

Proposed Statute Changes for the 2020 FISA Extraordinary Congress

Member Federation Questions & Answers (at 100920)

1 September 2020

1. **MF Question:** “New Article 13 Obligations of Member Federations Sect. 5 ”...and to confirm that any such change does not negatively affect the Member Federation's compliance with the requirements of World Rowing Membership. We would like to ask if an example of this might be provided. Is this not covered in New Article 13 Sect.1?”

FISA response: *“It is a requirement for proactivity on the part of the MF rather than the alternative of FISA having to police and do spot checks as MFs make changes to their statutes and rules, etc. The MF should give consideration to their continued compliance when making changes or when changes are imposed upon them locally.*

For example, if a government passed a law that all sport federations were now controlled by the government and the president appointed by the government etc., the MF would need to report this to FISA and declare whether they are still abiding by the terms of the Statutes. The situation might then be subject to review by FISA.”

2. **MF Question:**“Bye-Law to Art.59/Bye-Law to Art.58 Code of Ethics (Appendix S11) Proposed amendments in the Code of Ethics & Safeguarding Policy and Procedures relate to the communication of sanctions and the introduction of a ‘mutual recognition’ of sanctions clause to minimise the risk of someone who has been sanctioned in relation to Safeguarding matters being able to move to another country and potentially put other individuals at risk.

Is it possible to provide some additional commentary about how this will work in practice? Rowing Canada is aware of the complexity of jurisdiction and privacy as it applies to jurisdictions within Canada. We are curious what other sport IFs have found possible with respect to reciprocity of sanction. “

FISA response: *“FISA recognises the risk to participants in rowing of personnel with safeguarding sanctions moving between international jurisdictions. The proposed new text would allow FISA to recognise a sanction imposed by a MF, where FISA is satisfied that fair process has been followed and that a safeguarding violation has been committed, as defined by the FISA Safeguarding Policy.*

“Based on Swiss legal advice, the new mutual recognition of sanctions clause has been drafted to enable a review of process, rather than to re-open an entire case de novo. If satisfied that fair process has been followed, FISA can then recognise the sanction and communicate this to MFs, and to other sports organisations on a need to know basis, to support a safe environment globally for rowing. If it is determined that fair process has not been followed, FISA reserves the right to not recognise the sanction or alternatively to open a separate disciplinary process in relation to the Participant’s involvement in World Rowing activities.

“FISA expects its MFs to respect/adopt all and any sanctions in relation to Safeguarding cases.

“In terms of other sport IFs that have a reciprocity of sanctions clause, FISA is aware that the FEI has a Mutual Recognition clause, Art.9 of the FEI safeguarding policy. Sanctions that have been published are listed on the FEI website and can be found here:

<https://inside.fei.org/system/files/Color%20OK%20Case%20status%20table%20-%20Safeguarding%20disciplinary%20proceedings%20-%202006%2012%2019.pdf>

“The FISA Safeguarding Policy and Procedures are subject to ongoing review to identify improvements and enhance clarity. We continue to work on the processes and practicalities and share best practice with other international sport federations.

“FISA strongly advises MFs to follow best practice safe recruitment processes and to follow up on all references, including recommendations from World Rowing if deemed appropriate, prior to the final recruitment decision.”

4 September 2020, MF Consultation Meetings

3. **MF Question:** “With the Covid-19 scare persisting and not going away soon, does FISA plan to change the seating in the boats to accommodate social distancing norms to some extent?”

FISA response: *“No, there will be no change to the boat design as a result of Covid-19, no reoutfitting of the boats. FISA believes it is possible to stage safe training sessions and safe regattas without the need to change the boat seating in the context of Covid-19 and social distancing.”*

4. **MF Question:** “Why is it planned that the election of the Chair of the Athletes’ Commission will become the right of the Council and will be taken away from the Congress? Why is the proposed Chair not being put forward to the Congress for election?”

FISA response: *“The proposed changes to the Athletes’ Commission (AC) are based on a proposal received from the AC to restructure the Commission such that there are elected members as well as appointed Commission members. The proposal is for 50% of the AC members to be elected by their peers and 50% appointed by the Council (currently the Council appoints all FISA Commission members). The elected and appointed AC members would then elect the member they would like to be propose as Chair of the AC. This proposed Chair would be presented to the Council for ratification prior to taking up their position as Chair of the AC, with a seat on both the Council and on the Executive Committee. The seat on the Executive Committee is a new proposal.*

FISA believes there should be a ratification stage between the election of the Chair by their peers and the appointment to the position on the Council and the Executive Committee, given the significance of the responsibilities of the role.

The process to ratify the proposed Chair in their position was a subject of much discussion in the Governance Working Group and in the Executive Committee. It was decided that FISA should follow a similar, but not the same, approach to the IOC: the

IOC AC decides which member shall be proposed as AC Chair to the IOC President; here, the proposal is that the FISA AC decides which member shall be proposed as AC Chair to the FISA Council, for ratification of their position as AC Chair.

All elected and appointed AC members will have been approved as candidates by their Member Federation at the beginning of the AC election and appointment process, as with the current Commission member appointment process.”

5. **MF Question:** “Concerning the Governance work that FISA is doing, is there an International Governance Code that you can be compliant with to continue to be up to date on all International Governance standards, as we have in many National Governing Bodies?”

FISA response: *“There is not one single sports international governance code with which FISA has to comply, however FISA refers to several sources in order to benchmark itself against best practice and drive continuous improvement. In particular, the ASOIF Governance Review provides a self-assessment tool for IFs, listing the key governance areas and providing a useful tool for benchmarking and comparing with best practice. It is perceived as an evaluation, helps to chart progress and focuses on different governance areas. It’s not compulsory but serves as an evaluation and can help identify areas for improvement. ASOIF’s 3rd Governance Review can be found at this link: https://www.asoif.com/sites/default/files/download/asoif_third_review_of_if_governance_fv-0616.pdf. The ASOIF report for FISA can be found on our website at this link: http://www.worldrowing.com/mm/Document/General/General/14/23/33/FISA-ASOIFGTFIFgovernanceassessment2019-20_Neutral.pdf.”*

6. **MF Question:** “Is it correct that the Rowing for All Commission will now be split into three Commissions – Rowing for All, Coastal and Indoor Commissions – is this correct?”

FISA response: *“The proposal is that the Rowing for all Commission will no longer exist and will be split into two Commissions: the Coastal Rowing Commission and the Indoor Rowing Commission. Recreational and tour rowing will stay within Coastal Rowing for the next four years whilst we determine what the role of the IF is with respect to recreational rowing, including determining whether recreational rowing should have a seat on the Council, should be considered a subset of another Commission or working group.”*

7. **MF Question:** “In reference to the proposal from Canada, have FISA considered to give guidelines for what should be the minimum standards for a fair process with ethical questions, for Member Federations to use as their own guidelines?”

FISA response: *“On safeguarding, prior to lockdown and the related changes and extra work, FISA has been working on developing a model for MFs as to how to structure and carry out their own safeguarding procedures. This work continues and we are currently planning online education and awareness activities for our member federations with respect to safeguarding. For ethics, we recommend that MFs refer to the FISA Code of Ethics and use this as a baseline model – the majority of the text and procedures will be*

relevant in a local context. Please note that local safeguarding and ethical procedures should always be aligned with the MF's local national legal framework."