

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
Publius
(Acton/Djilas/Duanmu/Ibsen/Remarque/Sakharov/Sakigake/Zola)
March 6, 2004

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

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

VI. PROPOSED RULES FOR THE NEW JUDGING SYSTEM

The Proposal to adopt the New Judging System, as set forth in Part D of the 1st Provisional Agenda (the “NJS Proposal”) has serious defects and should be **REJECTED**. Those defects fall into three categories: (A) interference with procedures which protect the rights of the Members, and (B) technical defects relating to the integrity of results, and (C) practical limits on its use.

A. Rights of the Members

The Introduction to the NJS Proposal includes a separate statement purporting to authorise the Technical Committees to “delete and/or modify any other rule which they will identify as incompatible with this new rule prior to the printing of the new Special Regulations.” Thereafter, the Council will be authorised to do the same by issuance of a Communication to that effect.

- ▶ That procedure conflicts with Articles 64, 65 and 66 of the Swiss Civil Code: only the Members acting in Congress can adopt, modify, amend or suspend provisions of the Constitution or Regulations of the ISU unless the Constitution itself specifically authorises the Members to delegate that authority to any other organ of the ISU. It does not. Even that procedure would be subject under Swiss law to the right of the Members acting in Congress to revoke any such action.
- ▶ What have the Technical Committees been doing all this time if they have not already completed such review of the other Rules? The Members are entitled to know which Rules are deemed to be “incompatible” with the new rules and to have that information before they vote. Otherwise, they cannot examine the impact of adopting the rules for the New Judging System and thus cannot make an informed decision as to whether it should be approved.

The NJS Proposal notes that, if the New Judging System is approved, “an extensive training program for officials is planned and a corresponding budget has been foreseen”.

- ▶ The New Judging System has already cost a great deal of money at a time when revenues of the ISU are being squeezed. The Members have not been informed as to (a) what those costs have been, (b) whether they have been borne by the ISU and if so which budget item was authorised for that purpose, (c) whether any persons or parties other than the ISU have any proprietary rights to the system used for it or any

component of such system, (d) whether additional costs will need to be incurred prior to full operation and if so the nature of those costs, and (e) whether there will be ongoing costs of the New Judging System if it is approved.

- ▶ The Members should insist that the NJS Proposal be modified to specify that use of the New Judging System will not result in increased costs to the Members or, if it does, that the ISU will bear all of those costs.

B. Technical Defects

The press release issued by the USA Figure Member dated 16 January 2004, and posted to its web site, highlights certain fundamental problems with the New Judging System:

1. Adjustments still need to be made to improve the system, with particular emphasis on the judging and understanding of the five components.
2. Financial feasibility studies need to be disclosed and distributed before the ISU Congress can responsibly adopt any additional financial responsibility.
3. The ISU calendar of events will have to be carefully adjusted to accommodate the use and shipping of equipment as well as the availability of officials to cover these events.
4. The ISU needs to demonstrate an effective accountability procedure.
5. All federations in the ISU need time to assess and implement integration of this system into their present judging structure.

“Probationary” use of the New Judging System would be justifiable only if that means use of it in parallel with the existing system of judging, with the existing system used to determine the official results of any competition. It would be improper (and unfair to the competitors) to use the results of the New Judging System to determine the outcome of ISU Championships or of the Olympic Winter Games. If the Figure Skating Section of the Congress determines that the New Judging System should continue under development and testing, it should also adopt a moratorium on its use (other than in such actual “probationary” status) until after the 2006 ISU Championships.

If parallel testing and probationary use results in correcting the problems addressed in the 16 January 2004 Press Release by the USA Figure Member and elsewhere, the Figure Skating Section would then have the opportunity at the 2006 Congress to adopt such refined version of the New Judging System for use at the 2007 and 2008 ISU Championships. That would still allow the Members to examine the actual results at the 2008 Congress before deciding whether to adopt it permanently. The thorough and deliberative approach which that represents is consistent with major changes made to the sport in such prior instance as (a) adoption of a Short Program first for pairs and then for singles, (b) elimination of compulsory figures, (c) use of “factored placements”, *etc.* It would be improper to make short-term decisions for a sport of such historical endurance as figure skating.

C. Practical Defects

The New Judging System was either prepared without consideration of practical impacts on the Members or without concern for them. The system requires extensive computer technology which is beyond the resources available to most Members, even some of the larger ones. It cannot be set up, used and maintained by volunteers and instead requires qualified technical support. The system requires the use of video replay so that the judges do not lose track of the action while entering all the evaluation data required and thus needs at least one qualified video cameraman to operate the video system. It considerably increases the costs of running a competition, big or small, as it requires larger panels of judges, professional “callers”, replay technicians, video people, and hardware technical support.

The Members cannot approve the New Judging System before significant expenses have been quantified and budgeted, including the following costs: storage, insurance, shipping from one competition to the next, set up and system integration at each location, upgrading the system for new developments, repair and maintenance, technical support, *etc.*