

SUMMARY ANALYSIS
Proposals for the ISU 50th Ordinary Congress 2004
Amendments to the Constitution and Regulations
 March 16, 2004

based primarily on a “Detailed Analysis” originally distributed by
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Parts I - III and V - VII of this Summary Analysis are shown on separate documents.

**IV. PROPOSALS FROM MEMBERS TO AMEND
 THE CONSTITUTION AND THE GENERAL REGULATIONS**

Several Proposals from Members would protect against “arbitrary conduct” by elected and appointed officials of the ISU, or would improve accountability to the Members. By contrast, Proposals submitted by the Council would reduce or even eliminate rights of the Members.

CONSTITUTION

No(s).	Member / Article	Observations / Comments / Recommendation(s)
1, 2, 5, 10 & 11	USA Figure Articles 2-4 and 7	These Proposals protect the rights of the Members in activities and events which are exclusive property of the Members. They clarify that the jurisdiction of the ISU does <u>not</u> extend to domestic activities of persons of the Members. The Members have exclusive jurisdiction in their own territory. These Proposals preserve rights of the Members and should be <u>SUPPORTED</u> .
37	CAN Figure Article 17 para 1.t)	This Proposal requires the Council to adopt rules of procedure for investigations and disciplinary hearings. It specifically addresses Rule 125, but logically should also apply to proceedings under Rules 102 and 104. <u>All</u> such proceedings must be conducted openly and fairly, under procedures which ensure that persons charged under those Rules have an opportunity to be heard and to protect their rights. This Proposal should be considered on its own or as an amendment of Proposal No. 52 submitted by the Council and should be <u>SUPPORTED</u> in either context.

No(s).	Member / Article	Observations / Comments / Recommendation(s)
53	USA Figure Article 22 para 1	<p>This Proposal presents a clear contrast with Proposal No. 36 by the Council and should be <u>ADOPTED</u>. As a result, Article 17 of the Constitution, second sentence of para 1, would read as follows: <u>A decision of the Council on any matter may be further appealed to the ISU Appeals Commission whose decision respecting such appeal shall be final and not subject to further appeal to the Court of Arbitration for Sport (CAS) except in cases that the suspension or exclusion of the aggrieved party from an ISU activity or position.</u> Without that protection, the following “functions of the Council” listed in Article 17 would be open for abuse:</p> <ol style="list-style-type: none"> 1. the suspension of a Member 2. the settlement of disputes between Members or complaints by Members against others 3. the imposition of monetary penalties to Members 4. the adoption of rules for the administration of sanction or rules of honour
60, 63, 65 & 66	USA Figure Part VII Section A paras 5, 16 and 18	<p>These Proposals introduce the role of a professional “parliamentarian” or a “facilitator” for meetings of the Congress and of the Sections. That person would assist the Chairperson to preside in a proper manner, in accordance with the provisions of the “Call to Order”. Senior officers of the ISU could be more involved in the deliberations of the Congress by freeing them from the administrative obligations of presiding over those meetings. The Proposals are important in protecting the authority of the Members acting in Congress and should be <u>ADOPTED</u>.</p>

GENERAL REGULATIONS

No(s).	Member / Rule	Observations / Comments / Recommendation(s)
85, 86, 87 & 89	USA Figure Rule 100 paras 3 & 4 Rule 102 para 1.b) & 2	<p>These Proposals implement fundamental policies covered in Proposals 1, 2, 5, 10 and 11 for the Constitution. They support the role of Members in the organisation of events on their territory and reflect the exclusive right of the Members within their own territory. These principles are critically important in preserving the ISU as a creation of the Members, not as a master of them. The Proposals should be <u>ADOPTED</u>.</p>
88	CAN Figure Rule 102 para 2	<p>This Proposal clarifies that the only basis for an individual to lose eligibility is participating as a skater or a judge in an event which is not sanctioned by the respective Member or the ISU. This Proposal will prevent use of the concept of “eligibility” as a basis for arbitrary punishment or discipline. It should be <u>ADOPTED</u>.</p>

No(s).	Member / Rule	Observations / Comments / Recommendation(s)
114	AUT Figure Rule 121 para 3	<p>This Proposal points out very clearly that the costs to implement the New Judging System would be a <u>substantial</u> burden on the Members: costs of the technical specialists, the computer experts, the cameramen to run the video reply system, storage, insurance and transport of the computers from one place to another, <i>etc.</i> If the New Judging System is adopted and the ISU does not have to cover the costs to the Members, there will necessarily be two different <u>and incompatible</u> systems in Figure Skating: (1) the existing 6.0 system which can be readily used even for competitions with limited resources, and (2) the new “Code of Points” system which requires substantial costs of investment, operation and maintenance. The Members should give this Proposal SERIOUS CONSIDERATION <u>before</u> considering the merits of the New Judging System. The New Judging System should <u>not</u> be approved in any event <u>unless</u> Proposal No. 114 is also being ADOPTED.</p>
117, 119 & 120	USA Figure Rule 121 para 3	<p>These Proposals address significant problems in the “interim judging system” under Communications No. 1197 and 1206 and in the New Judging System: random draw of the judges which <u>reduces</u> the reliability of results and anonymity of the judges’ marks. The credibility of the sport has to be restored. That can be done only when the judges are held accountable in front of the whole world and not only to a few persons in the ISU. These Proposals should be ADOPTED.</p>
127 & 128	CAN Figure Rules 123 and 124	<p>These Proposals seek to assure that all available means are used to verify that judging decisions are based on facts not mistakes. These Proposals should be ADOPTED.</p> <p>This approach is a marked contrast with Proposals submitted by the Council (126 and 130) which would forbid the right of the competitors or the Members to protest against results, unless they relate to incorrect mathematical calculation. That approach to sport is autocratic and out of date. By contrast, Proposals 127 and 128 are democratic and modern.</p>