

JURY DISCUSSION GROUP REPORT TO PLENARY 2021

BACKGROUND:

The Extended Bureau Meeting (“EBM”) in Moscow 2020 agreed that the high cost of Juries (~€30.000 PA) should be examined, in light of a proposal put forward by the ISC Finance Secretary, Gail Bradley, to lower the cost or travel by reducing the numbers of Jurors. The Plenary also saw this proposal and witnessed the debates it prompted.

The EBM further requested that an informal, volunteer group, now called the Jury Discussion Group (“JDG”), examined the selection and structure of Juries to remedy other perceived issues. At a meeting in November 2020, the Extended Bureau accepted the work of the JDG.

The JDG worked in five Phases over one year:

- Phase I: Develop a Vision and Mission Statement.
- Phase II: Gather Data.
- Phase III: State the Problems.
- Phase IV: Debate the Solutions – *not covered in this document but discarded ones are shown for completeness in the Appendix.*
- Phase V: Agreed Solutions.

COMPOSITION OF JURY DISCUSSION GROUP:

Volunteers’ Category 1 experience includes:

- **Aliya Ananina:** 23 years as FAI Judge, FAI Chief Judge, Jury, Jury President.
- **Gail Bradley:** 25 years as FAI Judge, FAI Chief Judge, Jury, Organiser.
- **Patrice Girardin:** 35 years as Jury, Jury President, FAI Controller, Meet Director, Organiser.
- **Alberto M. Paracuellos:** 18 years as Meet Director, FAI Controller, Jury, Jury President, Organiser.
- **Gernot Rittenschober:** 30 years as Meet Director, FAI Controller, Jury President, FAI Judge, FAI Chief Judge, Para-Ski Organiser.

Total experience: **131** years in all relevant roles.
>150 WPC events.

PHASE I: DEVELOP A VISION AND A MISSION STATEMENT

Vision:

The ISC Jury Discussion Group will propose a cost-effective and new structure for all ISC Juries at the ISC Plenary Meeting in 2021.

Mission Statement:

By consensus and cooperation, respecting the different viewpoints held within the Group, we will support, examine, debate and challenge the existing ISC Jury structure in terms of its efficiency, value and cost-effectiveness to reach unanimous agreement on how Juries should be selected, composed and funded within the rules as defined by the FAI General Section and Section 5.

PHASE II: GATHER DATA

1. A survey was conducted of all the other Air Sport Commissions to interrogate how they managed Juries and who paid for them. A total of nine questions were asked, and responses were received from CIA, CIAM, CIG, CIMA, CIVA, CIVL, GAC, IGC and ISC. (Ballooning, Aeromodelling, Rotocraft, Microlight, Aerobatics, Hang/Para Gliding, GA, Gliding, Skydiving.) *Document available on request.*
2. The Sporting Codes of most Commissions were read.
3. Four ISC First Vice-Presidents were surveyed. Three questions were asked and four responses received. Having performed the task of Jury List and Jury Nominations, their answers were near-unanimous on the improvements that needed to be made.
4. The GS and Section 5 were deeply studied (again).
5. A collection of 108 Jury decisions back to 2004 were forensically gathered and collated by Gernot and Alberto. We recommend this forms part of ISC Archives; it is an excellent history which supported our conclusions.
6. Each of us were asked to share our experience of Juries. Many stories were tapped. It was always pleasing to see that our Group Members proposed solutions as well as stated the problems.
7. We exchanged over 55 emails, with replies, and held two Zoom Meetings, one with the Extended Bureau to present our findings.

PHASE III: STATE THE PROBLEMS

Costs:

- Too many expensive Jurors for too few competitors; not profitable events.
- Too many officials at smaller competitions; not profitable events.
- ISC bears the full cost of Jury travel; other ASCs ask the Organiser to pay for them which at the end has to be covered by entry fees.
- Jury costs are going up, and most likely will be higher post-COVID, while participant numbers will decline or, at best, remain static.
- The ISC Budget forecast shows we run out of funds by 2023 without severe cost cutting.

It quickly became clear that cost was not the only, nor the major, issue. The cost question is resolvable. See **Phase V** below where we propose to save two thirds of the costs of Juries, i.e.: around **€20.000 pa**.

However, as a Group we could not solve the cost solution in isolation, without solving other identified problems connected with it. Therefore in Phase V, we also provide a detailed solution on **Jury Structure**.

We include in the Appendix, Phase IV, a detailed list in red of our debated solutions that were discarded, for background information.

PHASE V: AGREED SOLUTIONS

Please also observe that any Jury already approved for any competition already approved, remains unchanged. These proposed changes will only occur from 2022 forward.

The solutions fall into two areas: A - Costs and B – Structure.

A - Costs:

Approving these solutions will save the ISC approximately €20.000 pa from when they commence.

Juror off-site	Comments
<p>The third member of the Jury will work offsite.</p> <p>This is mandatory for all events unless certain conditions apply.</p> <p><i>(We maintained the opt-out for Para-Ski where no Jury is funded.)</i></p>	<p>Remote Jurors are already covered by the rules: <i>GS 5.4.2.5 and 5.4.2.6.1.</i></p> <p>Very few Protests are lodged today; we seek to reduce those further by reinvigorating the <i>Complaints Procedure</i> described in the <i>General Section</i>.</p> <p>Our analysis of 109 Jury Reports for the past eight years shows that 79% of Jury decisions are either standard reports (28%) or could be managed by a Complaint (51%).</p> <p>ZOOM is an effective tool that we have become used to using. In the event of a Protest, then the remote Jury Member via Zoom (or other electronic means) will be given access to all statements, witnesses and evidence.</p> <p>This solution alone reduces Jury expenses by one third.</p> <p>The volume of work on site usually can be managed by two Jurors.</p> <p>A third Juror still may be funded on site by agreement between the Bureau, Jury President and FAI-Controller <i>when exceptional conditions apply</i>. Examples include, and are not limited to:</p> <ul style="list-style-type: none"> ▪ Mondials, ▪ Two drop zones/two disciplines, ▪ Three or more disciplines. ▪ Other as agreed by the three parties listed above.

FAI-Controller merged role	Comments
<p>The FAI-Controller will take a Jury Member position.</p> <p>Background: <i>The ISC is the only Commission with the FAI-C role. It was created in 1996 to provide an extra layer of supervision and to monitor the Organiser's rules-adherence.</i></p> <p><i>The FAI-Controller manages all the preparation up to the start of the competition, checks Sporting Licences on</i></p>	<p>The merging of the roles of FAI-Controller with Jury President was strongly sought by all Vice-Presidents and will stay valid for Para-Ski.</p> <p>However, as the Jury has to approve the start of the competition, after the FAI-Controller states it is "Ready", there is potential for a perceived conflict of interest between a Jury President starting a competition that he helped set up as FAI-Controller. Therefore, the JDG believes the FAI-Controller stepping into a Jury Member position, prevents conflicts of interest.</p> <p>It puts two experienced people into the Jury. A third is off-site to arbitrate and assist when needed. See "<i>Jury Structure</i>".</p>

<p><i>FAI database, then monitors safety which is not a full-time job and can be done while serving as a Jury Member.</i></p> <p><i>The FAI-C has paperwork to do, the Officials List and Annexe 4 – Finance, which take less than half an hour, meaning he/she will be available to assist with Records Processing, Protests, Complaints, and Jury Paperwork (usually a one-person job anyway).</i></p>	<p>It saves a further third of ISC costs as the Organiser pays for the FAI-Controller.</p> <p>The FAI-Controller role does not exist in the <i>General Section</i>, so is easy to change in our rules and Handbooks.</p> <p>Once the “Big Three” take over, MD, CJ and JP, the Organiser’s rules adherence is already sufficiently managed. Most Organisers will welcome one fewer ISC Official.</p>
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B - Structure:

Jury Structure	Comments
<p>The Jury comprises:</p> <ul style="list-style-type: none"> - Jury President: - FAI-Controller/Jury Member: - Jury Member - (Reserve Jury Member) <hr/> <p>Maintain geographic diversity.</p>	<p>Jury President to be selected as usual, i.e.: recommended by Bureau and relevant Committee Chairs from approved Jury list maintained by First VP. Appointed by the Plenary. SC5 4.7.1.6.(a)</p> <p>FAI-Controller to be selected as usual, i.e.: recommended by relevant Competition Committees, nominated by Bureau and approved by Plenary. SC5 4.1.1.1 (2) While selected in the year(s) before, this person automatically fills a Jury Member role. Once the competition is started, the FAI-Controller becomes available for both Jury duties when required and FAI-C duties (e.g. safety) when required.</p> <p>Works remotely unless exceptional conditions exist as described.</p> <p>In all cases, the Jury Members, FAI-Controllers and Chief Judges should be selected by the relevant Committees, and Bureau working <i>in consultation</i> to create a team working for the benefit of the competitors, given geographical considerations and costs. The opinion of the Jury President should be sought on all Jury Members.</p> <hr/> <p>It is in the GS and also SC5, 4.7.1 (1).</p> <p>It diversifies the Jury and adds experience to different countries.</p>

Jury Selection	Comments
<p>Jury Selection is not to be dependent <i>only</i> on attendance at the Plenary, but on other criteria.</p> <p>Currency is considered vital; the current Jury List needs to be refreshed.</p>	<p>Potential Jurors on the Jury List maintained by the First VP will be there for any of the following reasons:</p> <ul style="list-style-type: none"> ▪ Historical members (those already there) OR ▪ In accordance with SC5 4.7.1 (1) (– no change) OR ▪ Are nominated by a Discipline Committee Chair. Each D. Committee Chair to nominate at least one preferred Jury Member. <p>All Jury Members on the List are to submit or resubmit their applications for proposal by the Bureau and decision by the Plenary in accordance with SC5 4.7.1 (11) every three years from 2021.</p> <p>Jurors' applications must be approved by their NACs and/or ISC Delegates.</p> <p>Applications with NAC approvals must be renewed every three years from 2021 for the nominee to remain on the List in accordance with SC5 4.7.1 (11).</p>
<p>In line with securing qualified people for the Jury, and notwithstanding SC5 4.7.1 (1), all Competition Committees are to nominate one of their members for the Jury list.</p>	<p>Meets the requirement to have a minimum of 12 names on the list. SC5 4.7.1 (11)</p> <p>Also see 4.7.1.(6)(a) which includes the recommendation requirements from Committee Chairs.</p>
<p>Jury replacements through the year will come from the List.</p>	<p>It is up to the D. Committee Chairs to determine the qualifications, experience and availability of their primary nominees before nominating them, not the First VP alone.</p>

Protests and Complaints	Comments
<p>Background:</p> <p><i>The Jury must remain an avenue of appeal. It is a place of last resort when all other avenues have been explored to answer a question or solve a problem.</i></p> <p><i>Therefore, we propose to use an ISC "Complaints Procedure" to allow logical and sensible discussions to resolve the issue, working with the competitors, resorting to a Protest only as a last resort.</i></p> <p><i>We propose that a complaint is to be encouraged first. A party will not be allowed to make a Protest unless they have firstly been through the Complaint Procedure.</i></p> <p><i>The formal Protest must firstly list evidence the Protestor has appealed via a complaint to the relevant official, who may be called to give evidence of this.</i></p> <p>The Protest Fee will be increased to €150.</p> <p>€50 has been around for many years and is no longer an amount that makes a Protester think very hard before submitting.</p>	<p>GS 6.1.3 says: At any time during the event, a competitor or a team who is dissatisfied on any matter should first ask the appropriate official for assistance. If still dissatisfied, a complaint may be made, by the competitor or through the team leader, to the Event Director or his designated official. Complaints must be made as soon as possible after the event giving rise to the complaint, and shall be dealt with expeditiously.</p> <p>GS 6.3.2. says: If dissatisfied with the decision on a complaint made during the event, a competitor or team leader has the right of protest...." ISC has never really looked into this, but the avenue already exists in the General Section to make a complaint first.</p> <p>A complaint often involves the competitors and all officials working together to find a solution based on harmony rather than dissent and opposition. It works very well in Para-Ski where Protests were not made in 20 years.</p> <p>An attempt to resolve a Complaint should be made by whichever party is most able to deal with it/against whom it is made, i.e.: MD, CJ, Organiser, then a Protest raised if not satisfied, in line with GS 6.3.2 and within two hours of a negative response to a complaint.</p> <p>Therefore Rule 4.7.3 and 5.3.1 to be changed as proposed:</p> <p>4.7.3 Treatment of Protests In addition to the provisions of the General Section: (1) The President of the Jury must ensure.... New: (2) Before a protest is submitted, the protester shall follow the complaint procedure in accordance with GS 6.1.3. Any negative outcome of a complaint must be quoted on the protest and/or explained at the Jury hearing. (2) will be (3)</p> <p>5.3.1 Procedure, Time Limitation and Content (1) A protest (Sporting Code, GS 6.3) whether arising as the result of a complaint (GS 6.1) or not must be made in writing, in English, and must be handed to the MD, together with the protest fee of 150 Euros, no later than two hours after a negative response to a Complaint or after official results for the particular event or round have been posted on the official scoreboard or the FAI/ISC website</p>

Jury Performance	Comments
<p>The Jury President is required to give a briefing to the Jury on his expectations for performance and behaviour especially to new Jurors.</p>	<p>The Jury President must inform the Jury what is required of them up-front, not leave it to the Jury Handbook or expected knowledge.</p> <p>This briefing fills the Jury education need, although Jury tasks for already-experienced people, with competition backgrounds, are not considered so complex as to need formal training. It also includes working procedures and requirements to be available for the remote Jury Member (phone contact, timing to be online for Zoom, et al.)</p> <p>Handbook to be amended.</p>
<p>The JP will provide verbal feedback to the First VP on Jury Member performance.</p>	

Please feel free to ask questions of any member of the Jury Discussion Group below.

Thank you for supporting this proposal.

Yours sincerely,

Signed by:

Aliya Ananina	Delegate	Russian Federation
Gail Bradley	Delegate	Australia
Patrice Girardin	Delegate	France
Alberto M. Paracuellos	Delegate	Spain
Gernot Rittenschober	Delegate	Austria

APPENDIX 1: Phase IV - Discarded Proposals

Solutions in red are discarded, but included for interest, to answer questions or for future reference.

Solution A:	Arguments for:	Arguments against:
Put the third and second Jurors off-site for small and very small competitions. < 80 = 2 Jurors on site <50 = 1 Juror on site.	It saves costs and makes disciplines more profitable in themselves.	It depends on the number of “participating entities” not just absolute “participants”. A four way team does not lodge four Protests, so “participants” is the wrong criterion.

Solution B:	Arguments for:	Arguments against:
Change all World Cups to Cat 2 events, (which do not need a Jury).	Reduces Jury costs to zero every second year of the ISC Schedule of Events.	<ol style="list-style-type: none"> 1. Some NACs do not support their competitors other than for FCEs 2. 2CE results not recognised by some sporting authorities 3. No Sanction Fees are payable for 2CE so cannot finance Judges either.

Solution C:	Arguments for:	Arguments against:																				
<p>Instead of one Sanction Fee, charge each discipline a different Sanction Fee depending how profitable that makes it.</p> <p>Means everyone pays a “fixed cost” Sanction Fee (would be €32 in 2019) <i>plus</i> an additional fee to cover Judges and Jury at their particular completion.</p>	<p>Means those who choose to participate in smaller disciplines, AE, SP, WS, CF, perhaps CP, must pay for their share of the actual costs.</p> <p>Means successful disciplines like PS, FS and IS no longer cross-subsidise the others.</p> <p>Means some disciplines may choose to do without a Jury as in PS (where there are no Protests).</p>	<p>Discourages participation. We have always supported new and alternative disciplines by cross-subsidising them. See the table below: €32 included.</p> <table border="1"> <thead> <tr> <th>SANCTION FEE if paid per discipline in 2019</th> <th>Discipline</th> </tr> </thead> <tbody> <tr> <td>€ 57.72</td> <td>PS</td> </tr> <tr> <td>€ 75.03</td> <td>FS</td> </tr> <tr> <td>€ 78.16</td> <td>IS</td> </tr> <tr> <td>€ 111.55</td> <td>CP</td> </tr> <tr> <td>€ 116.30</td> <td>CF</td> </tr> <tr> <td>€ 178.13</td> <td>WS</td> </tr> <tr> <td>€ 209.14</td> <td>SP</td> </tr> <tr> <td>€ 223.45</td> <td>ST & AL</td> </tr> <tr> <td>€ 230.77</td> <td>AE</td> </tr> </tbody> </table>	SANCTION FEE if paid per discipline in 2019	Discipline	€ 57.72	PS	€ 75.03	FS	€ 78.16	IS	€ 111.55	CP	€ 116.30	CF	€ 178.13	WS	€ 209.14	SP	€ 223.45	ST & AL	€ 230.77	AE
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Solution D:	Arguments for:	Arguments against:
<p>Choose two Jury Members from those on site to perform Jury duties, to save costs of funding them.</p>	<p>This works well in Para-Ski.</p> <p>They have no Protests or cases going to CAS or IAT as a result.</p> <p>Saves costs of paying for two Jury Members</p>	<p>PS is one of the smaller disciplines in our ISC community with a friendly culture. PS onsite officials work together in mutual trust.</p> <p>The Complaint system has worked in PS for decades. Either the complaint is confirmed – or, if it has to be refused, the reason for refusal will be explained to the complainant. That's the simple reason protests are rare in PS.</p> <p>Even the PS proponents say selecting Juries on site probably would not work for multi-disciplinary events at the moment as long as the complaint system is not firstly well established and working.</p> <p>The First VP survey made it clear that the need is to have people on the Jury List who are qualified, knowledgeable and rules-experts. These cannot be guaranteed from people selected on-site, where selection may be limited to HODs, coaches or interpreters.</p> <p>Poor decisions can lead to arbitration disputes at the CAS or IAT. In an increasingly litigious world, Jury expertise is important to prevent this.</p> <p>It is of utmost interest and benefit to the Committees to propose their own candidates to the Jury List, believing they will nominate their most qualified people in their disciplines' rules.</p> <p>Some on site may have a conflict of interest against the Protestors if their teams are competitive with each other.</p> <p>Central control and management of the Jury List is lost if Juries are randomly selected on site. The need is to improve the Jury List, allow Jury Performance to be managed and refresh the list every few years to maintain currency.</p> <p>Jury paperwork, eg: Records Processing and Reports, is taught centrally or gained by experience. Good administration cannot be expected from randomly selected Jury Members who have not been taught it or the importance of it.</p>

		Some otherwise qualified, hard-workers, who attend the Plenary will never get selected for a Jury as they would not otherwise attend the competitions on the off-chance of being selected. This would reduce the Jury Pool and experience over time.
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Solution E:	Arguments for:	Arguments against:
As for the other ASCs, ISC no longer pays for the Jury. The Organiser is made responsible.	Saves ISC costs.	Will no doubt increase Entry Fees so in the end the competitors still pay. No strong belief the Organiser wants to manage this. The Organisers would need much help adhering to the rules; the ISC may as well do it from one central List for better control.

Solution F:	Arguments for:	Arguments against:
Create a Training Course for Jurors. Create a Webinar, record it, or have JPs train via ZOOM before the event.	This formalises the Jury role similar to Judges, whereby they have to be trained, examined and renewed to be current.	Resources to run it. Turns Jury into an overly formal assessment process akin to that of Judges. <i>A Jury Training Webinar is a project that another Group could undertake to create, via live-streaming to Facebook. Maybe upgrade ZOOM to accommodate this?</i>