Racing Rules of Sailing

Rule 64.4(b)(2)

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To clarify and improve the current situation dealing with misconduct of support persons, to simplify procedures and avoid lengthy hearings to issue a warning Proposal

Proposal - Option 1:

Change rule 64.4(b) to:

The protest committee may also penalize a boat that is a party to a hearing under rule 60.3(d) or 69 for the breach of a rule by a support person by changing the boat’s score in a single race, up to and including DSQ., when the protest committee decides that

1. the boat may have gained a competitive advantage as the result of the breach by the support person, or
2. the support person committed a further breach after the competitor has been warned by the protest committee warned the boat in writing, following a previous hearing, that a penalty may be imposed. It shall only do so if the boat may have gained a competitive advantage, or the protest committee decides that there is not a sufficient penalty that can be imposed on the support person to deter the conduct.

Proposal - Option 2

Change 64.4(b) to:

The protest committee may also penalize a boat that is a party to a hearing under rule 60.3(d) or 69 for the breach of a rule by a support person by changing the boat’s score in a single race, up to and including DSQ., when the protest committee decides that

1. the boat may have gained a competitive advantage as the result of the breach by the support person, or
2. the support person committed a further breach after the competitor has been warned by the protest committee warned the boat in writing, following a previous hearing, that a penalty may be imposed, the support person committed a further breach and the finding that the support person previously broke a rule was posted on the notice board before the further breach.
Proposal - Option 3

Change 64.4(b) to:

The protest committee may also penalize a boat that is a party to a hearing under rule 60.3(d) or 69 for the breach of a rule by a support person by changing the boat’s score in a single race, up to and including DSQ, when the protest committee decides that

(1) the boat may have gained a competitive advantage as the result of the breach by the support person, or

(2) the support person committed a further breach after the competitor has been warned by the protest committee warned the boat in writing, following a previous hearing, that a penalty may be imposed. The support person committed a further breach after the protest committee warned the boat in writing that a penalty may be imposed. A hearing is not required to issue such a warning.

Current Position

As above.

Reasons

1. The current rule does not work well in practice, and is a cumbersome procedure where the competitors either do not come to the hearing, or where they spend unnecessary time at a hearing simply to be given a warning. As a matter of course a notice is given to a competitor after a finding support that a person broke a rule.

2. Option 1 is the simplest and gives the most power to the protest committee. It solves the problem where the support person is needed on the water for safety reason and there is no effective sanction against the support person, other than a sanction against the competitor. For example, the jury decided at the Optimist Worlds that it would not exclude any coach from going on the water. No other sanction was available. A very mild sanction on the competitor, such as a one point penalty would immediately have the desired deterrent effect on coaches.

3. In the alternative it is preferable that once there is a finding that a support person broke a rule, it shall follow as a matter of course that a support person can be penalized, without the need to have a competitor at a hearing simply to issue a warning. The additional administrative burden to post an additional warning on the notice board should also be avoided.