.4 *The Board must allocate appropriate resources to the Investigations Panel to enable it to undertake its functions.*

3.5 *The Investigations Panel must report at regular intervals jointly to the Board and the Chair of the Disciplinary Tribunal on the progress of its work.*

4. Authority

4.1 *The role of the Panel is to make recommendations on the matters within its remit. It does not make decisions on behalf of World Sailing except:*

(a) *as set out in this section 4; or*

(b) *or as permitted by the Constitution, Regulations or any minuted decision of Council.*

5. Procedures

5.1 *It is expected that the Panel will largely conduct its work by email and video conference calls to fulfil its responsibilities, however it is possible that in person meetings may be necessary.*

5.2 *Panel members must inform the Chair of any potential conflict of interests as required by the World Sailing Conflict of Interests Policy.*

5.3 *Due to the nature of the Panel's work it is noted that meetings will be in private to discuss matters which are:*

(a) *confidential;*

(b) *legally privileged;*

(c) *commercially sensitive; or*

(d) *involve matters of personal privacy.*

5.4 *The Panel may decide its own procedures (but must always comply with the Constitution, the Regulations and these terms of reference). Procedures for Investigations shall once agreed be published on the World Sailing website.*

- 5.5 The Panel must review the Procedures for Investigations at least once every four years with any amendments decided no later than 31 December in the year before the end of the Panel's four-year term of office.
- 5.6 Panel members must not disclose any confidential information they receive without permission of the Chair and the Chief Executive Officer.

6. Expenses

- 6.1 The positions on the Panel are voluntary and not remunerated. However, World Sailing will reimburse any reasonable travel or other expenses incurred in the role in accordance with the World Sailing expenses policy.

7. Terms of Reference

- 7.1 Council may amend these terms of reference from time to time and the Panel may propose amendments for Council's consideration.
- 7.2 The Panel must review these terms of reference at least once every four years with any amendments decided no later than 31 December in the year before the end of the Panel's four-year term of office.
- 7.3 These terms of reference must be published on the World Sailing website.