Racing Rules of Sailing

Rule 69

A joint submission from the Chairmen of the Constitution Committee, Race Officials Committee and Racing Rules Committee

Purpose or Objective

To update rule 69 based on experience since a new rule 69 was introduced in 2013.

Proposal

1. Rule 69 is updated to achieve the following:
   (i) The reintroduction of a rule of misconduct that applies to supporters, as defined within the rule to include coaches, parents, guardians etc.
   (ii) A clarification of some procedures to be applied by protest committees at events. Specifically to provide for a person to present the allegation and for the person defending an allegation to be advised or represented by a person present throughout the hearing.
   (iii) The inclusion of warnings given as a result of a breach of rule 69 to be reported to the MNA or ISAF.
   (iv) The removal of current rules 69.3 and 69.4 from the RRS, the actions by MNAs and ISAF after the event, and put them into a new ISAF Regulation (to be circulated in draft as a supporting paper.)

2. To include in the new Regulations a provision that when the protest committee is an International Jury appointed by ISAF, a report of a breach of rule 69 shall be submitted directly to ISAF and not to any MNA. Appropriate MNAs will be invited to make submissions to ISAF before any further action is taken.

3. Amend rules 69.1 and rule 69.2 as follows:

   69 ALLEGATIONS OF GROSS MISCONDUCT

   69.1 Obligation not to Commit Gross Misconduct by Competitors

   (a) A competitor shall not commit gross misconduct, including a gross breach of a rule, good manners or sportsmanship, or conduct bringing the sport into disrepute. Throughout rule 69, ‘competitor’ means a member of the crew, or the owner, of a boat.

   (b) An allegation of a breach of rule 69.1(a) shall be resolved in accordance with the provisions of rule 69 69.3 and ISAF Regulation xx.
69.2  Obligation not to Commit Gross Misconduct by Supporters

(a) A supporter shall not commit gross misconduct, including a gross breach of a rule, good manners or sportsmanship, or conduct bringing the sport into disrepute. Throughout rule 69, ‘supporter’ means any person who provides physical or advisory support to a competitor, including a coach, a parent or guardian and a person gathering data that may be used at a later time.

(b) By entering an event governed by the Racing Rules of Sailing, a competitor accepts the responsibility of ensuring their supporters are familiar with the provisions of the Racing Rules of Sailing and agrees to be bound by them.

(c) A supporter, by rendering assistance, or a parent or guardian by permitting their child to enter a race, agree to be bound by these rules.

(d) An allegation of a breach of rule 69.2(a) shall be resolved in accordance with the provisions of rule 69.3 and ISAF Regulation xx.

3. Delete rules 69.3 and 69.4 and replace with:

69.3  Action by a Protest Committee at the Event.

(a) When a protest committee, from its own observation or a report received from any source, believes that a competitor may have broken rule 69.1(a) or supporter may have broken rule 69.2(a), it may call a hearing. If the protest committee decides to call a hearing, it shall promptly inform the competitor, or supporter in writing of the alleged breach and of the time and place of the hearing. If the competitor or supporter provides good reason for being unable to attend the hearing, the protest committee shall reschedule it.

(b) If the competitor or supporter does not provide good reason for being unable to attend the hearing and does not come to it, the protest committee may conduct it without the competitor or supporter present.

(c) A protest committee of at least three members shall conduct the hearing, following the procedures in rules 63.2, 63.3(a), 63.4 and 63.6 except that:

(i) a person may be appointed by the protest committee to present the allegation and have the same rights as would a party to a protest.

(ii) a person defending an allegation under this rule shall be entitled to have an adviser present throughout the hearing who may represent the defendant.

(d) The standard of proof to be applied is the test of the comfortable satisfaction of the protest committee, bearing in mind the seriousness of the alleged misconduct, that rule 69.1(a) or 69.2(a) has been broken. However, if the standard of proof in this rule conflicts with the laws of a country, the national authority may, with the approval of ISAF, change it with a prescription to this rule.
(e) **If the allegation or any part of the allegation is upheld the protest committee may issue a warning or impose a penalty, which may be:**

1. **Exclusion from the event.**

2. **Disqualification from one, more or all races, which scores shall not be excluded from the boat’s series score.**

3. **Taking other action within its jurisdiction. These actions may be, but not limited to, those defined in the sailing instructions or rules of the event venue.**

(f) **If the protest committee issues a warning or imposes a penalty, it shall report its findings, including the facts found, its reasons and decision to the appropriate national authority or ISAF as required by the ISAF Regulations who may impose a further penalty, including suspension of eligibility, as provided in the ISAF Regulations.**

**Current Position**

See current rule 69.

**Reasons**

1. The moving of matters relating to ISAF and MNAs to Regulations will enable them to be kept up to date. This is very difficult within the RRS. It will also enable a consolidation and consistency to be achieved with other Regulations governing disciplinary matters, such as those applicable to Race Officials.

2. The introduction of new RRS 69.2 will re-introduce to the RRS matters relating to the behaviour of coaches and supporters. These were removed in the 2013-2016 edition of the RRS and that been cause for considerable concern. The matter of binding coaches and supporters to this rule is work to be continued.

3. There are a number of procedural matters at the protest committee hearing that differ from other hearings. These hearings are not protests and so there is no protestor. It is not currently clear if the person making an allegation has the right to be present. The proposed rule also includes the right of a person against whom allegations are made to be represented and/or advised throughout the hearing.

4. Currently all penalties imposed under RRS 69 are reported to the MNA before being considered by ISAF. At the very highest level, many MNAs have a conflict of interest when dealing with such matters. For example, should a penalty be imposed on a competitor at an Olympic Qualifying event, there is a clear conflict of interest if an MNA is required to decide if it is appropriate for that competitor to be available to compete in the Olympic Games. Therefore the new Regulation will remove the direct report for action by the MNA for specific events. Instead, the Regulation will include a provision that ISAF would invite submissions from the relevant MNAs as part of the process to decide if further action is appropriate.
5. Currently, warnings under RRS 69 are not reported, although a warning is only given when a breach of RRS 69 being upheld. In theory, a person could receive an unlimited number of such warnings. It is not desirable that such a person is never penalised.

6. A number of changes with the intention of clarification of the existing RRS 69 are included, such as setting out possible penalties as a list and permitting the SI among other documents to set out penalties that may be applicable to individual events.