

DRAFT TERMS OF REFERENCE

OMBUDSMAN

NB: Sections in italics are from the Constitution

1. Purpose

- 1.1 *The role of the Ombudsman is to investigate and mediate complaints and disputes received by World Sailing which are not under active consideration by another Independent Body.*
- 1.2 *The Ombudsman must liaise with other Independent Bodies concerning the status of any complaints or disputes which may be under consideration.*

2. Composition

- 2.1 *The Ombudsman is appointed by the General Assembly on the recommendation of the Nominations Panel and must be an Independent person with experience in the administration and governance of international sports federations.*
- 2.2 *The Ombudsman must be an Independent person. "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 Ombudsman is appointed by the General Assembly on the recommendation of the Nominations Panel.*
- 2.4 *The Ombudsman holds office for four years and is eligible for re-appointment for one additional term of office.*

2. Remit

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

- 3.2 *The Ombudsman 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 Ombudsman may request such reasonable support and advice from the World Sailing Executive Office as the Ombudsman decides is appropriate.*
- 3.4 *The Board must allocate appropriate resources to the Ombudsman to enable them to undertake their functions.*
- 3.5 *The Ombudsman must report at regular intervals to the Board and the General Assembly.*

4. Remit

- 4.1 *Under Article 46.2 Another Independent Body may refer a matter to the Ombudsman if both it and the Ombudsman agree it is more appropriate for the Ombudsman to consider the matter. A referral under this Article shall suspend any deadlines imposed on the other Independent Body until the Ombudsman makes their final report.*
- 4.2 *Article 46.3 provides that the Ombudsman must seek to provide assurance to Members and the sailing community at large by investigating complaints and concerns in an independent and non-adversarial manner.*
- 4.3 *Under Article 46.4 the Ombudsman may:*
 - (a) report any matter to another Independent Body or to the Board, a Committee, Sub-committee or Commission (if the Ombudsman considers they are a more appropriate body to handle the matter);*
 - (b) review and comment on the processes and procedures followed by any part of World Sailing in reaching a decision (but may not change the decision);*
 - (c) facilitate resolution of complaints by agreement (if appropriate); or*
 - (d) exercise any other functions conferred on the Ombudsman by the Regulations.*
- 4.4 *Article 46.5 states that the Ombudsman must follow a fair and independent process but shall allow all affected parties the right to make representations to them. Following an investigation, the Ombudsman may publish any report of their findings (which may include the names of any parties), with any redactions they consider appropriate and bring it to the attention of any relevant body within World Sailing.*
- 4.5 *For the avoidance of doubt, investigations under the World Sailing Safeguarding Policy will be investigated by a specialist Safeguarding Investigator.*

5. Procedures

- 5.1 It is expected that the Ombudsman will largely conduct their work by email and video conference calls to fulfil its responsibilities, however it is possible that in person meetings may be necessary.
- 5.2 The Ombudsman must inform the President and the Chief Executive Officer of any potential conflict of interests as required by the World Sailing Conflict of Interests Policy.
- 5.3 Due to the nature of the Ombudsman'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 Ombudsman is entitled to agree their own Procedures (but always in accordance with the law, the Constitution, Regulations, Code of Ethics) Procedures once agreed shall be published on the World Sailing website.
- 5.5 The Ombudsman must review the Procedures at least once every four years with any amendments decided no later than 31 December in the year before the end of the Ombudsman's four-year term of office.
- 5.6 The Ombudsman must not disclose any confidential information they receive without permission of the Chair and the Chief Executive Officer.

6. Expenses

- 6.1 The Ombudsman position is 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 The Board may amend these terms of reference from time to time and the Ombudsman may propose amendments for the Board's consideration.
- 7.2 The Ombudsman 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 Ombudsman's four-year term of office.
- 7.3 These terms of reference must be published on the World Sailing website.