

## Proposed Statute Changes for the 2020 FISA Extraordinary Congress

### Member Federation Questions & Answers (at 030920)

1. **Rowing Canada:** “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. **Rowing Canada:** “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-%2006%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.”*