

STATUTES 2023



I. NAME, ADDRESS, PURPOSE

Art. 1 Name

Under the names “Schweizerische Optimist Dinghy Vereinigung”, “Association Suisse de l’Optimist”, “Associazione Svizzera degli Optimist”, (hereinafter “**SWISS OPTIMIST**”) exists a non-profit association, founded in 1969, governed by Articles 60 et seq. of the Swiss Civil Code.

SWISS OPTIMIST is politically and religiously neutral.

SWISS OPTIMIST is a full member of the International Optimist Dinghy Association (IODA) and is an affiliate member of SWISS SAILING.

It may join other associations as long as these are consistent with the purposes of SWISS OPTIMIST.

Art. 2 Address

The headquarters of SWISS OPTIMIST is at the home of its secretariat.

Art. 3 Purposes

SWISS OPTIMIST pursues the following purposes:

- the development and administration of the Optimist class in Switzerland
- basic practical sailing training for beginners on an Optimist dinghy
- practical training of advanced navigators in regatta techniques and tactics
- theoretical education in boat driving, maintenance, repairs, marine skills
- knowledge of racing rules (RRS)
- education of members in sporting camaraderie and “fair-play”
- coordination of regattas and championships in collaboration with clubs
- the selection of participants for championships with limited participation following an objective elimination process
- periodic communications on printed and electronic supports or on its website.

The general meeting may expand or reduce the purposes pursued by SWISS OPTIMIST at any time.

II. RESOURCES

Art. 4 Resources

SWISS OPTIMIST has the following resources:

- voluntary activity of its officials
- contributions from active members and donating members
- voluntary contributions and legacies
- license fees.

III. MEMBERS

Art. 5 Members

SWISS OPTIMIST is composed of:

- honorary members
- active members
- officials
- donating members.

Art. 6 Honorary members

The general assembly may appoint honorary member any natural or legal person who has particularly distinguished himself by his contribution to the sport of sailing in general or to the Optimist class in particular.

Art. 7 Active members

Anyone who has not yet reached the age limit set by IODA at the start of the calendar year can become an active member. The committee carries out incorporation upon written request or online registration.

Active members undertake to comply at all times with the rules of SWISS OPTIMIST, in particular with regard to boat equipment and the obligation to wear a life jacket.

In order to be authorized to actively race under the Racing Rules (World Sailing, RRS) and SWISS SAILING regulations, the active member must be a member of a nautical club affiliated with SWISS SAILING.

The resignation of an active member occurs:

- automatically on December 31 of the year in which he reaches the age limit, set by the IODA
- upon written request.

Resigning members can become donating members at any time.

On the proposal of the committee, an active member against whom the committee has pronounced a suspension according to the Sanction Regulations, may be excluded from SWISS OPTIMIST by the general assembly.

A member who, after two reminders, has not fulfilled his financial obligations is excluded from SWISS OPTIMIST by the committee.

Art. 8 Officials

Committee members elected by the general assembly, as well as other officials, obtain the status of member of SWISS OPTIMIST. They pay no membership fee.

Art. 9 Donating members

Any natural or legal person who is close to SWISS OPTIMIST can become a donating member. The general assembly determines which prerequisites must be met in order to become a donating member. It is recommended for former active members and Clubs to become donating members.

IV. ORGANS, OBLIGATIONS ET PREROGATIVES

Art.10 Organs

The organs of SWISS OPTIMIST are the following:

- the General Assembly
- the Central Committee
- the President
- the Vice President
- the Cashier
- the Secretary
- the Technical Officer
- the Race Officer
- the regional representants
- the control body.

Art. 11 The General Assembly

The ordinary General Assembly takes place once a year, within three months of the end of the financial year, as a general rule on the occasion of the Swiss Championship or another national regatta.

An extraordinary General Assembly may be convened at any time by a decision of the central committee or at the request of 1/5 of the members. The notice convening the ordinary general meeting and the extraordinary general meeting is at least three weeks.

Art.12 The right to vote

The General Assembly is chaired by the president or his replacement.

All members designated in the Articles 6 to 9 of these statutes are authorized to take part in the general assembly, under the condition that active members must be represented by the holders of their parental authority.

Have the right to vote:

- representatives of active members at the rate of one vote per member represented
- the officials

In the event of a tie, the vote of the president is decisive.

In addition to their own children, one of the two parents can, after presentation of a written power of attorney, represent a maximum of two other active members.

Honorary members and donating members have a consultative voice.

Art. 13 Agenda

The General Assembly decides by a simple majority of votes cast on the following:

- acceptance of reports from each member of the committee
- the election of the president, vice-president, secretary, cashier, regional representants, other members of the committee and the account verifiers
- determination of registration and membership contributions
- the introduction of new regulations or amendments to existing regulations, provided that they are within the competence of SWISS OPTIMIST
- approval of the selection procedures to participate in championships with limited access.

The General Assembly elects by a majority of 2/3 of the votes represented:

- the appointment of honorary members
- exclusion of members
- modification of the statutes
- the merger or liquidation of SWISS OPTIMIST.

The General Assembly can only deliberate on the items listed on the agenda. Members can ask the central committee to submit a proposal to the ordinary General Assembly.

Such a request must be sent to the SWISS OPTIMIST secretariat 14 days before the general meeting.

The General Assembly can validly deliberate regardless of the number of members present or represented.

Art. 14 The Assembly of the Members

The Assembly of the Members is convened at least once a year on the occasion of the Swiss Optimist Class Championship, at the location where this event takes place. The notice to the meeting must be included in the program. This assembly of members decides, by simple majority, on the venue of the next Swiss Championship for the class.

In addition, the assembly aims to inform members and discuss any pending issues. Further assemblies of the members may be convened, if the need arises, either by the committee or at the request of 1/5 of the members having the right to vote. With the exception of the granting of the Class Championship for the following year or a year later, no other valid decision can be taken by the assembly of the members, unless it has been convened as an extraordinary General Assembly.

Art. 15 The Central Committee

The Central Committee is composed of:

- a President
- a Vice-president
- a Secretary
- a Cashier
- a Technical Officer
- a Race Officer
- regional representants
- consulting members.

The President and Vice-President must, if possible, come from different linguistic regions of Switzerland.

Any decision that financially engages SWISS OPTIMIST must be countersigned by the President or Vice-President and the Cashier. Officials sign individually for the objects within their domain.

The appointment of the committee is two years. In odd years, the following are re-elected: the President, the Vice-President, the Technical Officer and the representants of regions 1, 3, 5, and 7. In even years, the following are re-elected: the Secretary, the Cashier, the Race Officer, consulting members, representants of regions 2, 4, 6, and 8. When a committee member resigns during his term, his successor is elected for the remainder of this term.

Art. 16 Committee Meetings

The Committee meets when convened by the President or at the request of at least 3 of its members, as often as the business of SWISS OPTIMIST requires. It has all the powers which are not expressly reserved to the General Assembly, in particular:

- acceptance of active members and donating members
- suspension of members
- execution of the technical prescriptions of WORLD SAILING, SWISS SAILING and IODA

- coordination of the racing calendar and determination of the main regattas
- drafting the regulations for the general assembly.

The committee may delegate some of its tasks and powers to individual members or to commissions.

Art. 17 Competences of the President and Vice-President

The President chairs the Committee meeting, Assemblies of the Members, General Assemblies and represents SWISS OPTIMIST by third parties. It controls the activity of the secretariat and the measurement certification.

The Vice-President replaces the president during the latter's absence. In addition, it ensures coordination between the various regions of the country. It is in particular responsible for the translation of important decisions, regulations, meeting minutes and decisions, as well as all for avoiding calendar conflicts between important regattas in the various regions.

Art. 18 The Secretary

The Secretary carries out all administrative work resulting from correspondence with members, with regional organizations, with IODA and SWISS SAILING. He keeps the minutes of committee meetings, assemblies of the members and general assemblies.

Art. 19 The Cashier

The Cashier is individually, or in a personal union with the Secretary, responsible for the financial matters of SWISS OPTIMIST. He is in charge of preparing the annual budget, and keeping the accounts and annual statements for the general assembly.

Art. 20 The Technical Officer

The Technical Officer ensures that class requirements as well as guidelines and measurement rules are maintained. He assigns the sail numbers. He ensures contact with the technical bodies of IODA and with the measurers of SWISS SAILING.

Art. 21 The Race Officer

The Race Officer organizes the regattas in collaboration with the clubs. He coordinates the calendar of regattas in Switzerland or abroad.

Art. 22 The Regional Representatives

The regional representatives represent the interests of their respective regions in the central committee. In addition, the following tasks are assigned to them:

- the organization and execution of trainings in their region
- the development of sailing activities and regattas in collaboration with clubs in their region
- control of Optimist navigators and their boats to ensure compliance with regulations
- coordination of race calendars
- information for people interested in the Optimist class
- reports to the central committee and the general assembly.

Regional representatives have a large independence in organizing their activity in their region. The activity must be adapted to the requirements and needs of the region.

Art. 23 Reports

Any holder of a function prepares a report for the attention of the General Assembly.

Art. 24 The control body

The control body is made up of 2 accounting reviewers and a substitute. They are elected by the general assembly. Their appointment is 2 years. Their task is to audit the accounts and budget of SWISS OPTIMIST and to present a written report to the general meeting.

IV. FINANCIAL PROVISIONS

Art. 25 Accounting Year

The accounting year begins on January 1 and ends on December 31.

Art. 26 Responsibility

The association's assets are solely liable for the association's liabilities. Any personal liability of members is excluded.

The annual contribution (membership fee) amounts to a maximum of CHF 100.-.

V. FINAL PROVISIONS

Art. 27 Personal data policy

When registering to SWISS OPTIMIST and during events to which its members participate, SWISS OPTIMIST may collect personal information on its members and their

representatives and store it. The following provisions apply to the management of such data:

- the data will only be used for the purposes of the association listed above
- the data may be transmitted to SWISS SAILING, IODA, clubs organising event organizing, and the authorities
- the members' name, sail number, year of birth, their club and possibly photos taken during official events may be used on the website or other SWISS OPTIMIST publications.
- the data can be accessed and modified at all times through the central committee.

Art. 28 Merger or dissolution

The merger or dissolution of SWISS OPTIMIST may be decided by the general assembly by a 2/3 majority of the votes cast (members present or represented). The last general assembly also decides on the use of the SWISS OPTIMIST assets.

Art. 29 Feminine Form

The feminine form is also valid for all functions mentioned.

Art. 30 Translations

In case of conflict between the German and the English version the German version will prevail.

Art. 31 Coming to force

Statutes of the 24th November 2004, modified on the 15th November 2008 and on the 29th September 2023.

Sanction Regulations: 19th November 2000.

Come to force on the 1st October 2023.

Oberhofen, le 29 September 2023

The president
David Benczur

The Vice-president
Tanja Müller

SANCTIONS REGULATION

Art. 1 Purpose

This regulation identifies infringements of the rules, breaches of conduct and sportsmanship during regattas, and defines the sanctions applicable to them. Are taken into consideration, in particular:

- repeated protests, raised on purpose
- protest with false testimony
- team navigation
- sabotage
- a protest during which violence is used
- bad conduct on land and in the organizing club
- interference of club coaches, parents or their representatives on the regatta course
- bad behaviour on the ground of club coaches, parents or educators.

The central Committee may also take sanctions against a member of SWISS OPTIMIST who violates the statutes, regulations and decisions of SWISS OPTIMIST, harms the interests of SWISS OPTIMIST or those of the sailing sport, or who does not respect his financial obligations towards SWISS OPTIMIST despite Warnings.

Art. 2 Infringement to the regulations

Violations of Regatta Rules according to ISAF¹ and SWISS SAILING regulations are sanctioned by the race committee or, during protests, by the jury.

Art. 3 Sanctions

There are 3 types of sanctions:

- warning
- suspension
 - for a certain number of regattas
 - for qualification for the World or European championships
 - for a specific time
- exclusion of SWISS OPTIMIST.

A suspension can only be pronounced if it has been preceded by a warning.

Art. 4 Warning

In agreement with the Regatta Officer, the President of SWISS OPTIMIST may, at the request of a member of the committee, give a warning.

The warning must be communicated by telephone or electronically to the interested party within 48 hours following the end of the regatta. The interested party must receive the

¹ World Sailing since 2015

reasoned warning in writing within 10 days. A copy of the warning goes to the parents or their legal representative.

Art. 5 Suspension

At the request of a member of the SWISS OPTIMIST central Committee, the Committee may pronounce a suspension. The suspension must be communicated to the interested party by telephone or electronically within 4 days following the end of the regatta. The person concerned must receive, within 10 days, in writing, the reasoned notification concerning the suspension. A copy of the suspension letter goes to the parents or their legal representative, to the club of the person concerned as well as to the SWISS SAILING secretariat.

Art. 6 Exclusion

The exclusion of SWISS OPTIMIST can only be pronounced by the general assembly in accordance with the statutes of SWISS OPTIMIST.

Art. 7 Right of objection

The person concerned may object to the committee within 10 days following receipt of the written notification of suspension. Within 20 days, upon receipt of the objection request, the committee makes a final decision.

The interested party and the people involved have the right to take part in the committee meeting, to defend their point of view.

Art. 8 Retroactive effect of the objection

If in the meantime regattas take place, the person concerned can take part, as long as the final decision has not been taken. If the suspension is confirmed, its results will be removed from the ranking

Art. 9 Statutes de SWISS OPTIMIST

These regulations form an integral part of the statutes of SWISS OPTIMIST.

Neuchâtel, on the 19th November 2000

The president
Peter Gebistorf

The secretary
Heidy Künzle