

DETAILED ANALYSIS
Proposals for the ISU 50th Ordinary Congress 2004
Amendments to the Constitution and the General Regulations

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II. ISU Council Proposals to Amend the General Regulations
 (see separate Introduction)

This portion of the Analysis sets forth comments on Proposals submitted by the Council for amendment of the General Regulations. The full text of each Proposal is included for the ease of the reader.

No.	Rule / Text of Proposal	Observations / Comments / Recommendation(s)
94	<p>Rule 102, paragraph 7c) Amendment of deadline:</p> <p>c) ...If the person concerned does not avail himself of such opportunity within sixty (60) days <u>fifteen (15) days</u> of receipt of such notice, his right to furnish an explanation shall be waived.</p> <p><u>Reason:</u> to be consistent with other similar deadlines, e.g. Rule 104, paragraph 16.b) and Rule 125, paragraph 4.b).</p>	<p>Rule 102 goes to the very heart of participation in ISU activities: eligibility. The ISU elective bodies have themselves found it difficult to fulfill obligations within 60 days when much lesser issues were at stake. The 60-day time period is critical in (1) assuring the rights of competitors, officials and others who may find themselves facing potential loss of rights, and (2) assuring that such charges are not brought frivolously.</p> <p>If it is important for Rule 102 to be consistent with Rules 104 and 125, the latter should be amended to conform to 60 days.</p>
109	<p>Rule 109, paragraph 3 Replace existing paragraph 3 with the following revised wording:</p> <p><u>3. If a Skater, who has already represented one Member in an International Competition or ISU Championships, intends to compete in the future for another Member, regardless of the ground on which the possibility of such change is based, such skater shall be subject to the waiting periods set forth in subparagraphs 2. b), (ii) and (iii).</u></p> <p>3a) A skater who has dual citizenship and has already</p>	<p>Dual citizenship presents a very different situation than when a skater represents a Member other than the one for the country of which he or she <u>is</u> a citizen. The Members may conclude that the current provisions which are based on those differences are not adequate. That does not justify ignoring the differences.</p> <p>The Members which will be most affected by this change will be those with fewer number of competitors.</p> <p>If the term “regardless of other grounds” is intended to make this an absolute prohibition, it should be modified to indicate that the</p>

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<p>109 cont.</p>	<p>represented one Member of the countries of which he is a citizen in international competitions or ISU Championships may represent the Member of the other country of which he is a citizen only if he fulfils the conditions of paragraph 2b) b) If a skater who has already represented one Member in international competitions or ISU Championships changes his citizenship, he may not represent the new Member prior to the expiration of twelve months counted from the July 1 following his appearance in any event in which he represented the original Member.</p> <p><u>Reason:</u> to subject all skaters changing the Member which they represent to the same conditions.</p>	<p>Council has <u>no</u> discretion to take an alternate decision, even under the general authority of Constitution Article 17 para 1.a)</p> <p>Consistency sometimes has the benefit of being uniformly applied but the defect of failing to acknowledge legitimate differences.</p>
<p>113</p>	<p>Rule 119, paragraph 1 Addition to the end of the first sentence to read:</p> <p>1. It is the sole responsibility of each Member participating in ISU Events, the Olympic Winter Games, the World Cup and International Competitions as defined in Rule 107, to provide medical and accident insurance for their athletes, <u>officials and all other members of the Member’s team. Such insurance must assure full medical attendance and also the return to the home country by air transport or by other expeditious means of the ill or injured person.”</u></p> <p><u>Reason:</u> To define more clearly the scope of the required insurance. In serious cases, e.g. injury in a vehicle or pedestrian accident, expensive medical attendants and air transport of an injured person may be required. General medical and accident insurance policies may not provide payment for such services.</p>	<p>The costs to each of the Members for such insurance coverage could be prohibitive. It would be much less expensive for the ISU to obtain such extended coverage applicable to <u>all</u> Members and all such potential risks. It is time the ISU undertook an equitable financial commitment to the Members as a group rather than to limit that to the discretionary allocation of funds on an <u>ad hoc</u> basis.</p> <p>In any event, the concept of “team” as used in the Proposal is not specified and as a practical matter is not uniform among all of the Members.</p> <p>The “reason” offered for this Proposal does not support a determination that the Members should bear this additional burden.</p>

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116	<p>Rule 121, paragraph 3 Delete in its entirety</p> <p><u>Reason:</u> To be replaced by the proposal adopting the “New Judging System” included in the Agenda of the Figure Skating Section.</p>	<p>There does not appear to be any controversy that this provision should be repealed. Discussion on this Proposal should, however, include examination of how the text of paragraph 3 was included in the 2002 Rulebooks when the record clearly shows that the Members were advised in the 2002 Congress that they were <u>not</u> being asked to vote on a Rule.</p>
122	<p>Rule 122 Amendment of existing wording and addition of new paragraphs 1c), 1d) and 2 as follows:</p> <ol style="list-style-type: none"> 1. Every Member must, annually before April 15th, announce to the <u>ISU Secretariat</u> General Secretary of the ISU the names <u>and pertinent contact details</u> of those individuals <ol style="list-style-type: none"> a) whose services as International (for International Competitions) Referees, Judges, Starters, Competitors Stewards are recommended. For Short Track Speed Skating this applies only for individuals not listed on the previous list published in an ISU Communication (see Rule 290, paragraph 1.c); b) who are recommended for the first time as ISU (for Championships) Referees, Judges, Starters, Competitor Stewards and who are recommended for the respective required examinations (Figure Skating, Ice Dance and Synchronized Skating only) c) <u>who were on the previous list of ISU (for Championships) Referees, Judges, Starters, Competitor Stewards and who, due to the facts known to the Member should be deleted from the respective ISU list (e.g. age limit, resignation by the individual, death, sanctions imposed by the Member, etc).</u> 	<p>Re-publishing portions of this Rule which are unchanged and failing to satisfy the presentation requirements set forth in Section A. para 2.b) of the Procedural Provisions has the effect of burying what the Proposal actually does: reverse the decisions taken at the 49th Congress removing reappointments from the Members and giving the Technical Committees exclusive authority to draw up the annual lists of Referees and Judges for submission to the Council for approval.</p> <p>Unless Constitution Article 19 para 3.b) is repealed or revised to read as it did prior to the 49th Congress, it would be improper for the Member itself to conclude that a listed Official “should be deleted” or to take any action which had the effect.</p> <p>Of course, the Members should be encouraged to provide information to the Technical Committees which would assist them in making the determinations required in discharging their duties under Article 19. It would be improper, however, for the Technical Committees to rely upon a conclusion by any Member that such Official “should be deleted.”</p> <p>The Proposal must be modified to make it clear that the Technical Committee is the <u>sole</u> body or authority in the ISU for drawing up the annual lists for submission to the Council. If a Member offers information which would suggest deletion of an Official, it is the obligation of the Technical Committee to verify the accuracy of such information and to come to its own conclusion as to whether it justifies deletion under the applicable Rules of the ISU.</p>

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122 cont.	<p>2. <u>For the nomination of the newly required Officials for the New Judging System (Technical Specialist, Technical Controller) the relevant provisions in the respective Special Regulations of Figure Skating, Ice Dancing and Synchronized Skating as well as ad-hoc ISU Communications approved by the ISU Council apply.</u></p> <p>3. previous paragraph 2 unchanged, ie: Two separate Communications of Referees....</p> <p>4. ISU Council members shall not and ISU Advisors if possible should not act as Referees, Judges, Technical Specialist, <u>Technical Controllers, Technical Specialists</u>, Starters and Competitor Stewards in competitions specified in Rule 107.</p> <p>5. previous paragraph 4 unchanged, ie: ISU Council members and ISU Advisors....</p> <p><u>Reason:</u> To ensure that the ISU received the necessary information for the monitoring of the Officials lists and to take new officials categories for the New Judging System into account.</p>	<p>The proposed text is mis-marked. The first reference to “Technical Specialist” is an addition, but in any event is duplicated by the second one which is marked.</p> <p>The Proposal needs to be revised to make it clear that the reason is to ensure that the Technical Committees specifically (not the “ISU” generally) receive the information necessary for them to fulfill their obligations under Article 19 para 3.b).</p>
126	<p>Rule 123, new paragraph 5 Insertion of new paragraph and renumbering of the remaining paragraphs:</p> <p><u>5. In Figure Skating, protests against evaluation by judges of skaters’ performances are not admissible. For Figure Skating and Speed Skating, protests against results are admissible only in case of incorrect mathematical calculation.</u></p> <p><u>Reason:</u> To clarify the rule and confirm explicitly the present practice</p>	<p>Use of the expression “not admissible” is incorrect and potentially confusing. If the intention is to state that “No protest is permitted against evaluations by judges of skaters’ performances in Figure Skating” then the Proposal should say that. Once a protest is lodged, it must be heard if the body with which it is lodged has jurisdiction. Evidence may or may not be “admissible”, but that term has no meaning for the protest itself.</p> <p>In any event, however, protests <u>are</u> permissible as specified in Rules 411 para 3, 582 para 4, and 808 para 4. As such, this Proposal does NOT confirm “present practice” but instead overrules it. If the purpose of this Proposal is to amend those Rules, it must be submitted to the Figure Skating Section for consideration and determination.</p>

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130	<p>Rule 124, paragraphs 1 and 2 Amendment of the text to read:</p> <p>1. An appeal may be made to the Council of the ISU only against decisions which concern the eligibility of a competitor, the determination <u>incorrect calculation</u> of the result, or the composition of the panel of Judges and only in cases where these Regulations or the Constitution have been contravened.</p> <p>2. Every appeal against a decision <u>incorrect calculation</u> of the Referee must be submitted to the Council of the ISU within 30 days from the issuance of the decision.</p> <p><u>Reason:</u> To clarify the rule and confirm explicitly the present practice. See also proposed amendment above re rule 123.</p>	<p>This Proposal needs to be amended to clarify whether the intention is to make decisions of the Referee made under Rules 411, 582 and/or 808 <u>final</u> at that point and NOT subject to appeal to the Council.</p> <p>This is mis-marked as the words “of the Referee” would need to be deleted to conform to the change in item 1. The text should also relate to <u>an</u> “incorrect calculation”.</p> <p>The Proposal does NOT clarify the Rule. It appears to be an attempt to shift the focus from the fact that the sport of Figure Skating is <u>judged</u>, not “calculated.”</p>
134	<p>Rule 127, paragraph 5 Insertion of new paragraph mid-way through existing paragraph 5 and creation of new paragraph 7 with the remaining text from paragraph 5 to read:</p> <p>5. The Council shall ensure that all TV arrangements for ISU Championships are complete, with contracts signed between the ISU and the relevant TV companies before the Council confirms or allows an allotment to become definite. If the Council finds all factors remain favourable to the holding of the Championships as provisionally allotted, and TV arrangements are in place, the Council, at its meeting of the year preceding the Championships, shall, by resolution, confirm the allotment as definite for the following year.</p> <p><u>6. If TV arrangements or other essential elements of a provisionally allotted championship are not completed, the Council at such meeting shall either: (1) continue the</u></p>	<p>Moving Championships at the last minute or on the basis of undefined discretion cannot be a good business practice. At the very least, this Proposal should be amended to clarify the categories of “other essential elements.”</p> <p>The Members who are undertaking the tasks of an Organising Member must have the protection of certainty in their position. Undefined discretion can be the basis for arbitrary actions and that cannot be the goal which the Council seeks to achieve with this Proposal.</p> <p>This Proposal is based on a false premise: that the Council has only <u>one</u> meeting each year. Instead of granting the Council unusual powers, the Members should require that the Council meet often enough so that all decisions relating to an ISU Championship are made in time and in an orderly manner, not at the last minute.</p>

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134 cont.	<p><u>provisional allotment with the Member involved in anticipation of resolving such arrangements or elements within a reasonable time, or (2) the Council shall consider other Members or locations for the allotted Championships and transfer the allotment accordingly. Thereafter, when appropriate, the Council shall confirm the allotment as definite to the Member so determined.</u></p> <p>7. The Council may, for emergency, safety or other serious reasons....</p> <p><u>Reason:</u> to state the Council options when TV or essential arrangements for a Championship are not complete at the Council meeting of the year preceding the Championship.</p>	<p>This “Reason” indicates that the Council does not have such options currently. The Proposal should be clarified to confirm the basis for that assertion.</p>
139	<p>Rule 134, paragraph 3a) Addition of final sentence as follows:</p> <p>3a) When the competition has been completed and the results have been calculated, the final placements are announced and first the champion and then the second and third placed competitors are called to the winners` platform on the ice. <u>In team disciplines, medals are presented only to team members who have competed on the ice.</u></p> <p><u>Reason:</u> It is not fair that substitute or alternates who have not actually participated in the competition should receive medals for which they have not contributed to win.</p>	<p>This Proposal represents either a fundamental lack of understanding of team sports or a complete lack of respect for persons who contribute to the efforts of a team. Substitutes and alternates can play a key role in the training process and even in pre-Championship competitions. “It is not fair ... [to assert that such persons] ... have not contributed to a win.”</p> <p>If this is an effort to distinguish between athletes on a team and the coaches of the, that should be clearly stated. If this Proposal is intended as a cost-saving measure for the ISU, the Members are entitled to know of the drastic financial condition which makes such costs materials.</p>