

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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see: <http://www.frogsonice.com/skateweb/articles/publius/>

Parts I - II and IV - VII of this Summary Analysis are shown on separate documents.

III. ISU COUNCIL PROPOSALS TO AMEND THE GENERAL REGULATIONS

No.	Rule	Observations / Comments / Recommendation(s)
94	Rule 102, para 7.c)	<p>The Proposal removes safeguards for Members and persons affiliated to the Members by reducing the time for a party charged with an offence to prepare a defence. It should be <u>REJECTED</u>.</p> <p><u>Reason:</u> Rule 102 goes to the very heart of participation in ISU activities: eligibility. 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 improperly. Rules 104 and 125 should instead be amended to conform to 60 days.</p>
109	Rule 109, para 3	<p>This Proposal will have a disproportionate impact on Members with fewer competitors and should be <u>REJECTED</u>.</p> <p><u>Reason:</u> Dual citizenship presents a very different situation than non-citizens representing a Member. Those differences must be recognised.</p>
113	Rule 119, para 1	<p>This Proposal will have a disproportionate impact on Members with fewer resources and should be <u>REJECTED</u>.</p> <p><u>Reason:</u> 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 discretionary allocation of funds on an <u>ad hoc</u> basis.</p>

No.	Rule	Observations / Comments / Recommendation(s)
122	Rule 122	<p>This Proposal has the effect of reversing the decisions taken at the 49th Congress removing reappointments from the Members and must be <u>REJECTED</u>.</p> <p><u>Reason:</u> Unless Constitution Article 19 para 3.b) is repealed or revised to read as it did prior to the 49th Congress, it would be improper for a Member to determine that a listed Official “should be deleted” or to take <u>any</u> action which had that effect. The Technical Committees are the <u>sole</u> authority in the ISU for drawing up the annual lists for submission to the Council. If a Member offers information for deletion of an Official, it is the <u>obligation</u> of the applicable Technical Committee to <u>verify</u> the accuracy of such information and to come to its own conclusion as to whether deletion is justified under the applicable Rules.</p>
126	Rule 123, new para 5	<p>This Proposal is based on improper terminology and must be <u>AMENDED</u> before it is considered by the Members.</p> <p><u>Reason:</u> Protests <u>are</u> permitted as specified in Rules 411 para 3, 582 para 4, and 808 para 4. This Proposal does NOT confirm “present practice” but instead rescinds those Rules. That it must be submitted to the Figure Skating Section for consideration and determination.</p> <p><u>Note:</u> In any event, use of the expression “not admissible” is incorrect and can result in abuse. If the intention is to state that no protest is <u>permitted</u> against evaluations by judges of skaters’ performances in Figure Skating then the Proposal should say that over the parties and the issues. The term “admissible” as applied to the protest itself <u>has no meaning</u> which would be recognised in legal proceedings.</p>
130	Rule 124, paras 1 and 2	<p>This Proposal is inconsistent with other provisions and must be <u>REJECTED</u>.</p> <p><u>Reason:</u> The Proposal actually prevents appeals against <u>all</u> decisions of the Referee because that Official no longer actually calculates results -- the computer does.</p>
134	Rule 127, para 5	<p>This Proposal provides an opportunity for abuse of the rights of Members and should be <u>REJECTED</u>.</p> <p><u>Reason:</u> 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.” An Organising Member must have the protection of certainty in its position. Undefined discretion permits arbitrary actions. This Proposal is based on a false premise: that the Council has only <u>one</u> meeting each year. The Council should be required to meet often enough so that all decisions relating to an ISU Championship are made in time and in an orderly manner.</p>

No.	Rule	Observations / Comments / Recommendation(s)
139	Rule 134, para 3.a)	<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 and should be <u>REJECTED</u>.</p> <p><u>Reason:</u> 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.” 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>