

Judges Manual

January 2021



Preface

This manual is designed to be a learning tool for judges who are gathering knowledge and experience with the aim of becoming International Judges. It also should be a reference guide for existing International Judges, with the aim of contributing to consistency in judging all over the world.

Since our sport is constantly evolving, this Manual must be a living document that is kept up to date. Contributions for improvements and new subjects showing current practice, are welcome. Updated versions will be posted on the World Sailing website as changes and additions are made.

The January 2021 version reviewed all chapters, with revisions and updates to most, elimination of some material, and introduction of new material. All references to the Racing Rules of Sailing were updated to the 2021-2-24 version and Regulations of World Sailing were updated to the version with changes approved in November 2020.

We thank the International Judge instructors, the International Judges Subcommittee and other International Judges who contributed to this version of the Manual.

Andres Perez, Chairman
World Sailing International Judges Sub-Committee
January, 2021

Note of usage:

For clarity and brevity, this manual uses the feminine gender in the historical sense when referring to a boat and the masculine gender when referring to a person.

However, the members of the judging community have found that a person's gender plays no part in determining his or her abilities

World Sailing Judges Manual, 2021

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A Race Officials at Events - Terminology

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A.1 Introduction

The primary role of a judge in sailing is to ensure that the competition is governed by the racing rules of sailing and the policies of World Sailing as the international governing body. The role is unique in many ways. First, a judge is required to determine disputes between competitors. To do this, and to be seen to be doing it fairly and according to the rules, a judge must be thoroughly familiar with the *Racing Rules of Sailing* and any other rules that govern the event, including Class rules, World Sailing Codes, the IRPCAS or any national prescriptions.

Second, a judge is often called upon to assist in many other critical aspects of a regatta, such as reviewing the notice of race and sailing instructions, deciding issues of measurement and rating rule compliance issues, watching for rule infringements, enforcing propulsion rules on the water, and much more.

Last, and by no means of least importance, a judge is asked to make decisions concerning the fairness of the competition. To do these things well is a challenging and sometimes difficult task.

People who work to acquire the necessary knowledge and experience to accept this responsibility make a large contribution to our sport.

This chapter begins with terminology and descriptions of the race officials who serve our sport, explaining the functions that they serve. The chapter then describes the World Sailing process for the appointment of International Judges.

A.2 Meaning of Terms

Racing Rules of Sailing (the rules or RRS)

The rules used for racing under the jurisdiction of World Sailing.

World Sailing Codes

These World Sailing Regulations have the status of a rule:
Advertising Code
Anti-Doping Code

Betting and Anti-Corruption Code
Disciplinary Code
Eligibility Code
Sailor Categorization Code

They are not included in the *Racing Rules of Sailing* because they can be changed at any time during the four-year publishing cycle of the rules. Changes are posted on the World Sailing website at www.sailing.org and through member national authorities.

Case Book (the Cases)

World Sailing publishes *The Case Book* based upon appeals and questions submitted to the Racing Rules Committee. They clarify the meaning of a rule or answer questions about conflicting interpretations.

The rules, changes to the rules, and Cases are approved by the World Sailing Racing Rules Committee on behalf of the Council. The Regulation on Racing Rules Administration indicates that the *Racing Rules of Sailing* and World Sailing Cases are authoritative interpretations and explanations of the rules for all racing. Judges are required to follow World Sailing rules and Cases when interpreting the rules.

Question and Answer (Q&A)

The World Sailing Racing Rules Q&A are published on the World Sailing website as a joint responsibility of the Racing Rules Committee and Race Officials Committee.

Q&A is intended to provide a service to Race Officials, Member National Authorities and World Sailing Class Associations, who may submit questions through World Sailing concerning the *Racing Rules of Sailing* (RRS). The answers are not authoritative interpretations and explanations of the RRS but represent an important service by providing carefully considered opinions of experienced Race Officials.

These Q&As are further considered for inclusion in the World Sailing Case Book and the Call Books for Match Racing and Team Racing as part of the continual process of updating the rules every four years.

This service is not to be used as a substitute appeal process but is simply to provide considered opinions on questions on the RRS.

World Sailing

The international body governing the sport of sailing is World Sailing. It comprises member national authorities, class associations, and other affiliated organizations. Among the many responsibilities and programs of World Sailing is the training and certification of International Race Officials, which include International Judges, Umpires, Race Officers, Measurers, Classifiers and Technical Delegates.

National Authority

The national authority is the organization that governs the sport of sailing within its jurisdiction. It is a member of World Sailing as well. Many national authorities have additional responsibilities, such as cruising and powerboat racing.

National authorities often prescribe additional rules to the racing rules. These prescriptions are included as rules governing sailboat racing within the jurisdiction of the national authority by the Sailing instructions. They are rarely invoked for international events, although some national authorities prescribe that some of their prescriptions shall not be deleted.

Most national authorities appoint a committee to hear appeals by boats or race committees against decisions of protest committees. Appeal procedures vary from country to country through their prescriptions. The highest appeal authority is the national authority under whose jurisdiction the event is held. World Sailing does not hear appeals.

National authorities may submit appeals that they think clarify or help interpret a rule to the World Sailing Racing Rules Committee. If the Committee believes the appeal is beneficial to help understand the rules, it will accept the appeal as a World Sailing Case.

Organizing Authority

The body that plans and runs the event is the organizing authority. It may be a club, a class association, a national authority, World Sailing itself, or a combination of any of these. The organizing authority appoints the race committee. The organizing authority or World Sailing appoints the protest committee or international jury.

Race Committee

The race committee is the committee appointed by the organizing authority to conduct the races. It is responsible for publishing the Sailing instructions and for scoring races. When the organizing authority has not appointed a protest committee or international jury, the race committee is responsible for appointing a protest committee to conduct hearings. Members of the race committee may sit on the protest committee. However, in the hearing of a request for redress alleging an improper action or omission of the race committee, the protest committee should be independent of the race committee because of potential conflicts of interest. If this is not possible, the protests committee shall take into account the conflict of interest and follow the rules to determine how to proceed. A member of the race committee may not serve as part of an international jury constituted in accordance with Appendix N.

Protest Committee

The protest committee hears protests, requests for redress and reopening, allegations of misconduct and reports that a support person may have broken a rule. It is appointed by the organizing authority or race committee. It may be

A.3

independent of the race committee or a subcommittee of the race committee. It may, when meeting the requirements of Appendix N, qualify as an international jury.

International Jury

An international jury is a protest committee that meets the requirements of rules 91(b) and Appendix N. It is appointed by the organizing authority and subject to approval by the National Authority if required under their Prescriptions. It is completely independent from the race committee and the technical committee and has no members from these committees.

An international jury is composed of experienced sailors with excellent knowledge of the racing rules and extensive protest committee experience. Its membership is made up of people from different member national authorities, the majority of whom shall be World Sailing certified International Judges. Provided that it conducts itself in accordance with the procedures described in Appendix N, as stated in rule 70.5, its decisions shall not be subject to appeal.

The responsibilities of an international jury include hearing and deciding all protests, requests for redress, and other matters arising under the rules of Part 5. When asked by the organizing authority, the race committee or technical committee, it also advises and assists them on any matter directly affecting the fairness of the competition. It decides questions of eligibility, measurement or rating certificates, and authorizes the substitution of competitors, boats or equipment under the rules. The international jury also decides matters referred to it by the organizing authority, the race committee and the technical committee.

Technical Committee

The technical committee is appointed by the organizing authority or the race committee of an event to conduct equipment inspection and event measurement as directed by the organizing authority and as required by the RRS. Its functions may include measuring boats and checking compliance to the class rules before the start of the competition and carrying out checks (such as sails set within black bands, distribution of ballast, weight of clothing etc.) during the competition.

If during a hearing the protest committee is in doubt about the meaning of a measurement rule, it shall refer the question, together with the relevant facts, to an authority responsible for interpreting the rule, and is bound by the authority's decision. The Class Rules Authority is the body that provides final approval of the class rules, their changes and class rule interpretations. Class rule interpretation procedures are defined in World Sailing Regulation, World Sailing Class Associations, unless otherwise provided for in the WS-Class agreement defined in the Regulation. See also the paragraphs on measurement protests in the section The Hearing in this manual.

Judge, National Judge, International Judge

The term 'judge' is used to describe a member of a protest committee. The title 'National Judge' is given to a suitably qualified person by a national authority that runs a program to train national judges. The title 'International Judge' is given by World Sailing to a person who meets the criteria set out in the World Sailing Regulations.

Umpire, National Umpire, International Umpire

An umpire is a judge who makes decisions on the water and may impose penalties during a match or team race or umpired fleet race. Umpiring is usually governed by the highly modified rules of Appendix C – Match Racing Rules and the authoritative World Sailing Match Racing Call Book, or, in the case of umpired fleet racing, by Addendum Q, available on the World Sailing web site. Umpires may constitute the protest committee during match racing and team racing events and conduct hearings if necessary.

A.3 World Sailing Race Officials

World Sailing created the International Judges Program in 1981 to meet three perceived needs of competitors: first, the need to identify knowledgeable and experienced individuals to sit on protest committees at world championships and other high-profile events; second, the need to ensure that a protest committee at these international events reflects the diverse nationalities and sailing cultures of the competitors; and third, the need to determine the results by the end of the regatta.

Since then, World Sailing has expanded from the judge training and certification program to include measurers, umpires, race officers, technical delegates and classifiers. Training and certification of race officials for sailing and administering the Racing Rules of Sailing are recognized as the core purposes of World Sailing.

The World Sailing Race Officials Administration Regulation describes the governance of race officials. Race Officials programs are administered under the authority of the Race Officials Committee. The International Judges program is administered through its Sub-committee, the International Judges Sub-committee. Its responsibilities and terms of references are stated in the World Sailing Regulation, Committees. Regulations and current updates are available at <https://www.sailing.org/documents/regulations/regulations.php>

A.4 Applications for (Re-)Appointment as International Judge

World Sailing Race Regulation, Race Officials Administration, describes the governance of race officials. The requirements for appointment as an International Judge, along with the application procedure, are presented in World Sailing Regulation, Officials, and in the World Sailing publication 'Race Official Roles, Qualifications and Competences', the Application Document for World Sailing International Race Officials.

Resource papers for becoming an International Judge are available at

http://www.sailing.org/raceofficials/internationaljudge/become_a_judge.php

The specific qualifications required for a candidate applying to become an International Judge can be found in the most recent versions of the Regulation, Officials and the World Sailing publication, 'Race Official Roles, Qualifications and Competence'.

In preparation for the International Judges test, candidates are encouraged to review the list of English words that are used in the test.

To evaluate whether the events where one has served are considered to be Principal Events, also consult 'Race Official Roles, Qualifications and Competences'.

The first-application package for International Judges is available on-line at http://www.sailing.org/raceofficials/internationaljudge/become_a_judge.php

World Sailing contacts International Judges during the year in which they are due to renew their certification, sending them the application package for renewal.

A.5 References for First International Judge Applications

First-time applications must be supported by references describing the judge's performance at an event. Prior to the event, the applicant must request the jury chairman for the event to provide the reference. The jury chairman will complete the reference over the course of the event and submit it to World Sailing. There is an Event Reference Manual for the Applicant and an Event Reference Manual for the Referee to guide this process. They describe the requirements and timelines for these references. They are available on the World Sailing website at:

http://www.sailing.org/raceofficials/internationaljudge/become_a_judge.php

Guidance for the Candidate and the Jury Chairman on References

At the conclusion of the event the jury chairman will complete the form at the event, discuss the assessment with the applicant, and submit it immediately to World Sailing at raceofficials@sailing.org.

The jury chairman should be aware of the Guidance for the Jury Chairman.

The applicant is entitled to a copy of the form, which may be requested directly from the jury chairman or the World Sailing office once it is received.

B Qualities and Skills of an International Judge

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B.1 Code of Behavior

World Sailing International Judges are among the most exposed officials of the sport. It is therefore essential that judges behave with the highest degree of competence, propriety, and integrity. A judge should never do anything that may bring the sport into disrepute.

Specifically, International Judges are expected to:

- maintain a high level of understanding and application of the racing rules, cases, procedures, and World Sailing policies;
- ensure that each decision is based upon the rules and principles of fairness and objectivity, is made with care, and without prejudice;
- uphold the confidentiality of protest committee deliberations during and after the regatta;
- be polite, courteous, open-minded, and patient with colleagues, competitors, regatta officials, team officials, coaches, support persons and hosts;
- respect cultural differences in colleagues, competitors, regatta officials, team officials, coaches, support persons and hosts;
- declare any conflict of interest before accepting a protest committee invitation, and thereafter, declare any change of circumstance that might become a new conflict of interest. (See World Sailing Regulation – Conflict of Interest);
- plan to arrive at the event on time and remain until after the last protest issues are resolved;
- incur only expenses that are necessary, and when expenses are reimbursed, claim only legitimate and essential out-of-pocket costs, unless any other arrangement has been agreed with the organizing authority;
- be on time and wear appropriate clothing on the water and ashore;
- refrain from smoking in the protest committee room, other buildings and areas on the regatta site where smoking is prohibited and while judging on the water;
- abstain from consuming alcohol before or during a hearing and while afloat. Even if a meal is eaten before the hearings, alcohol must be avoided. Judges must never become inebriated during an event.

A judge who does not practice this code of behavior risks the termination of his appointment.

B.2 Conflict of Interest

In the context of race officials serving at a regatta, a conflict of interest exists as stated in Definition 'Conflict of Interest' in the Racing Rules of Sailing.

World Sailing has published documents that Race Officials should consult to determine if they have a conflict of interest with regard to serving at a regatta. They are available on the World Sailing website at:

www.sailing.org/raceofficials/conflict-of-interest.php

- Racing Rules of Sailing, Definition 'Conflict of Interest'
- World Sailing Regulation - Conflict of Interest
- World Sailing 'Race Officials Committee Guidelines for Assessing a Conflict of Interest for Race Officials'
- Constitution Committee interpretations

B.3 Fitness to Serve

International Judges are expected to provide the services that are needed at the type of event where they serve. Before accepting an invitation, it is your responsibility to understand the requirements of the event and your ability to perform the necessary functions. There is a range of activities expected of a judge, not all of which are necessary at each event.

Function at the event	Necessary skills
Hearings	<ul style="list-style-type: none">• reading, writing and speaking with the appropriate terms, typically in English• adequate vision and hearing, aided if necessary• strong reasoning ability and memory for rules analysis and making decisions• assessing and writing both facts and decisions for protests and requests for redress• writing allegations and decisions for rule 69 hearings
Going afloat	<ul style="list-style-type: none">• operating small powerboats• mobility necessary to transfer from dock to boat and from boat to boat (sea legs)• agility to maintain one's balance afloat• boat positioning to observe racing without interfering, considering the sailing characteristics of the class of boats• use of appropriate communication protocol on VHF (often a license is required) and private-channel radios• physical fitness to spend long days afloat in any conditions• physical fitness to rescue partner from overboard

Function at the event	Necessary skills
	<ul style="list-style-type: none"> concentration to follow the race and record any issue that might affect the race or result in a hearing
Judging rule 42 under Appendix P	<ul style="list-style-type: none"> see above 'Going afloat' a thorough understanding of rule 42, class-specific common kinetics, and the procedures for Appendix P knowledge of class-specific changes to rule 42 boat positioning for judging kinetics while minimizing the inconvenience to racing boats
Going Afloat with Fast Fleets	<ul style="list-style-type: none"> see above 'Going afloat' ability to withstand fast trips throughout the course, in any conditions continued vigilance for fast-approaching boats and boats that could gybe or tack onto a collision course with you
Windsurfers/Kiteboards	<ul style="list-style-type: none"> see above 'Going afloat' knowledge of rule changes in relevant Appendix Knowledge of specialized routes for driving the course
Oceanic / Long-distance Races	<ul style="list-style-type: none"> thorough understanding of IRPCAS and WS offshore Special Regulations knowledge of navigation calculations, tracking systems, etc. modified protest procedures discretionary penalty system (time, stop, stay)
Direct Judging and Umpiring	<ul style="list-style-type: none"> see above 'Going afloat' a thorough understanding of the fleet umpiring rules and procedures that are in effect boat positioning for umpiring medal races and for direct judging of fleet racing making rapid decisions on breaches of Part 2 of the rules see above 'Judging rule 42 under Appendix P', if appropriate
Umpiring radio sailing	<ul style="list-style-type: none"> a thorough understanding of Appendix E and its procedures making rapid decisions on breaches of Part 2 of the rules physical fitness necessary to stand and move along the pier for long days of competition spending long days outdoors in any conditions

Judges must assess their own competencies realistically when deciding if they can comply with all the requirements necessary to serve at an event. Accepting an invitation to an event when they cannot serve properly, will affect the rest of the protest committee and, eventually, the competitors. The self-assessment table below helps judges evaluate their abilities relevant to requirements of different kinds of events:

Requirements of the Event	Level of My Abilities		
	Not Yet / Not Now	Developing	Competent
Hearings			
Going Afloat			
RRS 42 Appendix P			
Direct Judging			
Fast Fleets			
Windsurfers			
Kiteboards			
Radio sailing			

As one's capabilities might change over time, the type of event that one is suited to judge may change as well. This means that the type of event that you could judge might change over the course of your career. Therefore:

- if you have temporary or permanent physical or cognitive limitations, do not accept the invitation if you cannot fulfill the required protest committee functions;
- if you have special needs that require accommodating, inform the chairman of the protest committee or the representative of the organizing authority who takes care of officials, prior to accepting the invitation;
- if you are billeted in a private home, inform the organizers if you have allergies to any pets or tobacco smoke, etc. or if you have mobility restrictions;
- if you have dietary restrictions, inform the organizers before your arrival.

B.4 Allegation of Inadequate Conduct or Competence

World Sailing Regulation, Disciplinary, Appeals and Review Codes, provides for reports alleging inadequate conduct or competence of a World Sailing Race Official to be submitted to the Chief Executive Officer of World Sailing. When such a report is received, World Sailing uses the procedure in its Regulation, Race Officials Performance, to consider the allegations. Procedures for investigation if necessary, and possible decisions and sanctions if appropriate, as well as the appeal process available to the Race Official, are described in this Regulation.

C Protest Committee

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C.1 Introduction

The extent and level of judging services that an organizer should provide to competitors depend on the type of event. Services range from a protest committee of knowledgeable club members at a sailing club appointed by, the local race committee or club, to a non-appealable international jury at high-profile events appointed or approved by World Sailing. In most cases, the judge with the most experience, often a National Judge or International Judge, is asked to chair the protest committee and accept the responsibility to ensure that the rules and procedures are followed.

C.2 Conflict of Interest

Before accepting an invitation to a regatta, a judge should determine whether he has, or might be perceived as having, a conflict of interest. If so, he should contact the protest committee chairman to determine whether, considering the level of the competition and of the conflict, it is sufficiently significant to prevent him from accepting the invitation. If there is doubt, the judge or protest committee chairman may consult World Sailing.

Rule 63.4(d) does not permit a person with a conflict of interest to be a member of a protest committee at World Sailing major events.

In addition, World Sailing Regulation Conflict of Interest requires a World Sailing certified Race Official who is aware of a conflict of interest to decline an invitation to serve at a regatta at which an international jury is appointed.

During the regatta rule 63.4 guides judges to determine whether they might have a conflict of interest related to a protest or request for redress, and to declare it as soon as they are aware of it.

C.3 Composition

In the majority of cases, the organizing authority appoints the members of the protest committee. In regattas such as a world championship, this decision is often made between the organizing authority and the class association. The only exceptions occur at specific events for which World Sailing is responsible for appointing the protest committee such as the Olympic Games, and other championships (see World Sailing Regulation Olympic Sailing Competition, and Regulation World Sailing and Other Events). While the chairman of the protest committee is often asked to send out the invitations to recruit members of the protest committee, he does so on behalf of the organizing authority or race committee.

When making up the protest committee, consider the type of boats and kind of racing. At least one of the members of the protest committee should be fully conversant with the boats being sailed, and the rules and traditions of the class or type of event. The protest committee at a windsurfing regatta will face different questions than at a one-design world championship or an offshore race.

It is useful, where possible, to include one member who also has an intimate knowledge of the local conditions.

At an open event in which sailors come from other clubs, it is desirable that the organizing authority appoint a protest committee, usually with three members who are independent of the race committee. To avoid an appearance of favoritism, prejudice or conflict of interest, this protest committee could be made up of members from different clubs. To ensure a higher level of experience and knowledge, many national authorities have a program to train and certify individuals as national judges. Some national authorities require that at national events, the membership of a protest committee includes a majority of national judges.

If Appendix P is used for on-the-water judging of rule 42 Propulsion, the majority of the protest committee members should be experienced in this specialist type of judging. This is especially important when observers are appointed in this role.

In the case of an international jury, there is often room for one or two experienced national judges who would benefit from the experience. The jury chairman may delegate to a jury member the task of assisting them in developing the necessary skills on their path to become an International Judge.

C.4 No Appeals Juries and International Juries

The rules give parties the right to appeal a protest committee's decisions or its procedures. However, the rules also set out conditions under which the right of appeal may be denied. Most frequently, this is done through the appointment of an international jury that conforms with Appendix N. In addition, rule 70.5 makes two other provisions for permitting the denial of appeals. In these two cases, care must be taken to obtain the necessary permissions and in the selection of the members of the protest committee to comply with all requirements of the rule.

Some of the guidance provided for international juries is also useful to protest committees that have been granted the status of no appeals.

The two key persons to the success of an international jury are the chairman and vice-chairman. In order that the protest committee be seen as independent, it is best that the chairman is well known and respected by the competitors, and preferably not of the same nationality as the country in which the event is taking place. The 'local' vice-chairman is then given the responsibility and authority for pre-regatta administrative and organizational duties.

Since the regatta organizers usually know the 'local' judge, he is often the first asked to help organize the protest committee. At this point the 'local' judge should explain how the protest committee will be more easily seen as independent if a non-national is the chairman and he is the vice-chairman. He should also offer to help recruit a qualified judge from a different National Authority to act as chairman, and with the chairman, recruit the remaining members of the protest committee.

Appendix N states the requirements for an international jury to be properly constituted. The National Authority Groups are shown in the World Sailing Constitution. A protest committee member's nationality does not create a significant conflict of interest (rule N3.1).

Since a protest committee constituted as an international jury is independent of the race committee and technical committee, no member of the protest committee may also be a member of the race committee or technical committee.

When a full international jury or panel is reduced to three or four members because of illness or emergency, the organizing authority is required to make a diligent attempt to find a qualified replacement (rule N1.5).

C.5 Approval by a National Authority of the Composition of the International Jury

Some national authorities, under their prescriptions, require approval for the appointment of an international jury. When approval is required, the organizing

authority is usually required to submit details of the event with the names of the proposed chairman and members of the jury.

Rule N1.8 requires that when the national authority prescribes that its approval is required for the appointment of an international jury (see rule 91(b)), notice of its approval shall be included in the Sailing instructions or be posted on the official notice board.

C.6 Approval by World Sailing of a Three-Person International Jury

In limited circumstances under rule N1.7, World Sailing may authorize an international jury of only three members, all of whom are International Judges, from three different national authorities (two, in Groups M, N and Q). Application is made to World Sailing based on Regulation World Sailing and Other Events.

C.7 Responsibilities

The main duty of the appointed protest committee or international jury is to conduct hearings for protests, requests for redress, reports regarding support persons, and to write allegations and hold hearings under rule 69. Its responsibilities may be extended to include on-the-water judging of rule 42 and monitoring rule compliance. When requested, the protest committee will provide advice to the race committee or the organizing authority, and help to resolve problems that occur at regattas.

C.8 Additional Responsibilities of International Juries

The main duties of an international jury are the same as for a protest committee. However, in practice, the higher the regatta level the more pressure on the judges, organizers, and competitors. Since there is no right of appeal from a protest committee formed by an international jury, the reputation of sailing rests upon the regatta's international jury making correct and fair decisions.

When asked by the organizing authority or race committee, an international jury has the responsibility to advise and assist them on any matter directly affecting the fairness of the competition. At these events the international jury are often asked to decide questions of eligibility, measurement, boat certificates, and to authorize the substitution of competitors, boats, sails, and equipment (see rule N2). Members of the international jury need to be familiar with the requirements in Appendix N.

C.9 Procedures

Decisions of the protest committee are by a simple majority vote of all members. Where there is an equal division of votes cast, the chairman may cast an additional vote.

C.10 International Jury Panels

The requirements for a panel of fewer than five members to hold a hearing are outlined in rule N1.4(b). The panel requires three judges from different MNAs, two of whom must be International Judges. Parties must be told that you are a panel of the international jury.

If a party is dissatisfied with the decision of a panel, except concerning the facts found, they are entitled to a hearing with a full international jury. In practice, this means that the international jury will review the procedures used in the original hearing. They will then focus on whether the conclusion and decision match the facts. This new hearing is not a reopening under rule 66. If the international jury decides that the panel might have made an error, they may decide to reopen the hearing.

C.11 Off-site Protest Committee Members

Appendix N outlines the requirements for international juries. Appendix M, which is advisory only, gives recommendations on how to conduct hearings. Even though neither requires all members of a protest committee to be physically present at hearings, this should be the normal situation. However, in some exceptional cases, the protest committee may still act adopting a remote hearing procedure, without having all the members physically together.

For example, it would make sense to proceed without the physical presence of one or all the members in the following situations:

- if a decision has to be made before the start of the event, e.g. about the eligibility or categorization of a sailor;
- if a decision has to be made after the event has finished, e.g. a complicated measurement protest that will take the technical committee several days;
- in oceanic races; or
- when a full jury, or a panel, has fewer than five members, because of illness or emergency, and no qualified replacements can be reasonably found, despite diligent attempts.

C.12 Off-site parties and witnesses

Rule 63.3 grants a party the right to be present throughout the hearing. It also permits the protest committee to proceed with the hearing if a party does not attend.

Best practice is to have all the parties and witnesses physically present during a hearing. However, there are some exceptional cases where the protest committee could offer them to attend the hearing by adopting a remote hearing procedure. Some examples are similar to those for off-site protest committees.

In general, if the protest committee decides that its members can be present through a remote system, they could allow the same for parties and witnesses.

C.13 Recommendations for Remote Hearings

The COVID-19 pandemic in 2020 has resulted in many more protest committees making use of video conferencing technology for hearings. We anticipate more developments as technology progresses, especially with advances in business meeting and education programs. What follows are the lessons learned up until this review of the Judges Manual to January, 2021. Since this is an evolving process, updates and improved systems will continue to be developed.

Remote hearings should be conducted with video conference systems and simultaneously transmitted to all the persons involved in the hearing. A video conference system is a program, protocol or device that uses the internet to transmit multimedia streams that include at least voice and video of the persons involved. Other streams may be included, like a video feed of the protest room table or a virtual whiteboard.

It is essential to have a strong broadband connection to make remote hearings work. This may require some pre-regatta assistance from the organizers. It is best if the protest committee has access to a strong WIFI network that is not shared broadly. It is the responsibility of parties and witnesses to have a strong internet connection available. A party or a witness using internet while driving in a car usually results in intermittent coverage at best.

It is easy to imagine a future when more hearings might be done over the internet with parties and judges in many different places. If present, the on-site protest committee member has a major role in setting this up. The following is a non-exhaustive checklist of his additional duties:

- Preparation of the hearing is a key component to making this system work. It will take more time than an in-person hearing.
- For hearings occurring during an event, pre-arrange a default time for hearings when you expect off-site persons to be available. Consider the time zones for all persons involved;
- Send copies of the request for hearing form and other documentation to the off-site protest committee members and parties;
- If the parties will use video evidence, try to get copies in advance to forward to the off-site protest committee members and parties;
- Make sure that all the parties and witnesses are alone in the room, without communicating with others.
- Make use of the waiting room function of the video conference platform to move witnesses in and out of the hearing and not listening to other evidence.
- Make sure everyone, both at the hearing and off-site, understands the procedures.

In some situations, a video conference remote hearing might not be possible, for example, during oceanic races. Only in this case should remote hearings be processed through emails. This process should be specified in the notice of race / sailing instructions as detailed in the section, Judging Oceanic and Offshore Races.

D Best Practice before and at the Event

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Before the Event

D.1 Pre-event Responsibilities of the Chairman

Before an event begins, the chairman and vice-chairman of the protest committee have a variety of tasks to perform or allocate, and items to check.

Although the chairman has no authority over an organizing authority, he has considerable influence if the relationship can be kept supportive. When possible, the chairman should tactfully ensure that the organizing authority is aware of its responsibilities with respect to the protest committee.

The main pre-event responsibilities fall to the chairman and vice-chairman, but if other members can help, the protest committee will be that much better prepared.

D.2 Communication with the Chairman and Vice-Chairman

Long before the event begins, the tasks of the chairman and vice chairman include:

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- reviewing the notice of race and the draft sailing instructions;
- if so required, assisting the organizing authority to choose the appropriate judges for the event;
- agreeing with the organizing authority on reimbursement of expenses and housing;
- communicating to the organizing authority the requirements of the protest committee for operations ashore and on the water;
- deciding and communicating the time of the first meeting of the protest committee;
- verifying if the organizing authority is using an online communication platform for sailors or race officials, and to what extent; and
- allocating other tasks and duties among the members.

D.3 Deciding on the Extent of the Responsibilities of the International Jury

Rule N2 lists the responsibilities of the international jury. Rules N2.2 and N2.3 list the additional responsibilities that may be given to the international jury, as required by the organizing authority.

An international jury is independent of, and includes no member of the race committee or technical committee. It does not oversee or direct the race committee. A prudent protest committee can suggest improvements and ideas about courses and other race committee matters to the principal race officer. If the decisions of the race committee then come into question in a redress hearing, the protest committee will be able to make an impartial judgment, since they were not involved in those decisions.

D.4 Reviewing the Draft Notice of Race and Sailing Instructions

The notice of race is, in effect, an agreement or contract between the organizers of the event and the competitors. The organizers set out the conditions under which they are prepared to run the event and competitors use the information to decide whether they will invest the time, effort, and money to attend.

It is therefore important that the notice of race contains the information necessary to enable a competitor to decide whether or not to compete in the event. Competitors need information on variations from the racing rules, advertising, eligibility (crew weight restrictions, nationality, measurement or rating certificates, etc.), type of courses, alternative penalties, scoring, and prizes, together with the other requirements of Rule J1. Appendix J and the notice of race and sailing instruction guides published on the World Sailing website should be used to review the notice of race and ensure that all the required information is covered, and that the standard wording is used for consistency and to prevent future problems.

If an online platform is used for competitors to access documents or to submit requests (hearing, scoring, crew or equipment substitution, etc.), the notice of race should mention the requirements to access the platform (e.g., a

smartphone with internet connection). Specific platform details can be specified later.

However, even after a thorough effort, changes to the notice of race may be necessary. Examples could include the harbor blocked by a vessel or available radio frequencies changed by government authority. In most cases competitors will understand and accept the change; but changes must be kept to a minimum.

Check the notice of race and the sailing instructions for any differences or omissions of the requirements of RRS Appendix J. If there is conflict between the notice of race, the sailing instructions or any of the other documents that govern the event, rule 63.7 instructs the protest committee to apply the rule that it believes will provide the fairest result for all boats affected when deciding any protest or request for redress. However, good practice is to amend the notice of race and/or sailing instructions as soon as the conflict is discovered.

Any change to the World Sailing Advertising Code requires careful review. Restrictions to advertising must be stated in the notice of race. Unless some form of alternative or discretionary penalty system is incorporated, the protest committee has no choice but to disqualify a boat after finding as a fact that she did not comply with a sailing instruction which includes the words 'boats shall' or 'boats shall not'.

The description of the starting and finishing lines and course instructions should be clear. If the members of the protest committee cannot easily understand them, then some of the competitors will be confused as well.

The chairman and vice-chairman of the protest committee and, if possible, the other members, should review the sailing instructions before the final draft is agreed upon. Members should send their comments to the chairman who reviews these before submitting them to the race committee. All members of the protest committee should review the final document so that any corrections can be suggested to the race committee before the competitors' briefing. However, last-minute changes should be limited to only those required to sail the regatta.

D.5 Allocating Tasks to Protest Committee Members

At least two weeks before travel, the chairman should contact other members of the protest committee to welcome them. The protest committee chairman should consider how the protest committee will operate, decide when the first protest committee meeting will be held and allocate and communicate tasks to the protest committee members. This will enable them to plan their travel well in advance and to come to the event well prepared. A brief draft agenda for the first protest committee meeting will help the less experienced judges who are then able to see the topics to be discussed and be well prepared to contribute to them.

These tasks will vary according to the type of event, and the size of the protest committee. At most events it is useful to establish a shared document repository

D.3

(e.g. Dropbox or Drive) with all the applicable rules, notice templates etc., protest committee member tasks, and information about any online systems that the protest committee will be expected to use at the event. The protest committee chairman should take account of the experience of each of the committee members, any requirement to conduct international judge reference assessments and local language considerations. It is good practice to ask committee members for their task preferences and, if possible, take these into account when allocating tasks.

Typical tasks for many events are:

Notice of race and sailing instructions. This task involves reviewing the notice of race, sailing instructions and other documents governing the event prior to the event. At the event, ensure that any amendments are made available to all members of the protest committee.

Liaison with the organizing authority. This task is usually performed by the chairman; however, local language considerations can sometimes make it more appropriate for the task to be allocated to a person who speaks the local language.

Liaison with the race committee. This task usually involves attending a daily meeting and communicating the intentions of the race committee back to the protest committee. Agree on which committee will post the protest time limits after racing each day. It may also involve the diplomatic communication of any issues that the protest committee decides should be drawn to the attention of the race committee. This task is sometimes allocated to a member who is also a qualified race officer.

Liaison with the technical committee. This task involves communications with the technical committee on issues of measurement and class rules that arise during the event.

Questions and answers. This task involves leading a subset of the protest committee in receiving written questions to the protest committee and preparing answers on the official notice board.

Hearing management. This task is to oversee the receipt of requests for hearing, schedule hearings and arbitrations as appropriate, and to ensure that all related notices are posted in accordance with the rules and that any changes to scores are communicated to the scorer. This task will vary depending on whether a jury secretary is provided by the organizing authority.

On-the-water assignments. If Appendix P applies, then on-the-water judge assignments are decided for each day. This needs to take account of any existing rotation policies, the experience of each judge and any international judge reference assessments being conducted.

Course chiefs. At events with multiple classes, one judge is assigned to each course to manage the on-the-water activities of the judges on the course and to communicate with the course race officer.

Rule 42 infringement schedules. If Appendix P applies, then this task involves gathering the infringements, posting them as required by the sailing instructions, and communicating any scoring changes to the scorer.

Boats. This task involves managing the on-the-water equipment assigned to the protest committee: boats, boat keys, on-water safety equipment, flags, docking and refueling arrangements. This is usually best allocated to a local judge who speaks the local language and understands local customs.

Notice board. This task involves ensuring that the event notice boards and websites are displaying the correct information in accordance with the rules and to ensure that any changes to the scores as a result of actions of the protest committee are in, and stay in, the results.

Tracking systems (including official video and data collection). If the event is using any of the above, then appointing a member to liaise with the team managing the tracking systems/video/data collection is recommended. Understanding the limitations or advantages of these systems is essential in any hearings where they are submitted as evidence.

Travel reimbursements. This task involves ensuring that all members of the protest committee submit their travel expense claims to the organizing authority, and that reimbursements are paid either at the event, or through an arrangement that is communicated to all.

Judge development. This is an optional but important task on larger protest committees and international juries where the range of experience among members is wide. It involves the organizing of an informal daily rules talks and discussion on a current topic. Examples of topics are rule 42, procedures relating to issues with support persons, recent rule changes, recent Q&A decisions; medal race umpiring if applicable, etc. These sessions, sometimes referred to as judge university, have proven to be of high value. The protest committee chairman would ask members of the protest committee to contribute to these sessions for ongoing education.

Social, lunch and water. This task involves ensuring that judges have lunches and waters to take afloat or have ashore, as suits the event, and making arrangements for evening meals.

Track good ideas for future regattas. Note all comments, changes to the SIs, changes to practices of the protest committee, and other procedures that

happened during the regatta. Work with the chairman to compile a post-regatta report.

Post-regatta report. The chairman compiles the post-regatta report including relevant ideas gathered throughout the event, to submit to the organizing Authority.

The list is a sample only, and some of the tasks will not apply at some events. All members would also normally be expected to attend an initial competitors' briefing, daily protest committee meetings and to be on hearing panels and conduct arbitrations when required.

At the Event

D.6 Arrival

The chairman will arrange with the organizing authority the arrival schedule for the judges, based on the regatta schedule. The more members who arrive during pre-racing activities, the better. At the latest, all members should be in attendance the day before racing commences, or that morning if racing begins in the afternoon. This allows for the competitors, regatta staff, race management and judges to get to know each other. It also enables the protest committee to be available to respond to questions about measurement or equipment inspection or the sailing instructions and other race documentation. If it is not practical for all members to arrive early, there should be at least a majority of the panel present including either the chairman or vice chairman.

D.7 World Sailing Jury Policy

The protest committee will use the most recent version of the World Sailing Jury Policy document and adapt it, if necessary.

https://www.sailing.org/raceofficials/internationaljudge/document_library.php

It is important that all judges know how they are to work as a team. The Policy document is divided into four sections.

The first section is published on the official notice board, so that the competitors know how the jury will act with respect to:

- Protests by the Jury for Incidents on the Water
- Outside Help
- Propulsion
- Requests for Redress, claiming race committee error in scoring a boat
- Requests for Redress – RS:X under B5.62.1(b)(1)
- Video and Tracking Evidence
- Observers at Hearings
- Rule 69

- Questions on Jury Procedure and Policy
- Use of Electronic Devices during Hearings

The second part focuses on internal policy:

- Answering Questions
- Jury Protests and Observation of Incidents on the Water
- Managing Observers
- Panel Decision Approval and Posting
- Permission to Withdraw a Protest
- Redress
- Redress Affecting the Rest of the Fleet

The third section is Discretionary Penalty Policy for competitors

- General
- Base Penalty Bands for Discretionary Penalties
- General Questions

The fourth section is Discretionary Penalty Policy for Support Persons & Boats General

- Base Penalty Bands for Discretionary Penalties
- Discretionary Penalties to a Boat
- Writing up the decision

D.8 The First Meeting of the Protest Committee

The purpose of the first meeting of the protest committee is to start molding the members into an integrated team. This first step in team building relies on giving each individual opportunity to voice their opinion with respect to any decisions and processes that are adopted for the event. Time to reflect on various views may lead to better decisions if immediate decisions are not needed on some matters.

The most important duty is a last-minute check of the sailing instructions. However, at this late stage it is important to limit any proposed changes to those that are essential.

Any changes thought necessary to the sailing instructions must be approved by the race committee, unless the protest committee has been specifically authorized to initiate changes. Diplomacy during this first interaction is very important. A cooperative first experience between the race committee and the protest committee will often lead to respect between the two bodies over the event.

Each member should lead on their areas of responsibility. This can also be the agenda for pre-race meetings where any concerns can be addressed before going afloat. Those tasked with attending other meetings must report back each day, so that any necessary actions can be taken.

Many events are now using online systems which include an official notice board so that competitors can access it from remote locations. The event might also have a traditional official notice board. It is important to establish which of the two governs, and to so state in the sailing instructions.

If other meetings are planned with competitors, support people, and other race officials, an agenda for these meetings should be agreed.

If Appendix P for judging rule 42 is in place, the jury should discuss the most frequently observed breaches and class-specific rules.

All meetings should be short, to the point and should include decisions. Any actions should be followed through to ensure completion.

D.9 Pre-Race Meeting with Race Committee Chairman, Principal Race Officer and Other Officials

A meeting should be arranged before racing begins between the protest committee and the chairman of the race committee, the principal race officer and other key personnel, e.g. the safety officer. The objective of this meeting is to develop a spirit of cooperation as well as a level of mutual understanding and respect, while outlining some procedural details (e.g. how to post the protest time limits and who should do it). The chairman or representative of the protest committee should also meet with the technical committee and review the wet clothing control equipment and equipment weighing procedure, if being used.

The protest committee should communicate with the race committee only through the chairman or his appointee. The chairman should speak to the race committee only through its principal race officer or someone delegated by him. This helps to avoid competitors receiving conflicting instructions and reduces the possibility of a request for redress.

D.10 Briefing of Competitors

Many regattas feature a competitors' briefing. Its main purpose is to introduce the key individuals of the race committee, technical committee and protest committee to the competitors. This will allow a competitor to know who to speak to for help solving a problem during the regatta.

Anyone from the organizing committee, race committee or protest committee could chair the meeting. The meeting should be held in English if the competitors speak different languages. This means that the chairman of the meeting should be proficient in English and be experienced with speaking to multi-lingual groups.

The following points in relation to the service provided by the protest committee will help to promote an atmosphere of friendliness, fairness, and impartiality:

- Introduce the members.
- Emphasize that the protest committee is there to provide a service to competitors.
- If appropriate, remind that bad language will likely lead to a rule 69 action.
- Comment on Appendix P Special Procedures for Rule 42, if it is in effect. Remind sailors that the protest committee's job is to protect them from those around them who might break the rule.
- If there are likely to be specific problems in certain areas, describe what action the protest committee will be taking to monitor those areas. It is comforting for rule-observing competitors to know that the protest committee is aware of likely problems and is ready to address them.

Remind youth or less experienced competitors of the importance of taking a penalty promptly for breaking a rule, whether or not the boat is protested. Also remind them of the penalties in rule 44 for breaking a rule of Part 2 or hitting a mark. Also stress also the importance of one or both boats protesting after a collision when no penalty is taken.

Competitors often ask questions concerning a sailing instruction or some other regatta procedure question. Great care must be taken in responding. On the one hand, the protest committee wants to help competitors by answering their questions quickly. On the other hand, questions are often more complicated than they first appear. If the answer is not obvious, it is best to ask the competitor to submit the question in writing, so the protest committee can give it proper attention, and answer in writing. It is also helpful to emphasize that no answer to a question becomes official until both the question and answer are posted on the official notice board.

When dealing with inexperienced or youth competitors, an even greater empathy and understanding is required. Make every effort to answer all their questions. Upon request, explain all decisions so the competitor and their coach or parent understand. At all times, judges should maintain an atmosphere of fairness and impartiality.

D.11 Communicating with Support Persons

Treat all support persons with respect. Among them, coaches and team leaders are professionals. It is common for an Olympic team coach to attend world championships in four or five different classes in one year. This gives them a unique understanding of what specific issues are currently being discussed and might arise during the regatta.

The organizing authority will often arrange a meeting of support persons before racing begins and, if possible, each morning during the regatta. Such meetings provide an informal interface between the competitors, the race management team and the protest committee, but in no way do they replace official communications to competitors posted on the official notice board.

From the regatta organizer's point of view, the following problems and procedures can be addressed:

- rule observance
- acting as safety cover in bad weather and towing
- regatta issues, such as parking, opening ceremony, social events, boat launching, and recovery
- support boats entering the racing exclusion zone.

These regular meetings provide an opportunity for competitors to offer constructive suggestions, either directly or through their coaches.

Discussions with a coach often can prevent problems from occurring. One example is that, through the discussion, a coach may work with a competitor to change the kind of behavior that is approaching the stage of a breach of sportsmanship.

D.12 Communicating with the Media

The media play an important part in any regatta. Journalists and others involved in communicating with the general public are an essential part of the sport. Every assistance and cooperation should be accorded to the media without compromising the fairness of the competition.

The chairman should appoint a member of the protest committee who will be its representative to communicate with the media. This is usually the chairman or the vice-chairman. All communications should be through this spokesperson. A copy of the hearing results should be passed to the media center promptly. The spokesperson should offer to explain protest hearing decisions to members of the media or attend press briefings. Clear communications can avoid misunderstandings that could harm the way the sport of sailing is viewed by the public.

D.13 Appointing an Investigator, rule 69 allegations

An investigator ideally should be appointed before the event, just in case an allegation is made under rule 69. The investigator must be free of any conflict of interest, so great care is needed in making the appointment. Consider both what might be perceived as well as the intention. If necessary, it could be one of the judges, as the minimum requirement for the panel for the hearing is only three members. If so, factors such as the issue leading to the report, age, gender, language and country of the participants, and balance of the remaining protest committee could influence the decision. However, if the investigator is to present the case in a hearing, he becomes a party as per the Definitions. He then cannot take part in panel discussions or in making any decisions. Refer to the section on rules 2 and 69 in this manual and to the World Sailing Misconduct Guidance:

[https://www.sailing.org/tools/documents/2017WorldSailingMisconductGuidance-\[22804\].pdf](https://www.sailing.org/tools/documents/2017WorldSailingMisconductGuidance-[22804].pdf)

E Protest Committee Administration at the Event

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E.1 The Duties of the Jury Secretary

At many events, a secretary is appointed to manage the administrative tasks of the protest committee. This person could be a local judge who is in training; but need not be a judge. A person with strong organizational skills who speaks the local language is an asset to the committee. The person is most frequently referred to as the jury secretary, and that term is used throughout this section.

The most essential part of the jury secretary's job is organizing the protest committee desk for the receiving and processing of requests for hearings. Ideally the desk should be situated next to the hearing room, where it is easily accessible by sailors, and taking into consideration that at some events they might come in wet. The secretary and the chairman should consult before the start of the event and decide the system for receiving protests to be used.

The job of the jury secretary depends on the working relationship between the people involved. A good secretary will take a wide view and allow the protest committee to concentrate on the racing, the hearings and the rules without having to take on administrative tasks. The secretary should check to see that:

- the hearing room has sufficient chairs, table, lighting, paper pads, protest models;
- the official notice board is located where designated in the sailing instructions and is properly identified, including space for notices from the protest committee;
- there is access to a printer, a dedicated photocopier, and fast internet;
- the communication between the chairman, race committee, results service, and others has been agreed and is operating;
- a messaging system, such as a WhatsApp link between members of the protest committee and other officials, is established and working;
- when national authority prescriptions are in force, a copy in English is available for all competitors and also posted on the official notice board;
- there is a wifi access code;

- request for hearing forms and scoring inquiry forms are available at the protest desk.

The jury secretary should have a full understanding of any online event management system being used and be able to arrange training for others where necessary.

- The secretary should be able to provide the protest committee with:
- a copy of or a link to the notice of race, sailing instructions, applicable national authority prescriptions, class rules and notices for each member;
- the daily time limits for filing protests on each course;
- the daily list of alternative penalties taken, if prescribed in sailing instructions;
- access to copies of mark rounding and finish records, if needed for redress requests;
- any letter regarding denial of right of appeal or constitution of the international jury, if applicable, and ensure that it is displayed, if it is not in the sailing instructions.

E.2 General Daily Administration

The chairman of the protest committee should attend meetings of the protest committee and race committee meetings.

Each day, each member of the protest committee needs copies of any new paperwork, such as amendments. These could be in paper or electronic form. The section of the official notice board for notices from the protest committee must be kept in order.

Applications for crew substitutions and haul-out requests must be processed, if the sailing instructions specify that these require approval of the protest committee.

E.3 Receiving Hearing Request Forms

The person receiving hearing requests must always accept, and never reject any request for a hearing, whatever form it takes, and whether or not it is received within the time limit. Only the protest committee may decide on the validity of the request in a hearing.

E.4 Recording and Copying the Request for Hearing Form

On receipt, each request for a hearing should receive a number, date, time, and the initials of the person who received it. Record this information on the request form and in the log of requests received.

Some events are using regatta management systems with electronic filing of hearing requests forms. Otherwise, if paper copies are used, make a copy of each request form for each member of the protest committee, one for the person lodging the request, and one for the other party to the hearing. Keep the original for the chairman.

Keep the papers for each hearing in either a transparent A4 folder or in a paper A4 envelope with the protest details written on its front. The transparent folder has several advantages:

- It reduces the number of tasks that the receiving person has to complete in a moment where being timely is essential, despite having many incoming requests.
- It reduces the number of possible errors when copying data from the Request for Hearing Form to the envelope.
- It maintains the same level of information as the envelope system does: an open case will show on top the Request for Hearing Form, while a closed case will show the decision form as the first document in the transparent folder.

Keep the copy for the parties to the hearing at the protest desk and provide the parties with a copy as soon as possible.

Any report alleging misconduct of either a competitor or a support person, presented either verbally or written, must immediately be given to the chairman. It must also be recorded with a time of receipt.

E.5 Protests Considered for Arbitration

The section on Arbitration in this manual explains the procedures when a protest is considered for arbitration. When a protest is delivered to the protest desk, the jury secretary will process it as outlined in the previous paragraphs and pass it to the judge who will determine if the protest meets the requirements for arbitration. If so, the judge will follow the procedures for Arbitration. The notice of hearing should be posted on the official notice board, whether or not it proceeds to an arbitration meeting. This ensures that the arbitration or a hearing if necessary, may proceed as soon as possible.

If one or more parties to the arbitration meeting decide to take a post-race penalty, the jury secretary will record that information on the official notice board and report the score change to the scorer. If the judge permits the protest to be withdrawn, then the notice of hearing will be changed to show that the protest is withdrawn, so no hearing will occur.

If the arbitration meeting does not proceed or the protest is not withdrawn, then the hearing will proceed as scheduled.

E.6 Accepting a Penalty in an Incident

When a protest has been delivered, a protestee may accept a penalty for the incident prior to a hearing. A judge will ask whether the incident resulted in any damage to any boat or injury to a competitor. If there was no damage or injury, the boat may take a penalty by retiring from the race or take any alternative penalty available in the sailing instructions. If there was serious damage or injury, the penalty is to retire from the race. The judge will ask the competitor to write on the protest form:

I accept a penalty in the incident described in this protest, and hereby retire (or accept the penalty of _____ (fill in any alternative penalty that might be available))

A representative of the boat accepting the penalty would sign the form. A separate form may be used for this declaration. If so, attach it to the protest form. In all cases of acknowledgment, the protest must be presented to the protest committee; if possible, alert the protestor and verify if he or she wishes to withdraw the protest.

E.7 Withdrawing Protests

Once the protest has been received, a protestor's request to withdraw the protest must be approved as a decision of the protest committee (rule 63.1). A panel of the protest committee could be appointed for this purpose. They will hold a brief hearing in which the protestor provides the reasons for the request. The protest committee would allow the withdrawal of the protest if there is no reason to refuse the request. The competitor should also sign the request form confirming withdrawal of the protest.

E.8 Scheduling Hearings

Many large events use event management systems which have a section for jury hearings and notices. All protest committee members need to be familiar with the capabilities of the system in use. Some that permit scheduling of hearings will also send notifications by text or e-mail to parties, post notices on the event website and update the hearing schedule as hearings progress. These programs add to the efficiency of communicating with competitors.

The sailing instructions inform when the hearings may begin. Inform the parties as soon as possible of their scheduled hearing time. The first few hearings are best scheduled at 20-minute intervals, and then at half-hour intervals for each hearing panel. Thus, if the first one or two requests are invalid, there is little delay. Should the first hearings take much longer, the remaining hearings can be rescheduled.

The objective is to keep the protest committee working until all hearings are complete. Keep the competitors waiting for as short a time as possible. If hearings get behind schedule, later hearings should be rescheduled, so that competitors can get changed or go for a meal.

When there is a protest and a counterprotest, or protests or requests for redress from different boats about the same incident, they should be scheduled to be heard in one hearing.

The chairman should first read the Request for Hearing Forms and decide the most efficient order of the hearings. Schedule first any hearings where the race committee is a party once they are ashore, so they can be heard consecutively. On the last day of the event, schedule first any hearings involving boats that may possibly be prize winners, so the prize giving can commence as soon as possible.

Inform the race committee promptly of any request for redress to allow them as much time as possible to investigate the request.

Post the hearing schedule on the official notice board as soon as possible after the end of protest time but before the end of the time limit for posting notifications of hearings. Hearings may begin before the protest time expires, provided that the parties to the protest are ready to proceed.

If the request for a hearing is from the protest committee, race committee or technical committee, check if the boats have been notified within the protest time limit.

E.9 The Hearing

When the protest committee is ready for a hearing, give a copy of the Hearing Request Form to each member. When it is ready to proceed, call the parties, usually one from each boat, and interpreters if necessary.

Check the alternative penalty list to see whether either party to the hearing took a penalty.

If observers are allowed, the chairman should remind them of the applicable rules for observers and have them sign an acknowledgment form.

The jury secretary should check that witnesses are available and waiting outside when they are called to the hearing. Make sure they cannot hear the proceedings before they come in to give their evidence.

After each hearing, record the decision, and file the original protest form, protest committee members' notes, and any other papers received during the hearing.. The jury secretary should communicate results of hearings and score changes after each hearing. In consultation with the chairman, complete the protest results log and post it on the notice board.

Some regatta management systems permit posting the decisions from hearings on-line. Consider how much detail is given, given the large audience for posted decisions.

On the last day of the event, there is a 30-minute time limit after a hearing to request a reopening or redress based on a protest committee's decision from each hearing. Post these decisions and the individual time limits for reopening and redress promptly on the official notice board, stamped with the date and time of posting.

The chairman should ensure that a full written decision is made available for any party to the hearing who requests the decision.

E.10 After the Last Race

The jury secretary, in consultation with the chairman, should ensure that all protests and papers are filed with the organizing club, for reference. They should be kept for at least six months after the event

F The Hearing

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F.1 General Principles, Jurisdiction, Preparation

Although already stated in the previous section, it bears repeating that the reputation of sailing, and that of the judging community, rests upon the protest committee making correct and fair decisions.

There are four different types of defined hearings within the rules - the protest hearing, the redress hearing, a hearing to consider whether a support person has broken a rule, and a misconduct hearing. There are also requests to reopen hearings. Misconduct under rules 2 and 69 is covered in the section on rule 2 and rule 69 of this manual.

The rules and procedures for initiating, conducting and deciding these hearings are presented in RRS Part 5. However, there are other types of hearings that are not so specifically defined. Under rule N2, an international jury may be asked to decide a matter that directly affects the fairness of the competition. For example, the organizing authority asks the protest committee to decide a question on eligibility or measurement that is not as a result of a protest or request for redress. Such a request may require obtaining evidence from competitors, officials or other participants, so that a hearing may be warranted.

The protest committee's jurisdiction is limited by the rules as defined in the current version of the RRS. A boat's breach of a government, harbor or maritime agency regulation is outside the jurisdiction of the protest committee, unless the requirement for a boat to comply with such a law is included in the notice of race or sailing instructions.

Appendix M Recommendations for Protest Committees provides standard procedures and considerations for hearings. Any hearing should be conducted in a formal but friendly way, so that the parties feel they had their evidence seriously considered. In a hearing, the protest committee should be polite but always in control.

Protest committee members should be identified by name tags or name plates. It is often difficult for a party to understand a judge's name and its spelling when the members quickly introduce themselves.

Many different room configurations for hearings work well and often depend upon the furniture that is available. Most often the protest committee sits on the side of the table facing the door with the chairman in the middle. Parties should sit opposite the chairman. When a witness gives evidence, he should sit between the parties.

No alcohol or smoking should be allowed in the protest room. All mobile telephones and recording devices must be switched off. A policy for other beverages such as water, non-alcoholic drinks or coffee is usually established at the initial protest committee meeting. Be aware that space is often limited and there is a risk of drinks being spilled on computers.

Dress by members of the protest committee should be appropriate for the event and its venue. The organizing authority may provide the protest committee with

event clothing. If so, it may be appropriate to wear that in hearings to give the impression that the protest committee operates as part of the team. However, it also may be a problem when the protest committee and the race committee are both wearing the same event clothing, for example at a redress hearing for a boat claiming she was misidentified by the race committee as OCS.

F.1.1 Before the hearing

If possible, the chairman should review the hearing request with the other members of the protest committee well before the hearing. This gives the protest committee an idea of the issues involved and time to gather relevant documents.

Before the parties are called into the room, the chairman or his delegate should make sure that each party has a copy of the hearing request form and is ready to proceed. A request for more time to prepare should be considered on its own merit. If a copy of the protest has been available at the protest desk for 30 minutes since the end of protest time, and all the postings were timely, the chairman might give the party only ten minutes. If the protest committee is asking to start the hearing before the scheduled time, the chairman might give the protestee more time to prepare a defense. Also ensure that witnesses are standing by outside the protest room.

In the hearing, use a personal checklist throughout the process to ensure that nothing is missed. The Hearing Checklist may be found in the Document Library of the International Judge section of the World Sailing web site).

F.1.2 Conflict of Interest

After the preliminary topics are checked and before the hearing, the members of the protest committee should be introduced to the parties to the hearing. Any member of the protest committee with a conflict of interest shall declare it to the parties at this time. Nationality, club membership, or past protest hearing results do not fit within the definition of conflict of interest (COI).

The chairman then asks all parties if they consent to the members.

If a member of the protest committee has declared a *conflict of interest*, and, knowing the conflict, both parties consent to him being on the protest committee, he may remain.

If a party objects to a member of the protest committee based upon a conflict of interest, the chairman should ask the reasons.

Once the reasons are given, the parties and the judge are asked to leave the room and the protest committee decides:

- (1) do the objections meet the definition of *conflict of interest*, and,
- (2) is the *conflict of interest* significant?

If the protest committee concludes:

- (1) the reason for the objections does not meet the definition of *conflict of interest*, or,
- (2) the *conflict of interest* is not significant,

the judge would remain on the protest committee.

If the protest committee decides

(1) the *conflict of interest* is significant, and

(2) a party to the protest does not consent,

the judge would not be on the protest committee hearing that protest.

When a request for redress is made under rule 62.1(a) alleging an improper action or omission of the race committee, organizing authority, or technical committee, but not the protest committee, a member of that committee should not be a member of the protest committee hearing that case.

Furthermore, for World Sailing major events, or for other events as prescribed by the national authority of the venue rule 63.4(b) does not apply and a person who meets the definition *conflict of interest*, whether or not significant, shall not be a member of the protest committee (rule 63.4(d)).

F.2 Right to be Present

The parties to the protest, have the right to be present during the hearing and to ask questions of any person giving evidence. A party to a hearing is a defined term. Depending on the hearing, it may be: a protestor, a protestee, a boat requesting redress or for which redress is requested, a race committee, a technical committee, a person against whom an allegation of a breach of rule 69 is made, a person presenting an allegation of misconduct, or a support person and any boat that person supports. The protest committee is never a party.

When a party is absent and it is verified that the required notice of the time and place of the hearing was properly posted, the hearing should normally proceed without him unless there are special circumstances for the absence. When a party wishes to attend, but finds the time of the hearing inconvenient, such as a prior dinner engagement, the protest committee must decide to what extent, if any, the competitor can be accommodated.

When the protest claims a breach of a rule of Parts 2, 3 or 4 the representative of each boat shall have been on board the boat at the time of the incident, unless there is a good reason for the protest committee to rule otherwise (rule 63.3(a)).

When neither party attends the protest hearing, the committee should first consider whether there was an error in the posting of the time or place of the hearing. If the parties were properly notified, the protest committee may act without the parties. In this case, the protest committee will often conclude they do not have sufficient evidence to find the facts and reach a conclusion that the protest is valid. The hearing is then closed. However, the protest committee may act upon the evidence provided by the protest form and may decide, based on the balance of probabilities, to disqualify a boat. When this occurs, the protest committee should be ready to reopen the hearing on request, if good grounds are provided for the non-attendance.

Note that Regulation 22.5.3 changes rule 63.3(a), determining the right to be present, for protest hearings involving categorization of a competitor.

F.3 Interpreters

Ensure that competitors who are not fluent in English understand all of the statements and procedures and are able to communicate in English. Protest committee members should speak slowly and clearly to assist the party in understanding what is being said.

If a competitor speaks enough English to say he has trouble understanding English, ask him to start the hearing without an interpreter. If he is still having trouble understanding, allow an interpreter to be present. Ideally a member of the protest committee would serve as the interpreter. If a coach or team member is the only available interpreter, the chairman must ensure that this does not provide an unfair advantage to the party concerned. Remind the interpreter that he or she is there as an interpreter, and not as a rules advisor or to clarify a question.

F.4 Withdrawing a Protest or Request

A boat may not automatically withdraw a protest simply upon request. Withdrawing a protest or request for redress requires the approval of the protest committee under rule 63.1. The protest committee should determine why it is being withdrawn. If damage or injury is suspected, or the protest committee thinks the protestor has realized he may have broken a rule and is attempting to avoid a penalty, permission should not be given. In both cases the protestor may be in breach of rule 2 Fair Sailing.

F.5 Hearing More Than One Request Concurrently

When there is a protest and a counter-protest, or when several protests appear to relate to the same incident, or multiple requests for redress about the same issue, they may be heard together in one hearing. If the protest committee has doubts about whether protests or redress requests are about the same incident, assume that they are, and start the hearing with all the parties. Provided that at least one is valid, the hearing must proceed.

F.6 When A Third Boat, May Have Broken a Rule

Sometimes during a hearing, after hearing the evidence of a witness, it becomes clear that the witness, or another boat, might have broken a rule and should be included as a party in the hearing. This is done by the protest committee stopping the hearing and protesting the other boat.

When doing so, all of the safeguards and validity rules must be met. The protest committee shall inform the boat that she is being protested, the protest shall be in writing and include the required information, the time and place shall be posted, and the protested boat must be given time to prepare. The hearing is then started anew with all parties being given an opportunity to object to a member having a conflict of interest. During the validity phase, the protest committee will extend the time limit for filing the third protest since the information was learned from a valid protest and filed immediately. All evidence previously heard in the absence of the witness must be reheard.

F.7 Observers

World Sailing's policy is to open hearings to observers if possible. The protest committee should decide, at their initial meeting, circumstances for opening hearings to observers.

The advantage of open hearings is that they can greatly enhance the respect for and understanding of the hearing system. However, a hearing should not be open to observers if any protest committee member is uncomfortable with spectators. It is more important to give a good service to the parties than to educate, impress or accommodate people who are not involved. Similarly, a party might ask for a hearing to be closed to observers. The protest committee would consider the request on its merits after the reasons are stated.

Observers may include persons not connected with the hearing, such as other competitors, parents, coaches, club members and the press or media. No observer may give evidence as a witness.

Advise observers of their obligation to remain silent and not record or photograph any part of the hearing, and that they must leave the room while the protest committee discusses the case and makes a decision.

F.8 Windsurfing, Kiteboard, Super Yachts and Radio Sailing Appendices

For windsurfing, kiteboard, super yacht and radio sailing competitions, protest committees need to use the appropriate RRS Appendices which modify any rules for protests, redress and hearings.

F.9 The Protest Hearing

The hearing is now ready to start. Although not a rule, it is good practice for the chairman to remind the parties that this is the deadline to meet certain rule requirements, such as correcting the protestor and protestee on their protest form, or when Appendix T is in effect, accepting a Post-Race Penalty. The chairman then officially declares the hearing started.

F.9.1 Protests by Boats in the Racing Area

With regard to the hail of 'Protest', there is currently no World Sailing Case to interpret the word 'reasonable' in rule 61, '... she shall hail 'Protest' and conspicuously display a red flag at the first reasonable opportunity for each.' Judges must use common sense to interpret the requirement, but it does not take long to make a hail. When the protestee states that a hail was not heard, a crew member may be asked to provide evidence as a witness. The protest committee will then weigh the evidence and decide, on a balance of probabilities, whether these requirements were met. The protest committee may not decide, 'the rule requires a hail - it does not require that it be heard'.

When required, a red flag must be conspicuously displayed at the first reasonable opportunity after the incident and until the boat is no longer racing. A protest flag must be seen primarily to be a flag (World Sailing Case 72). No protest flag is

F.7

required from boats less than six metres unless specifically stated in the sailing instructions or in the class rules as allowed by rule 87.

There are two exceptions when the protesting boat is not required to hail or display a flag at the time of the incident: one is if the incident was an error by the other boat in sailing the course; the second is if at the time of the incident it is obvious to the protesting boat that a member of either crew is in danger, or that injury or serious damage resulted. In these cases, the boat shall attempt to inform the other boat within the protest time limit.

F.9.2 Protests for Incidents not in the Racing Area

When the protest involves an incident that is not in the racing area, the protestor must inform the protestee of the protest as soon as reasonably possible. This might be the next time they come close on the race course or as soon as reasonably possible after coming ashore.

F.9.3 Protest Contents

The requirement that the protest identify the incident is the only one of the five protest contents of rule 61.2 that cannot be corrected after the protest is delivered to the race office. There must be adequate information from which the protestee can identify the incident and understand the allegation. When the incident is not identified, the protest will be found invalid.

Other contents, such as when and where the incident occurred, the protestor and protestee, the rule, and the protestor's representative have deadlines before or during the hearing.

The protest must identify the protestee. In almost all cases, this will be by sail number or the boat's name. When there is an error in identification, the error may be corrected before the hearing starts. If the correction to the protestee's identity is made after the end of protest time, the protest committee should decide how the other protest requirements of rule 61 will be met for notifying the new party.

F.9.4 Time Limits to File Protests

There are two time limits for filing protests: one for incidents observed in the racing area, and another for other protests. Rule 61.3 states that the protest shall be delivered to the race office unless a different procedure is stated in the sailing instructions. However, a protest should be considered to be delivered when it is received by any official acting on behalf of the race committee or protest committee. If the protest is delivered after the protest time limit, it must still be accepted by the official and the time of receipt noted clearly on the first page. The official must not refuse a protest because the time limit has expired. The sailing instructions may change a rule and may provide for special procedures for delivering a protest.

If the protest is delivered late, rule 61.3 requires the protest committee to decide whether there is good reason for it being delivered after the protest time limit. When there is a good reason, the protest committee shall extend the time limit and record its action.

F.9.5 Validity of the Protest

The protest committee must address the validity of a protest before the hearing can proceed. It is not sufficient to simply obtain the protestor's opinion that the protest is valid. This may require that the chairman investigate deeper if the response to the question, 'When did you hail protest?' is 'Immediately.' Give both parties the opportunity to give evidence on the validity requirements.

Often after the evidence, it is clear that the protest is valid. Then a simple nod of agreement by the judges to the chairman is enough to announce the protest is valid. If there is conflicting evidence, ask the parties and any observers to leave the room while the protest committee deliberates. The protest committee's decision is based upon a balance of probabilities.

When the protest or request is valid, the hearing proceeds. When the protest does not meet the requirements for validity, the committee shall declare it invalid and close the hearing. The facts that lead to the conclusion and decision that the protest was invalid should be written on the hearing decision form.

F.9.6 Validity Involving Injury or Damage

If a protest is invalid, but the incident may have resulted in injury or serious damage, the protest committee may file a protest and proceed with the hearing. Getting the necessary evidence may involve a walk to the boat park to view damage to a boat or gathering evidence about an injured competitor. If the protest committee later finds out that the damage was not serious, or the competitor was not injured, the protest committee should reopen the hearing of its protest and correct its error by deciding the protest was invalid.

F.10 Hearing Procedure

F.10.1 Taking Evidence and Finding Facts

After the protest is found to be valid, the protest committee takes the evidence of each party and witness. Appendix M gives the normal order of conducting a hearing. Since it is advisory, the recommended procedures may be changed if needed.

The chairman should explain that the procedure will permit each party to give his evidence when asked. Do not allow the parties to interrupt each other's statements. Allow only an interruption by a party or protest committee member to say he did not hear or did not understand.

As the evidence is presented, each judge should individually develop their personal understanding of how the incident developed, the rules that apply and the facts needed to reach their conclusion. When it is time for the protest committee's questions, members should limit their questions to facts that have not already been asked and answered in earlier evidence. For example, if the list of rules includes 12, 11 and 15, a judge will ask questions to determine when an overlap occurred, how close the boats were and how much time went by before a boat altered course.

F.10.2 Witnesses

Rule 63.6 requires the protest committee to take the evidence from the parties and their witnesses. When witnesses are called, a member of the protest committee or the protest committee secretary should retrieve the witness. This eliminates any coaching of the witnesses after the hearing has started. If a party asks if more witnesses are needed, the chairman should respond, 'it is up to you to decide if the witness can provide relevant additional evidence'.

Allow witnesses to show the incident with model boats from their own angle, even if this is more difficult for judges. Not all people are good at mental rotation of objects in space, and the requirement to rotate their presentation could interfere with their recall of the incident.

Asking the parties and witnesses to keep the assigned colors of models to the boats involved in the protest can help to identify the boats correctly. This can be done if, before the witness enters the room, the previous situation is broken down and all of the same color boats are placed in front of the assigned party.

Under rule 63.6, a member of the protest committee who saw the incident shall state that fact while the parties are present and then may give evidence. If that member knows something that is relevant but was not revealed by the evidence from the parties and witnesses, he should volunteer to give that evidence in the presence of the parties. Never introduce new evidence from any source without the parties present.

F.10.3 Leading Questions

A leading question is a question in the form of a statement inviting agreement. Judges need to recognize leading questions and weigh the answers accordingly. Examples of leading questions include:

You saw me steering a straight course, didn't you?, or Do you agree that as I was sailing toward the mark, I had a half boat length overlap?

Had the boats reached the zone when the overlap was established? This question accepts the overlap to be true. A better question would be, *position the two boats relative to each other when the lead boat got to the zone.*

How many lengths, 1, 2, or 3? A better question would just be *How many lengths?* Avoid multiple choice questions.

The question, *how far apart?* will lead witnesses to respond with a greater number than the question, *how close?* A better question would be, *position the two boats relative to each other and estimate the distance between them.*

The chairman should discourage leading questions and advise parties how to rephrase the question.

F.10.4 Hearsay and Written Evidence

The term 'hearsay evidence' is a technical legal term meaning evidence which is given by a person who has no direct knowledge; he has simply heard or received

it from another party. Hearsay evidence can be in the form of a witness telling what someone told him, or written reports where the author is not called as a witness, or audio or video or tracking information that is not authenticated, or a written statement of a person not called at a hearing.

It is common that a party will make a statement or produce a document that is hearsay, in that the maker of the statement is not going to give live evidence. The difficulty with hearsay evidence is that it can be hard to challenge or to examine its validity or credibility. Where possible, attempt to have the person who provided the written statement attend by telephone or video conference.

Rule 63.6(a) changed in the 2021-24 racing rules so that the protest committee shall take hearsay evidence. However, it must give it the weight it considers appropriate. Different types of hearsay may be given more or less weight. For example, mark rounding sheets, where the person who recorded the information is not called, should normally be given significant weight. Similarly, tracking information or photographs or video, without calling a witness to authenticate the information, can be given significant weight in the sense that the information is considered to be authentic. The reliability of the information and the weight to be given to it must be considered separately. A letter or an email from the technical committee or from a class association about facts that are generally within the author's knowledge should be given significant weight, but not conclusive weight. On the other hand, hearsay evidence of the description of a racing incident should be given little or no weight.

F.10.5 Photographic and Video Evidence

Photographic and video recordings may be accepted as evidence at a hearing and can sometimes be useful. However, there are limitations and problems, and these should be appreciated by the protest committee.

When a video recording is to be shown to the protest committee, the party presenting the evidence should arrange the necessary equipment and provide an operator, preferably the person who made the recording,

The party bringing the video evidence should have seen it before the hearing and provide reasons why he believes it will assist the protest committee.

It is usually preferable to view the video after the parties have presented their evidence.

Allow the recording to be viewed first without comment, then with the comments of the party bringing the evidence, then with those of the other party. Questions may be asked in the normal way by the parties and the protest committee members.

The depth of field of any camera is poor and with a telephoto lens, it is non-existent. When, for example, the camera's view is at right angles to the courses of two overlapped boats, it is impossible to assess the distance between them. Conversely, when the camera is directly ahead or astern, it is impossible to see when an overlap begins or even if one exists, unless it is substantial. Keep these limitations firmly in mind.

Use the first viewing of the recording to become familiar with the scene. Where was the camera in relation to the boat? What was the angle and distance between them? Was the camera's platform moving? If so, in what direction and how fast? Is the angle changing as the boats approach the critical point? (Beware of a radical change caused by fast panning of the camera.) Did the camera have an unrestricted view throughout? If not, how much does that diminish the value of the evidence? Full orientation may require several viewings; take the time necessary.

Since a typical incident is brief, view it as many times as needed to be sure that each judge has extracted all the information needed. Also, be sure that each party has an equal opportunity to point out what he believes the video shows and does not show.

Hold the equipment in the hearing room or obtain an electronic copy of the video file until the end of the hearing and through the deliberation, for review to settle questions as to just what fact or facts, if any, it helps to establish. It is sometimes useful to step through a video file frame by frame. Also, one of the members may have noticed something that the others did not.

Do not expect too much from the recording. Only occasionally, from a lucky camera angle, will it clearly establish the central fact of an incident. But, even if it does no more than settle one disputed point, that alone will help in reaching a correct decision.

If the protest committee views video evidence prior to the hearing, the video must be shown during the hearing, giving each party the opportunity to comment on and question the evidence.

F.10.6 Evaluating Evidence

Human perception begins with expectation based on prior knowledge. Persons with good race memory know where to look at the time of the incident and are able to recall incidents with good detail, including nearby boats, positions and relative speeds of boats, and the sequence of events. Competitors are usually good at judging distances between boats. However, people are not good at judging time durations. With good rules knowledge also, the witness will present evidence that is likely to fit within the requirements of the rule believed to apply. Persons who do not know the rules well may miss important details on boat positioning that are needed to find facts

Be careful about making judgements about the credibility of evidence based on style of presentation. Evidence from witnesses who express their opinions confidently is often given more weight than that from those who are less confident; but their confidence may not be related to the accuracy of their recall.

F.10.7 GPS and Internet Tracking Evidence

GPS and internet location and tracking have become common place and almost taken for granted. However, when GPS information such as histories, or internet tracking information is presented as evidence at a protest hearing, a deeper

understanding is necessary to apply the appropriate weight.

Single GPS location history (Snail Trail)

All boat navigation GPS systems offer the ability to save and download the performance for later review. Whether this single-source information can be useful at a hearing depends very much on the issues. Although accurate, the boat's positions alone usually do not offer much useful information. It does not include information about other boats' positions, where a mark was located, or the ends of a starting line. Information on boat speed may be helpful in determining wind speed.

If the hearing is about a rule 19.2(c) protest against a boat that sailed into an inside overlap between the protesting boat and a nondescriptive shore some kilometers away, the GPS trail may offer useful information on the water depth and the distance inshore where the depth might be unsafe for sailing.

In all cases, the location of the GPS transmitter and sampling rate should be obtained by the protest committee.

Internet Tracking & Application Display Information

To attract more visitors to regatta websites, commercial tracking systems are used to create publicity and promote the event. Small GPS position transmitters (trackers) are placed on boats or clipped to a crewmember as well as marks and starting lines. At local events, this information is transmitted to a shore base. In offshore races, the information is sent via satellite to the race headquarters. In both cases the raw data are entered into a display application and shown on the regatta's website. Races and individual teams can be followed over the internet from anywhere in the world.

The tracks shown in the graphical displays are not always based only on accurate position fixes. If position fixes from trackers are missing or if the software thinks they are out of position, the software might estimate the missing position fixes and eliminate fixes that look to be out of position. This can result in estimated tracks shown in the graphical display that may be different from the real track sailed.

When ashore, sailors and coaches will review the race using the tracking system. If there was an incident on the water, the tracking information may be presented as evidence in a protest hearing. Race officers will sometimes compare the tracking information with their finishing sheets to locate a missing boat or answer a scoring query that may lead to a request for redress.

While the core technology in use by the different tracking service providers is basically the same, there are many different approaches in the final delivery of the tracking system product. Every tracking service provider uses GNSS receivers to capture the basic geolocation data at regular intervals. The minimum raw data captured by the tracker for each position fix includes latitude, longitude, timestamp and tracker ID. The geographic positions are updated repeatedly within the GNSS receiver up to 10 times per second, but the frequency of fixes available from (or published by) the tracking system may vary from one or two

fixes per second to up to one per hour or (s)lower for oceanic races.

Frequently Asked Questions

How often is the boat's position sampled? Answer: although the GPS can sample 10 times per second, the presentation is seldom that often. To save space in the memory chip, or to save money in the satellite data transfer, not all positions are transmitted or displayed. In a thirty-minute dinghy race, that might be only once per second. In a transoceanic race, that might be once every ten or thirty minutes.

How accurate are the positions? Answer: there are many different factors affecting the accuracy of the position such as cost of the GPS unit and atmospheric conditions. Typically, 95% of the time, the accuracy is 2 to 8 meters.

Are the marks of the course tracked? Answer: most of the time. Race committees will install trackers on the marks of the course, including both ends of the start and finish lines. This should be confirmed by the regatta's Tracking Team. Race committees do not usually place trackers on permanent or government buoys.

Can the tracking system show overlaps and collisions? Answer: competitors will sometimes present tracking information in a hearing to show a collision or an overlap at the zone. In almost every case, the information from the tracking system will be inconclusive by itself. The graphical representation of the boat is almost never to scale. You can test this by comparing the length of the boat icon at various levels of zoom. In the 2016 Olympic Games, Lasers sometimes appeared to be over 20 meters long.

Other considerations in a hearing.

Since competitors are entitled to present evidence that they consider relevant, they may bring animated video clips of an incident they saw in the tracking system. The competitor will be basing his presentation on derived information and it is important for the judges to know what is real and what is virtual.

Because the enhanced graphics can lead competitors and judges to the wrong conclusions, there are a few things the protest committee can do to manage the presentation of tracking data in a hearing.

Before the first race, the protest committee should discuss the tracking system being used. Review the instructions, verbal or written, that the sailors receive about the installation of the trackers on the boat. Know where the trackers are intended to be installed on the boats.

Review the tracker application. Zoom in and zoom out, observe the scaling, start and stop the race display, and know how to declutter the screen by removing boats and tags. Determine the accuracy of the tracking units and what averaging or smoothing is applied to the information.

Ask the provider to explain the depiction of the three-length zone.

Ask the race committee if trackers will be installed on marks and race committee boats and where they will be located.

It is the responsibility of the party to provide the equipment to display tracking

data (see RRS M7, first point).

During a hearing, get the verbal evidence from the parties first, before the presentation of the tracking clips. Let the parties question each other's verbal evidence. Make sure the protest committee understands the facts from the verbal evidence. Tracking data is always easier to assess when it is presented in support of the description of the incident by the parties.

Normally judges would not view tracking information before the hearing. If the tracking information is seen by a judge without the parties present, it must also be included either as evidence submitted by a party, or by the protest committee.

F.11 Finding the Facts

It is an unalterable responsibility of the protest committee to establish the facts that the decision will be based upon, even when the parties present widely differing evidence. Varying evidence is common and reflects different perspectives on the incident. If one party says the boats were one meter apart while the other says three meters apart, the protest committee must decide which opinion is more credible. When all the evidence is reviewed, the distance that is determined will become a 'fact' that the decision is based upon, even if that distance is neither one meter nor three meters.

In almost all cases, the differences of opinion are settled by the weight of the evidence. The racing rules do not give the onus of proof to one boat or the other, except to resolve doubt in rule 18.2(e). Port is not required to prove she kept clear of starboard. A protest committee is required to consider all the evidence, consider who was in the best position to determine what happened, determine which evidence is more credible, and then decide the facts of the incident on a balance of probabilities.

F.12 Deliberations

Once all the evidence is taken, it is the protest committee's responsibility to find the facts and make a decision. Often all members have individually reached the same facts and conclusion. The chairman can save considerable time by asking each member for their conclusion. If everyone has come to the same conclusion, then writing the facts and conclusions goes very quickly. Finding that the members have not all reached the same conclusion allows the committee to quickly focus on the differences.

Another method of proceeding is for the scribe to write during the hearing the points he considers to be the facts. After each judge has expressed their conclusion, and the differences have been resolved, the scribe would read the facts. Should a member not agree on some point or believe there is an omission of an essential fact, there is a discussion on that point to reach an agreement. Apply the relevant rules to these facts and identify any missing ones. Then write the rules applicable, conclusion and decision. Use the Preferred Standard Wording in the World Sailing's International Judge Document Library. Then read out the facts found, conclusion and decision for a final review.

All decisions are based on a balance of probabilities, unless the rule provides a different standard of proof.

F.13 Resolving Differences Between Protest Committee Members' Opinions

Decisions of the protest committee are made by a majority vote of all members. Try to obtain agreement among the protest committee members. Establish the most likely scenario by weighing the evidence. If necessary, recall the parties to obtain any missing information or further clarification. Once any differences of opinions among the protest committee members have been resolved, use the procedure in the previous paragraph. A vote can be useful, especially after a reasonable time has been allowed for discussion and a variety of views persist. When there is an equal division of votes cast, the chairman may cast an additional vote.

When not all members are in agreement, the dissenter should be given an opportunity to state his point of view, and to try to persuade the other members. If a member maintains a strong minority opinion, it could be classified and resolved, as Level 1 or Level 2:

Level 1: Usually, after thorough discussion, a member of the protest committee who does not agree with the majority accepts the decision of the majority. This should be simply recorded as a majority decision on the protest form without stating who the judge(s) in the minority is/are.

Level 2: If the judges in the minority feel strongly that they do not wish to be associated with the decision, they have the right to be named as dissenting judges when the decision is announced and to have their names recorded on the form.

Regardless of any personal disagreement with the protest committee's final decision, a judge is duty-bound to uphold it. A judge must refrain from criticizing the decision of a protest committee in public, whether or not he was a member. Criticism of a decision may be misconduct or 'inadequate conduct' in terms of Regulation 32, depending on the manner, time and place in which the criticism is expressed.

Members may discuss and criticize a decision with other judges in private for the purpose of persuading a protest committee to reconsider the decision and reopen a hearing or for the purpose of education. However, any discussion with competitors, coaches or the public of a difference of opinions within the protest committee will never be appropriate conduct. It could only serve to inflame a situation and damage relationships with other officials. If a judge does not wish to associate himself with a decision, then the proper course of action is to exercise the right to be named as a dissenting member in the decision and then refer any queries to the published decision only.

The chairman must include details of the case in his regatta report if any member requests to be named as dissenting.

F.14 Applying the Standard of Proof

The standard of proof for decisions is 'a balance of probabilities', unless a rule specifies a different standard. The standard for sportsmanship and fair play in rule 2 is that a breach be 'clearly established'. The standard for an act of misconduct in rule 69 is the protest committee's 'comfortable satisfaction' that it occurred, 'bearing in mind the seriousness of the alleged misconduct'.

Rule 18.2(e) permits the boats and the protest committee, when there is a reasonable doubt, to presume facts about whether a boat obtained or broke an overlap in time. However, the protest committee must not merely rely on this rule; it must take an active part in trying to resolve the doubt by other means. It should question the parties and witnesses to elicit all available evidence to find facts and to learn what actually happened. Then, if still in doubt, it may use rule 18.2(e) to resolve the protest.

F.15 Announcing the Decision

The protest committee will recall the parties and any observers to inform them of the outcome of the hearing. The chairman or scribe will read the facts found, the decision, the rules that apply and any penalty imposed or exoneration. When appropriate, an interpreter will translate.

If the chairman is comfortable, he may give the facts, conclusion and decision orally and tell the parties they may come to the protest desk to receive a written copy of the decision later. The written decision must accurately record the information presented orally to the parties. Record the date and time that the parties were informed of the decision.

The protest committee may publish the decision, including the facts found and the conclusions, which will permit all the competitors to understand the decision and to decide if there are grounds for them to request redress based on it. However, if the issue is sensitive or involves minors, the protest committee may decide that only the decision will be published, and the facts and conclusion will only be made available to the parties.

The decision will be to dismiss the protest, or that a boat broke a rule and is to be disqualified unless some other penalty applies. The penalty will apply except when a boat is exonerated for her breach or rule 36, Races Restarted or Resailed applies or the boat has taken a Post-Race Penalty or retired.

The penalty for a breach of the following rules is a disqualification that is not excludable (DNE):

- rule 2;
- rule 30.4; and
- rule 42, if P2.2 or P2.3 applies.

Promptly notify the scorer of all protest committee decisions that affect scoring and keep a running record of the scoring changes.

When a party to the protest requests clarification of the decision, this can be given

immediately, but no further discussion should be permitted at this time. Any further discussion with a dissatisfied party at a future time and its content will depend on the experience and confidence of the chairman and members of the protest committee.

Permitting an informal discussion with the protest committee and setting a time for this discussion in response to dissatisfaction when the protest decision is announced can often defuse a stressful atmosphere. Conversely, refusing any future discussion can exacerbate any bad feeling. Alternatively, two protest committee members may be appointed to informally explain a decision.

If a dissatisfied party asks what recourse they have, advise them of their right under the rules to request a reopening of the hearing. They also have the right to appeal the decision of a protest committee when rule 70.5 is not in effect.

F.16 Protests by the Race Committee or Technical Committee

A protest initiated by the race committee under rule 60.2 or the technical committee under rule 60.4 has certain validity requirements which the protest committee must ensure are met before proceeding with the hearing. The protest committee must find that the protest has not resulted from information arising from a request for redress or an invalid protest or from a report from a person with a conflict of interest. Otherwise, the protest is invalid. Rule 61.1(b) requires the protestee to be informed. Rule 61.2, Protest Contents, also applies to protests by the race committee or technical committee. The time limit for filing the protest depends on whether or not the committee observed the incident in the racing area.

A representative of the race committee or the technical committee who files a protest acts in the same way as a protesting boat would do. As a party to the hearing, he gives evidence, may ask questions, answer questions, and call witnesses. He then leaves the room while the protest committee makes its decision.

F.17 Protests involving Sailing Instructions

Sailing instructions may include provisions for the handling of measurement questions. They often include everything from pre-race procedures to measurement checks to penalties. If the race organizers intend to take an active role in checking measurement and enforcing compliance, it is important that any special rules and procedures be written in the sailing instructions. Such advance planning will help eliminate problems that might develop later and save the protest committee endless time in clearly identifying its authority and role in measurement questions.

F.18 Protests Concerning Class Rules and Equipment

Protests concerning class rules may be initiated by a boat, the race committee, the protest committee, or the technical committee. The rules do not give the Class Association, National Authority or an independent measurer the right to protest.

Most measurement problems are found during pre-regatta inspection and are worked out between the technical committee and the person responsible for the

boat. However, the protest committee is sometimes asked to settle a dispute over an interpretation of a class rule before the start of racing. Otherwise, class rule protests usually arise from a protest by the technical committee based on a post-race equipment inspection.

Class rules provide details of how a boat must measure or rate, or both. They usually include administrative provisions, the owner's responsibilities, and prohibitions while racing, in addition to the details about the measurement of the boat. Class association measurement and championship rules govern a class. However, these rules do not empower a class association to disqualify or otherwise penalize boats for any deviation during an event, since a hearing would be required.

A protest about class rules or rating does not imply that the owner or person in charge has knowledge or should have had knowledge of the breach. The alleged infringement could be a simple error or misunderstanding about the interpretation or application of a rule. Sometimes there is uncertainty between what is clearly permissible and what is clearly prohibited, exposing the rule to variation in interpretation. The entire process of a measurement protest is supported by only a few basic rules. Competitors and all race officials are required to abide by these rules.

Rule 78 is fundamental. It makes the owner and any other person in charge responsible to ensure that the boat is maintained to comply with her class rules and that her measurement certificate, if any, remains valid. Rule 64.4 provides the procedures for deciding a protest brought under rule 78.

When the technical committee concludes that a boat that was racing did not comply with the rules, its only option is to protest.

When a protest alleges an infringement of a class rule, the protest committee must first determine whether the protest has met the requirements of rule 61 for validity. The protest must identify the incident. A protest stating only, 'the boat doesn't measure', 'she is too fast for her rating', or 'the boat has an illegal hull' with no evidence of the way in which the boat has broken the class rules, does not meet the rule 61.1 requirement to 'identify the incident' and would normally be determined to be invalid.

If the validity requirements have been met, the hearing proceeds under rule 63 with the protest committee taking evidence from the parties and such other evidence as it thinks necessary. It is helpful to have a judge on the protest committee who is familiar with the class rules and procedures.

In some cases, the protest committee will not be able to resolve a protest concerning class rules without calling one or more expert witnesses. The protest committee should have the names and contact information of class expert witnesses including the class' technical committee. Boat designers can be expert witnesses when there is no conflict of interest. Remember that witnesses, no matter how expert, are just witnesses. The protest committee makes the final decision.

When the technical committee is available, and the protest alleges complex breaches, the protest committee may order measurement checks or even re-measurement. This is within its power and its obligation to 'take such other evidence' as it needs to make a decision.

The rules do not give a boat the right to demand that another boat be re-measured. The decision to order or request re-measurement is a matter for the protest committee or, if the notice of race or sailing instructions so state, for the organizing authority. The losing party pays for re-measurement and any measurement costs, unless the protest committee decides otherwise.

A member of the technical committee may be called as a witness to give evidence on the technical details in the incident. In almost all cases the protest committee is able to decide the protest using the process outlined in rule 64.3. Evidence concerning the accuracy of the measurement and the interpretation of the rule is presented by the competitor and the event technical committee. The World Sailing Equipment Rules of Sailing should be used to resolve questions about measurement procedures.

If the protest committee is still in doubt about the interpretation of a class rule, then rule 64.4(b) requires that the protest committee refer the questions and relevant facts to an authority responsible for interpreting the rule. This authority will usually be the class association's technical committee, World Sailing, or a national authority. This authority is not the event's technical committee, even if the technical committee member is also the chairman of the class technical committee. Once the protest committee refers the question, it is bound by the authority's reply.

For a question concerning the rules of a handicap or rating system, it may be the technical chairman of the organization who issues the handicap or the rating certificate in the waters the boat is lying in. In making its decision the protest committee is bound by the reply of the authority.

Provided that an appeal has not been denied by rule 70.5, a boat disqualified under a measurement rule may continue to compete in subsequent races without making changes to the boat. To do so, the boat shall state in writing that she intends to appeal. If she fails to appeal or the appeal is decided against her, she will be disqualified from all races (rule 64.4(d)).

F.19 Protests by the Protest Committee

A protest initiated by the protest committee under rule 60.3 must meet the validity requirements of rule 61.1.

It is best for one member of the protest committee to present the evidence, and not participate as a member of the panel that hears the protest.

If a member of the protest committee saw the incident, rule 63.6(b) requires them to state that fact at the hearing. That member may give evidence as a witness. The evidence should be restricted to what was observed and not about any conclusions as to whether a rule was broken.

The members giving evidence may participate in the deliberations and the decision, since they have no *conflict of interest*. They are a part of an independent body, with nothing to gain or lose from the decision. Such witnesses who stay for the decision must not give any new evidence after the parties have been dismissed.

Rule N1.6 provides that the protest committee remains properly constituted as an international jury as long as 3 members remain and at least 2 members are International Judges.

F.20 Requests to Reopen

Any party to the hearing may request a re-opening of the hearing. In cases where the request for redress was from the race committee or the technical committee or considered by the protest committee under rule 60.3(b), parties are boats for which redress is requested. All other boats are 'affected' boats, but they are not parties.

The word 'may' in the first sentence of rule 66 means that there is no obligation on the protest committee to reopen. A protest committee may re-open a hearing when either one of the two requirements of rule 66 is met. One is when the protest committee decides that it may have made a significant error. The other is when significant new evidence which was not available at the time of the original hearing becomes available within a reasonable time.

That said, it is not in the best interests of the event to allow an unsuccessful party a reopening only for the purpose of re-stating an argument or evidence that had already been considered. In those circumstances, a reopening would be unreasonably burdensome to the protest committee and to the other parties involved.

Errors by the protest committee that should lead to a reopening include improper procedures or misapplication of a rule. The protest committee might decide that a key conclusion was not supported by the facts. More often, a hearing is reopened when a mistake was made in interpreting the applicable rules.

For a hearing to be reopened to consider new evidence, the evidence must be both new and significant. Rule M4 and World Sailing Case 115 provide an interpretation of the word 'new' as used in rule 66:

Evidence is 'new'

- if it was not reasonably possible for the party asking for the reopening to have discovered the evidence before the original hearing;
- if the protest committee is satisfied that before the original hearing the evidence was diligently but unsuccessfully sought by the party asking for the reopening; or
- if the protest committee learns from any source that the evidence was not available to the parties or to the committee at the time of the original hearing.

Significant evidence is evidence that bears directly and substantially upon the specific matter under consideration, and which is neither cumulative nor

redundant. Cumulative evidence is additional evidence of the same character as existing evidence and that supports a fact established in the previous hearing, especially a fact that does not need further support. Significant evidence must be relevant to the decision and lead to a reasonable possibility that, when viewed in the context of all the evidence, the outcome of the case will change.

A party to a hearing has an obligation to prepare for the hearing, to locate witnesses, to collect evidence in advance of the hearing, and to request a postponement if it is needed, as described in rule 63.2. If a witness or other evidence is known to exist but cannot be obtained in time for the hearing, it is the responsibility of the party to ask for additional time. The scribe will record any such request. For example, a new witness presented after the hearing is closed is rarely considered 'new evidence' unless the party made the protest committee aware of the witness before or during the original hearing, or the witness and his evidence were unknown to the party by the time of the original hearing. When a party does not search for witnesses or does not ask the protest committee for a postponement, any later request to reopen to hear a 'new' witness will rarely be granted.

If, however, the party attended the hearing and requested a postponement or extension of time to locate a witness, a subsequent request to reopen may meet the test of rule 66 and the protest committee will likely decide to reopen the hearing.

Photographic and video graphic evidence that is claimed to be new should undergo a preview by some or all of the members to establish that the evidence is new, material and not cumulative. The chairman will usually assign two or three members to view the evidence and report back to the protest committee. If the evidence is appropriate and pertinent, or if there is any doubt, the members will refer the evidence to the full protest committee.

The protest committee could also learn itself of significant new evidence and decide to reopen the hearing. If any new evidence is to be considered, the parties have a right to be present under rule 63.3. In addition, the parties have the right under rule 63.6 to question any new witnesses.

If a party requests a reopening, the protest committee must decide if the request to reopen is valid. There is a time limit for requests to reopen a hearing. Under rule 66, a party has up to 24 hours after being informed of the protest hearing decision to ask for a reopening. On the last scheduled day of racing, the time limit is 30 minutes after being informed of the decision on that day.

If the request is timely, the protest committee must decide, from the reasons given by the requesting party, whether it has, or may have, made a significant error or whether there is significant new evidence. The initial presentation by the requesting party should be limited to the reasons for reopening. Any new evidence would be heard only to determine if it was 'new'. If the other parties are available, invite them to this initial fact-finding, but note that the rules are silent on this subject.

If the protest committee decides on its own that it may have made a significant error, it may, without taking any new evidence, revise its decision without the parties present. There is no time limit for the protest committee to reconsider its decision. When the protest committee changes its decision, it shall inform the parties in accordance with rule 65.1. This can be done by posting the revised decision or by delivering copies of the decision to the parties to the hearing.

It is always up to the protest committee to decide whether a request to re-open is granted. The examples above of situations where a protest committee may grant a reopening, are only a guide, and should only be used as such.

The protest committee may also reopen a hearing under rule 63.3(b) when it has decided a protest without a party present, but later finds that the party was unavoidably absent. That hearing would begin anew, rehearing all evidence previously presented.

If the national authority's decision in an appeal is to reopen the hearing using rule 71.2 or rule R5, the reopening proceeds with the evidence and witnesses that the parties bring, and with any other evidence the protest committee considers necessary.

If the protest committee decides there is sufficient reason to reopen, it must notify the parties of its decision. When the hearing will be reopened, the protest committee must provide the same notification that is required for a protest hearing. In addition, when the reopening is based only on new evidence, a majority of the members of the protest committee shall, if possible, be members of the original protest committee. However, if the reopening is based on a significant error, the protest committee shall, if practicable, have at least one new member. However, to avoid the perceptions that the old protest committee is reviewing itself, replacing more members, but not all, should be considered.

At a reopened hearing, the procedural rules of Part 5 apply, particularly, rule 63.6. The protest committee shall take the evidence of the parties present at the hearing and of their witnesses and other evidence it considers necessary. Parties may also ask questions. The protest committee proceeds as it would in any other hearing.

F.21 Breaches of World Sailing Regulations

Rule 6 lists World Sailing Regulations that competitors, boat owners and support persons shall comply with. Check each regulation before proceeding with any protest for breaches.

F.22 Redress Hearings

A boat whose score or place in a race or series that has been made significantly worse through no fault of her own may, in circumstances complying with rule 62.1, be granted redress through a hearing.

F.22.1 Who May Request Redress?

A boat (rule 60.1(b))

The introduction to the RRS, Terminology, states that a 'boat' means a

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sailboat and the crew on board. Normally boats request redress for themselves; however, this is not a requirement of the rules. A boat or its crew may request redress for another boat. Rule 60.2(b) requires the protest committee to include all boats affected in a redress award, whether or not they asked for redress.

The race committee (rule 60.2(b))

The race committee may request redress for a boat that it believes may be entitled to it. Often it is to correct any errors it has made that may have affected a boat or boats.

The protest committee (rule 60.3(b))

The protest committee may call a hearing based on a report or information received from any source, including invalid protests or requests for redress, or from any party, whether interested or not.

The protest committee may also grant redress as part of its decision in a protest hearing if it decides a boat is entitled to redress under rule 62, whether or not they asked for redress. (rule 64.2).

The technical committee (rule 60.4(b))

The technical committee may request redress for a boat that it believes may be entitled to it. Often it is to correct any errors it has made that may have affected a boat or boats.

F.22.2 Parties to a Redress Hearing

The definition of party to a hearing includes a boat requesting redress or for which redress is requested by the race committee under rule 60.2(b), or the technical committee under rule 60.4(b), or considered by the protest committee under rule 60.3(b). In such cases, all boats for which redress is being considered are entitled to attend the hearing.

Such a large hearing can be difficult to manage. First, find a space large enough to allow all parties to be present. This may mean gathering outside in a quiet corner of the boat park. Second, allow all parties who wish to give evidence to do so. Third, have the protest committee chairman explain that everyone is going to get a chance to speak, but ask the parties not to restate evidence that has already been presented. With this request, the result is often that the first few parties will explain their reasons for requesting redress, then most of the rest of the witnesses will respond, 'I have the same evidence and opinion.'

In requests for redress under rule 62.1(a) the race committee, the technical committee or the organizing authority who made the request is a party to the hearing.

After deciding to grant redress and considering what redress is to be granted, the protest committee may conclude that other boats are also entitled to redress, even if they were not parties to the request for redress. If more investigation is needed and time permits, the hearing could be adjourned, and a new hearing

started, after notifying all boats which could be entitled to redress. As all parties to the redress hearing must be notified of the time and place of the hearing, proper notification must be posted on the official notice board. In this situation, it may also be beneficial to phone, e-mail or SMS all the parties, particularly if the time for posting protest notices has expired. This hearing must restart from the beginning as the new parties to the hearing are entitled to hear all the evidence.

Make sure that the hearing room is large enough to accommodate all parties, which could mean only one representative from each boat.

F.22.3 Redress Hearing Procedures

The hearing of requests for redress falls into four parts:

- Validity
- Compliance
- The incident
- Redress given

Validity is considered first. If the request is invalid, the parties should be informed of this and the hearing closed.

If valid, the hearing should proceed to consider whether the request complies with the requirements of rule 62.1. If the request does not comply, the parties should be informed at this time and the hearing closed.

If the request complies, the protest committee then considers the incident and whether the boat is entitled to redress or not. If not, the parties are informed of the facts found and that redress is not given, and the hearing is closed.

If the protest committee decides that redress is to be given, it now decides what redress would be appropriate. Once decided, the parties should be informed of the decision and the hearing closed.

F.22.4 Validity of a Request for Redress

At a hearing to consider a request for redress, the protest committee must first address the validity of the request.

The request must be in writing and state the reason for making it.

No protest flag is required, and there is no obligation for the boat requesting redress to inform the race committee. Match racing and fleet-umpired races, like medal races under Addendum Q have different requirements.

Any protest by the boat against the organizing authority, the race committee, the protest committee or the technical committee may be accepted as a request for redress, provided it complies with the requirements of rule 62.2.

There are two time limits for filing requests for redress in rule 62.2. For an incident in the racing area, a request for redress must be delivered to the race office no later than the protest time limit or two hours after the incident, whichever is the later. Other requests shall be delivered as soon as possible after learning of the reason for the request.

The time of the incident depends on the circumstances of each request. In the case of a scoring error, or where a boat has been scored OCS or similar, the time of the incident would usually be when the results were posted, as this could be the first reasonable opportunity for the party to know the score. However, if the results were not posted within a reasonable time, the time of the incident could be considered to be even later still.

Requests for redress by the race committee, the technical committee or the protest committee on behalf of boats must be delivered within the relevant time limit of rule 62.2.

When a request for redress is received outside the time limit, the protest committee must extend the time limit if it decides that there is a good reason to do so. The extension would normally be to the first reasonable opportunity after the boat or the committee making the request becomes aware of the situation.

F.22.5 Requirements for Redress

When the request for redress is accepted as valid, the protest committee must now decide whether the request complies with the requirements of rule 62, namely whether the boat's score or place in a race or series has been or may be, through no fault of her own, made significantly worse by:

- a) an improper action or omission of the race committee, protest committee organizing authority or technical committee for the event, but not by a protest committee decision when the boat was a party to the hearing;
- b) injury or physical damage because of the action of a boat that was breaking a rule of Part 2 and took an appropriate penalty or was penalized, or of a vessel not racing that was required to keep clear or is determined to be at fault under the IRPCAS or a government right-of-way rule;
- c) giving help (except to herself or her crew) in compliance with rule 1.1; or
- d) an action of another boat or a crew member or support person of that boat, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.

The protest committee should take evidence of the parties, their witnesses, and witnesses of the protest committee.

F.22.6 Score or Place Made Significantly Worse

Rule 62.1 states that a request for redress 'shall be based on a claim or possibility that a boat's score or place in a race or series has been or may be, through no fault of her own, made significantly worse'.

If the race committee made a scoring error, and as a result of correcting that error, a boat's score is worse than that previously posted, the corrected score has not been made worse than the score the boat should have been scored in accordance with the rules. This would not be an improper action by the race committee, as they are required by the rules to score all boats in accordance with their finishing place.

A boat's score or place in a race or series must be made significantly worse. The term 'significantly' is subjective and is determined by the protest committee based on the circumstances of each case.

The worsening of a score or place by one point would obviously be significant if it decides the outcome of a series. It might also be significant if one point determines the difference between sixteenth and seventh place in the regatta.

It is the responsibility of the party requesting the redress to establish that the boat's score had been made 'significantly' worse. However, the fact that a boat has made an effort to request redress, it is clear that she considers her loss to be significant. A liberal interpretation of 'significant', especially if other boats are not affected, is often the best.

F.22.7 No Fault of her Own

To be entitled to redress, a boat's score or place in a race or series must have been made significantly worse through no fault of her own. This means that if a boat is responsible either fully or partially, for the worsening of her score, no matter how small a part she was responsible for, she shall not be entitled to redress.

In one example, the race committee starts a race at its scheduled time, but a boat leaves the marina late and misses the start. This is the fault of the boat and not of the race committee.

Case 31 offers the example where the race committee, after they identified a boat as OCS and displayed the required flag, failed to make the required sound signal. The boat argued that, although she knew she was OCS at the start, she was not required to return because of the omission of the race committee. The case acknowledges the race committee's error but finds that the boat was fully or partially responsible for not starting according to the definition. The boat knew she was OCS, and nothing prevented her from complying with the definition of *start* or with rule 28.1.

F.22.8 Improper Action or Omission

An improper action is when the race committee, protest committee, organizing authority or technical committee does something that is not permitted by the *rules* of the event. An omission is when the race committee, protest committee, organizing authority or technical committee fail to do something, whether or not required by the rules, that causes the boat's score to be significantly worsened. For an example, see Case 116, where a boat was given redress for three races based upon her finishes in the first two races only. The Case states that, although the protest committee did not break a rule, they did not make as fair an arrangement as possible for all boats affected.

Race management policies, jury policies and advice to competitors are not rules. If the race committee or protest committee did not act on those policies or that advice, that would not be grounds for redress. World Sailing Case 129 provides an example of a race committee action that was not good race management practice but was not an improper action of the race committee.

In one example, If a race committee signals course 3 when only courses 1 and 2 are described in the sailing instructions, this would be an improper action because

the course was not in the sailing instructions.

In another example, If the race committee signals course 2 and subsequently the first boat could not finish the race within the time limit, and the course is not shortened, this would not be an improper action or omission. This course is permitted by the sailing instructions and shortening the course is discretionary; it is not an improper action or omission.

F.22.9 Physical Damage and Injury

There are three components to rule 62.1(b):

- the boat has sustained injury or physical damage;
- because of the action of a boat that was breaking a relevant rule; and,
- the other boat took an appropriate penalty or was penalized.

Physical damage is where the value of part or the whole of the boat is diminished, or it is rendered less functional. Refer to Case 19. The following are not physical damage: capsized; rigs or lifelines entangled; crew overboard; loss of places.

Injury would be any issue that required medical treatment or rendered the crew less functional. Minor cuts or abrasions would not be considered injuries for the purposes of this rule.

Case 135 advises that Rule 62.1(b) does not require physical damage or injury to have been caused directly by the boat that was breaking a rule of Part 2. It is sufficient that any physical damage or injury was the probable consequence of the action of the boat breaking a rule.

The committee must also determine that the boat that was breaking a rule took an appropriate penalty or was penalized. Check for a record that the boat retired, or reported an appropriate penalty. If the boat requesting redress also filed a valid protest against the boat, hear it together with the request for redress.

F.22.10 Giving help

A boat giving help (except to herself or her crew) in compliance with rule 1.1 may be entitled to redress. When it is possible that a boat is in danger, another boat that gives help may be entitled to redress, even if her help was not asked for or it was later found that there was no danger. See rule 62.1(c) and Case 20.

F.22.11 Penalty action

A boat whose score has been made significantly worse by the actions of a boat against which a penalty has been imposed under rule 2 or a penalty or warning under rule 69 may be granted redress. Once a penalty has been imposed the protest committee may consider calling a hearing to consider redress.

F.22.12 Pre-Race Requests for Redress

Any requests for redress submitted before racing begins should be heard at the first reasonable opportunity. Any such claim could only relate to an alleged improper action or omission by the organizing authority or race committee.

Examples might be issues raised in the notice of race or sailing instructions, measurement procedures, eligibility or exclusion of a competitor.

The request for redress might claim that the notice of race or the sailing instructions were incomplete, contradictory or did not comply with the rules. These requests are similar to requests to the organizing authority for clarification or interpretation of their documents. In cases like this, the organizing authority often asks the protest committee for their advice, but they are not bound to comply with the advice given.

F.22.13 Alleged Error in Scores Determined by the Race Committee

Boats sometimes challenge the race committee's decision to score them OCS, ZFP, UFD, BFD, SCP, NSC or DNF by requesting redress under rule 62.1(a).

For a boat to be given redress, she must provide evidence that the race committee has made an error. Video evidence or the relative positions of two boats scored differently rarely proves that the race committee has made an error. It is the responsibility of the boat requesting the use of video evidence to supply the video and the equipment on which to view it. In finding the facts, the protest committee will be governed by the weight of evidence using a balance of probabilities as the standard of proof. See Case 136.

F.22.14 Redress Given

When the protest committee is satisfied that the request meets the requirements, it must make as fair an arrangement as possible for all boats affected. This is the most challenging part of the redress hearing. Ask the parties what they believe would be the fairest arrangement for all boats affected, although the protest committee is under no obligation to give the requested redress.

When in doubt about the fact or probable results of any arrangement for the race or series, especially before *abandoning* the race, the protest committee shall take evidence from appropriate sources. This might include evidence from other boats not involved in the request and race committee records. Rule 64.3 offers examples of redress that may be given.

Average points may be awarded when a boat has been unable to finish the race. Ensure that fewer than half of a boat's race scores included in her series scores, after any exclusion(s), are based on average points. See Case 116.

In major events, consideration may also be given to excluding the last race, or the last day of the series, from the average points calculation. This allows competitors to know the exact scores of all boats going into the final race or final day so they can devise their tactics and strategies.

If a majority of races in a series have already been completed the average points could be determined on the basis of her points for all races completed before the race in question.

Position of boat at time of incident: points can be awarded based on the position of the boat in that race at the time of the incident. This method should not be

used unless the positions of the boats in the race have become well established.

Finishing times: if the time lost by a boat in an incident can be reasonably determined, the boat's score could be adjusted by awarding points equal to the finishing position the boat would have had if that time was deducted from its elapsed time for the race. Protest committees must be careful to follow Case 110 and not grant redress for time or places lost during contact or an incident, but rather only grant redress for time or places lost because of the boat's slower progress caused by the injury or damage.

Other arrangements: if a boat's score cannot be fairly adjusted using the above arrangements, some other method of redressing its score could be appropriate. For example, in a two-of-a-kind mixed fleet race it could be considered fair to give that boat points equal to the other boat of its same kind.

Abandonment: abandoning a race should only be used when no fair arrangement can be determined for all boats affected. This is important, because to abandon a race may be unfair to those boats that won or finished the race on their own merits.

Qualifying and final series: where a series consists of a qualifying and final series, any redress given should relate to, and be based on, results relevant to that part of the series in which the incident occurred.

Remember rule 64.2 states that the protest committee shall make as fair an arrangement as possible for all boats affected.

F.23 Hearings Involving Support Persons

A Support Person is defined as: Any person who

- provides or may provide, physical or advisory support to a competitor including any coach, trainer, manager, team staff, medic, paramedic or any other person working with, treating or assisting a competitor in or preparing for the competition; or
- is the parent or guardian of a competitor.

Support persons, by rule 4.1(b), are bound by the rules of the regatta.

F.23.1 Procedures for a Hearing for a Support Person

The protest committee may call a hearing to consider whether a support person has broken a rule. Most commonly, the allegation is of a breach of a rule in the sailing instructions or notice of race or Support Team Regulations that are in effect at the event. The protest committee may call this hearing based on its own observation or on information received from any source. This could include evidence taken during a hearing. The allegation could also be an act of misconduct under rule 69, as discussed later in this section.

To initiate the hearing, the allegation of the breach must be in writing, typically describing the incident, including when and where it occurred, and the rule that is believed to have been broken. The support person must be notified of the

details of the alleged breach. This information is typically provided on the Request for Hearing form.

For the hearing, follow the procedures listed in rule 63.9. Check for a conflict of interest of any member of the protest committee. Take evidence from the parties, hear their witnesses and allow for questions to the parties and their witnesses. The exception to the usual protest procedure is that validity requirements do not apply.

The support person is a party to the hearing. In addition, by definition, any boat that person supports is also a party to the hearing. The hearing request form should identify all boats associated with the support person as parties to the hearing. Present the support person with a copy of the hearing request form to provide them with the details of the alleged breach. Make copies available at the jury desk for the associated boats.

The protest committee must notify the support person and all boats associated with the support person, of the time and place of the hearing. The notification must be timely once the protest committee is aware of the alleged breach. Notification may be on the official notice board, if the sailing instructions so permit. The hearing for the support person may be scheduled with the protest and redress hearings.

The support person and all boats that person supports are entitled to attend the hearing as parties. If some or all boats do not attend, the hearing may proceed in their absence if they have been duly notified. Give all parties reasonable time to prepare for the hearing.

At times, the protest committee will bring the allegation against the support person, especially when based on their own observations. In this case, it is better for that member to step off of the protest committee and not participate in the protest committee's decision. Alternatively, the protest committee may appoint another person to present the allegation at the hearing. This approach ensures that the protest committee is independent of the person who presents the allegations at the hearing.

F.23.2 Penalizing a Support Person

The protest committee concludes, based upon the balance of probabilities, whether the support person broke a rule. There is a range of penalties that may be applied. The protest committee may issue a warning, or for more serious breaches, exclude the person from the event or venue or remove any privileges or benefits of the event or venue. This exclusion may be for a limited time, such as for one race or one day, or for an extended period up to the end of the event. Consider also whether to exclude the support person from social events organized by the regatta. Decide further whether the support person would be permitted to return to the venue after the event to pack up gear. Before recommending that the organizing authority remove accreditation from a support person, be sure whether it is needed to access meals that have already been paid, or to enter the athlete's village to sleep. The protest committee may also take other action within its jurisdiction provided by the *rules*.

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The World Sailing Discretionary Penalties for Support Persons and Boats Policy (DPI) provides protests committees with guidance on penalties related to the rule that applies. By using the logic model in this Policy, protest committees may be consistent in penalizing for similar breaches across events. Not all rules in the Policy will apply at every regatta. It is important for the protest committee to stay within its jurisdiction in applying rules and giving the penalty.

F.23.3 Penalizing a Boat for a Breach by a Support Person

If a support person is penalized in a hearing, the protest committee will also decide whether to issue a warning to the boats associated with the support person. This decision is normally considered during the hearing by inviting the boats to make a representation as to whether a warning should be issued or not. The advantage of a warning to the boat is that the boat is put on notice that they are exposed to a penalty related to the conduct of their support person.

However, a warning is not mandatory, and the circumstances of the support person's actions must be considered. If a warning is given, it should be included in the written decision for the hearing.

Standard wording where the boats supported are, say, sail numbers 1572, 1539, 1600 and 1602 and the support person is Chris Black is:

‘Boats 1572, 1539, 1600 and 1602 are warned that a further breach by support person Chris Black may result in a penalty being imposed on the boats.’

Post the decision along with the warning to the boats that are supported on the official notice board. This provides sufficient warning to the boats, even if they did not attend the hearing.

A protest committee may also penalize a boat that is a party to a hearing about a support person under certain conditions in the rules. However, it will not automatically do so.

One condition for penalizing boats is that the boats may have gained a competitive advantage as a result of the breach by the support person. In these cases, there is usually a good reason to protest the boat as well. If possible, the rule alleged to have been broken in the protest will be the same rule the support person is alleged to have broken. Otherwise, the protest committee can use an associated rule. Examples include protesting a boat for outside assistance, or for a breach of a class rule when the boat has been modified, or when the support person has interfered with other boats that are racing.

Since the protest and the action against the support person arise out of the same incident, they can be heard together in the same hearing.

A second condition for penalizing boats for a breach of a support person is that the support person has committed a further breach after the protest committee has warned the boat in writing that a penalty may be imposed. The further breach could involve the same rule or a different rule.

If either of these conditions are met, then the protest committee may penalize

boats that are party to the hearing. Rule 64.5(b) allows for other penalties than a DSQ. The boats may be penalized, even if they did not attend the hearings.

F.23.4 Appeal by a Support Person or Boats he Supports

All boats associated with the support person are parties to the hearing. Therefore, they all have the right to appeal the decision of the protest committee, unless the right of appeal has been denied. The protest committee would provide a copy of their decision in writing to any parties who request it. This would include the support person and boats he supports.

F.23.5 Allegations of Misconduct by a Support Person

The protest committee may also call a hearing for a support person who is alleged to have committed misconduct in breach of rule 69.1. In this case, the protest committee would follow the procedures in rule 69.2. The World Sailing Misconduct Guidance 2017 or more recent version is also a good resource for protest committees who investigate and conduct hearings about misconduct. The section on rule 2 and rule 69 of this manual provides further details of protest committees' procedures and responsibilities.

If the allegation against the support person is misconduct, any boat that person supports is also a party to the hearing. While these boats are not alleged to have committed misconduct themselves, they are subject to penalties if conditions are met.

G Rule 2 and Rule 69

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G.1 Rule 2 Fair Sailing

Rule 2 requires boats and their owners to compete in compliance with recognized principles of sportsmanship and fair play. The rule is one of six fundamental rules of sailing. A boat, a protest committee, technical committee or race committee may protest under this rule.

The Case Book gives guidance as to what actions may be considered a breach of the principles of sportsmanship and fair play. Case 138 advises that an action that is considered to be an act of misconduct and that does not directly affect the competition should be subject to action under rule 69.

A boat may be penalized only when it is clearly established that this rule has been broken. This standard of proof is higher than a balance of probabilities. The penalty is a disqualification that is not excludable from a boat's series score (DNE).

A protest committee may disqualify a boat for a breach of rule 2 even though it is not mentioned in the protest. Rule 2 does not have the procedural and formal safeguards of rule 69. When the protest committee is considering that the

competitor's action may also be a breach of rule 2, it should explain the potential breach of sportsmanship and give the boat an opportunity to address the issue before it makes a decision.

G.2 Rule 69 Hearings

We recommend the reader to review the most recent version of the World Sailing Misconduct Guidance. It is a complete reference work for all race officials – in particular, judges and protest committees, based on the World Sailing Racing Rules of Sailing. At the moment this manual has been released, the current version of this Guidance is dated 2017 and refers to the 2017-2020 rules, but it still provides guidance under the 2021-2024 rules.

<https://www.sailing.org/42208.php>

Rule 69 hearings are separate and different from other hearings in four main ways:

- An action under rule 69 is not a protest;
- An action under rule 69 is against a competitor, a boat owner or a support person, not a boat;
- An action under rule 69 may be initiated only by a protest committee;
- on receiving a report, the protest committee has discretion as to whether to proceed to a hearing or not.

The protest committee initiates a rule 69 hearing either on its own, or after receiving an oral or written report from anyone, including a person who is not involved in the regatta.

Note: Major international events have very different procedures under rule 69 as defined by WS Regulation, Disciplinary, Appeals and Reviews. Since this manual does not cover these procedures, it is important to refer to the Regulation if involved with misconduct issues at one of these events.

G.2.1 When the Protest Committee Should Initiate Action Under Rule 69

Standards of ethical behavior among sailors throughout the world vary greatly, and it is not the responsibility of judges to educate individuals in the subject of moral behavior. Under rule 69.1(a) a competitor, boat owner and support person shall not commit misconduct, being conduct that is a breach of good manners, sportsmanship or unethical behavior, or conduct bringing the sport into disrepute.

Such actions are addressed through two rules. Rule 2 requires that a boat, her owner and crew shall compete in compliance with recognized principles of sportsmanship and fair play. Rule 69 prohibits misconduct and describes the procedure for the protest committee to adopt, should a competitor, boat owner or support person commit such an act of misconduct.

It is essential to the healthy development of the sport that severe penalties be imposed on competitors, boat owners or support persons who knowingly infringe a racing rule. Protest committees should take action under rule 69 if a competitor

deliberately breaks a rule for his own advancement or if a deliberate breach results in injury, or if a competitor cheats, lies at a hearing, or behaves in any way that brings the sport into disrepute. Protest committees should also take action under rule 69 if the actions of support persons might affect the fairness of the competition or seriously affects people's enjoyment of the sport.

G.2.2 Who Can be Subject to a Rule 69 Hearing

Rule 69 uses the terms, competitor, boat owner and support person; this means any boat owner and any crew member and any support person.

Support persons are bound by the rules because the competitor agrees on behalf of the support person to be bound by the rules (rule 4.2). In addition, a parent or guardian who enters their child in a race thereby agrees to be bound by the rules (rule 4.1(b)).

A parent or other support person might object to a rule 69 hearing on the grounds that the competitor did not have authority to bind the support person to comply with the rules, and that he did not know that providing support would bind the person. If this objection is raised, advise the support person that, if that is so, the competitor broke rule 4.2 and must be disqualified. The limitation of a disqualification in a single race in rule 64.5(b) does not apply to the breach by the competitor of rule 4.2. In most cases that will cause the support person to accept that he is bound.

Consider this point as a preliminary issue and whether, on the facts, the support person is bound to the rules. If the protest committee is convinced that the support person was indeed bound (such as the case of a coach which would be expected to know the rules, including the provisions of rule 4.1 and 4.2), it should proceed with the rule 69 hearing. If the protest committee determines the support person is not bound to the rules, then it cannot proceed against them and must turn its consideration to the competitor's compliance with rule 4.2.

G.2.3 The Time and Place of the Act of Misconduct

The act of misconduct must be associated with the event. It would therefore normally occur within the period immediately prior to the event, commencing with the competitor's arrival at the venue for the purpose of the event, and may extend beyond their departure from the venue. Thus, a protest committee is not at liberty to hold a rule 69 hearing to address alleged misconduct by a competitor which happened before the beginning of the event, unless the misconduct relates to the event. For example, before an event, a competitor may threaten to do something at the event or do something to prevent another competitor to partake in an event, such as deliberately damaging another competitor's boat. Such an act, even though it happened before the event, will be sufficiently closely connected to the event to say that the person is a competitor.

The place where the act of misconduct occurred is not necessarily relevant. An example is a competitor who was involved in an assault during a fight in a public place unrelated to the venue of the regatta. This may still bring the sport into

disrepute because the public associates the competitor with the event, so the competitor could be the subject of a rule 69 hearing. If that fight took place between the competitor and someone unrelated to the regatta, in private or in public, without the public knowing the competitor was competing in the regatta, it would probably not be appropriate for a protest committee to initiate a rule 69 hearing.

G.2.4 Preparation by the Protest Committee

Before a protest committee convenes a rule 69 hearing, it should first prepare itself. The protest committee will try to get a clear view about the meaning of rule 69 and the procedure to follow.

Start reading rule 69 carefully. Discuss the implications of the rule and discuss the potential infringement.

Read rule M5 again, and the World Sailing Misconduct Guidance and ensure you are knowledgeable of the procedure to follow. Think about what might happen during the hearing and what your answers will be. Plan the procedure within the protest committee, delegating tasks among the members; one chairs the hearing, another person is the scribe.

If the hearing involves youths, make arrangements, if possible, that a parent, guardian or coach is present as a witness to the proceedings. Also refer to the section on Judges and Junior Sailors.

G.2.5 Appointing an Investigator, Rules 69.2(c) and (d)

The protest committee may appoint an investigator when they do not have sufficient information to decide whether to call a hearing or not. The purpose of the investigator is to ensure that the protest committee is independent, and that their judgment is not influenced by information obtained during the investigation.

If possible, the investigator should be familiar with the procedures of rule 69. He may be a member of the protest committee, or another race official or member of the organizing authority. However, the investigator, whether one of the protest committee or not, is prohibited from participating in any further decisions made by the protest committee in the case.

It is important that the investigator keeps a written record of all the evidence he obtains. Rule 69.2(d) deals with the disclosure of the information gathered by the investigator, an essential element in the fairness of any subsequent procedures. Fairness and rule 69.2(d) dictate that the investigator must disclose all information that it gathers, favorable and unfavorable, to protest committee and, if a hearing is called, to the parties.

The investigator may be appointed by the protest committee under rule 69. 2(c) to present the allegation in the hearing. If appointed under this rule, the investigator will gain the status of a party.

G.2.6 Informing the Person in Writing

Prepare the written statement of allegations that you will give to the person against whom the allegation of the rule 69 violation is made. Make the allegations as detailed as possible and include the time and place of the hearing (rule 69.2(a)).

Should the protest committee learn of the evidence of misconduct during a protest hearing, rule 69 cannot be addressed in that hearing. The protest committee must prepare the written allegation after that hearing is closed, and promptly deliver the statement to the person. Even if the person gives approval to proceed with the hearing immediately, wait. The person must be given a reasonable time to prepare a defense. Schedule the rule 69 hearing leaving enough time for the person to review the allegations, gather witnesses and find an advisor and representative to provide support during the hearing. This is often only the following day.

The written notice should state the alleged specific act or acts of misconduct under rule 69.2. It is not sufficient to state that the person committed an act of misconduct by committing a breach of good manners, without saying what the misconduct is. The description of the misconduct should be specific.

The notice should be detailed. For example, write, 'immediately after the decision was announced, the competitor stated in a loud voice that the decision was wrong and called the members of the protest committee 'idiots' and said that they have 'no clue what they are doing''. It is not sufficient to write, "the competitor said that the decision of a protest committee is wrong".

Where foul language is used, the notice should either quote the language or describe it clearly. For example, 'using vulgar language indicating sexual intercourse.' Do not merely say that the competitor used 'insulting language' without quoting or paraphrasing the language.

A good test is whether a dispassionate outsider will understand the notice and would agree that the alleged conduct is misconduct.

The notice should also allege the time, place and identity of other persons involved, if known.

It is preferable to be specific regarding the act of misconduct so that there is no possible misunderstanding by the competitor. Remember that a finding at the end of the hearing cannot be of any misconduct other than that alleged in the notice. If the evidence at the hearing differs materially from what is alleged in the notice, the hearing should be adjourned to give a further written statement of allegations and time to prepare. An alternative is to inform the competitor or other person that a finding might be made in respect of this additional misconduct, then ask whether he requires additional time to prepare and gather evidence. Make a record that this was done, which should form part of the report made in terms of rule 69.2(j).

G.2.7 Examples of Cause for Initiation of a Rule 69 Hearing

Only when the protest committee has evidence that indicates a realistic prospect that misconduct has occurred should a rule 69 hearing be initiated. It should also be in the interests of the sport to initiate a hearing. For example, misconduct by a

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junior sailor might not justify a hearing if a lesser and more appropriate form of intervention can be made. However, in most cases this test will clearly be met.

Breach of good manners: whether conduct is a breach of good manners will depend much upon whether other people, such as competitors, officials or the public, are offended by the behavior. What might be acceptable behavior in one situation may be unacceptable in another. The common use of foul language in daily life makes it difficult for some young people to realize how offensive such language may be to others. Persons who do not speak the language spoken at the regatta as their first language might also have less understanding of the offensiveness of specific terms. This is a difficult area to be judged consistently. Swearing directed at an individual could be considered differently from expressions of frustration that are not directed to any individual.

Breach of good sportsmanship: this includes cheating by acting to gain an advantage by infringing rule 2, lying at a hearing, etc. Unlike protests where it is assumed that if there is a rule infringement it was not done on purpose, the person's intentions or attitude, if it was reckless, can be important in deciding whether conduct is a breach of good sportsmanship.

Examples of occasions when action under rule 69 would be appropriate, should the protest committee become aware of evidence, are presented in Case 138. Some include:

- lying at a hearing;
- knowingly infringing a rule with intent to gain an unfair advantage;
- threatening behavior, or physical contact;
- falsifying measurement documents;
- failure to comply with a reasonable request of a race official;
- deliberately damaging another boat;
- abuse of officials;
- theft;
- offensive drunken behavior;
- fighting.

G.2.8 The Rule 69 Hearing

During the hearing, follow the procedures meticulously. Any doubt as to the correct procedure should be resolved in favour of the course of action which presents the greatest fairness to the competitor.

It is especially important at a rule 69 hearing to maintain an atmosphere of formality. Ensure that the competitor is given ample opportunity to answer the allegations. Keep a written account of the proceedings. The hearing must be held in accordance with rules listed in rule 69.2(e).

The protest committee should consider making an audio or video recording of the hearing. Such a recording is often very useful if there is a dispute later as to what happened at the hearing or what evidence was given. This is particularly so where there might be further proceedings by World Sailing or an MNA under the

Regulation, Disciplinary, Appeals and Reviews, or proceedings before the Court of Arbitration for Sport.

If a recording is to be made, consent to the recording must be obtained from the competitor, boat owner or support person and any witnesses prior to commencement of the hearing. In addition, it is also necessary to inform about the duration of the recording and the institutions to which it is to be distributed, in advance. If one of these persons does not agree, a record of her or his statement shall not be made. If only the consent of the parties has been given, but not that of a witness, the hearing but not the testimony of the witness can be recorded. In some nations a recording made without a person's consent is a criminal offence and the power to do so is generally reserved exclusively for law enforcement agencies (prosecutors and police). Note that a protest committee is not a law enforcement agency. The protest committee has only the possibility of verbal or analogous written record of the statement, if the personal consent to the electronic record is not given.

A party is entitled to a copy of the recording if required for an appeal or further proceedings. In that case, the party must first agree that the recording will only be used for that purpose, and that its confidentiality will be respected. After expiration of the duration of the recording, and in particular if no appeal or further proceedings have taken place, all persons recorded are entitled to a cancellation of the recording. Upon written request, the entitled person must be informed about the institutions to which the record was distributed. An alternative to providing the recording is to order a transcript of the recording via a commercial provider.

An act of misconduct may be a breach of a rule, good manners or sportsmanship, or conduct that brings the sport into disrepute. Rule 69.2(g) requires that the protest committee find to its 'comfortable satisfaction' bearing in mind the seriousness of the alleged conduct, whether or not the competitor has broken rule 69.1(a). The following explanation of this standard of proof is based on World Sailing Case 122.

Comfortable Satisfaction is greater than the 'balance of probabilities'. In a rule 69 hearing, the protest committee must answer 'yes' to both of the following questions before it penalizes a competitor or boat owner or support person under rule 69.2(h) or 69.2(i):

- Is the committee comfortably satisfied that the facts found establish that the alleged conduct occurred?
- Is the committee comfortably satisfied that the conduct that occurred was misconduct?

The requirement that the protest committee must be comfortably satisfied does not mean that all of them needs to be so satisfied. It is sufficient if a majority of them are so satisfied.

The standard of proof may have been varied by a National Prescription with the consent of World Sailing. No country has done so to October, 2020.

Comfortable satisfaction is a standard used by the Court of Arbitration for Sport (CAS), as well as in doping cases.

G.2.9 Mitigating and Aggravating Circumstances

Once the protest committee decides that the person has committed an act of misconduct, they will consider whether to give a penalty. In doing so, the protest committee should also consider whether there are any mitigating circumstances that may lead to reducing the penalty, and aggravating circumstances that may lead to a more severe penalty than is typical for similar misconduct.

Consider whether any remorse is for the misconduct itself. This is different from remorse for being called to a rule 69 hearing or for the penalty that might be given. Take into consideration any sincere and unprompted apology in relation to an incident that admits that the conduct was impulsive or spontaneous.

G.2.10 Litigation

In the past, competitors have made threats against protest committees, such as threatening to sue the committee members for libel or defamation. The dictionary defines libel as, 'the publication of defamatory matter in permanent form, as by a written or permanent statement, picture, etc.'

It is the personal responsibility of a race official to ensure that appropriate insurance policies are in place to cover their work (whether this is through the organizing authority, MNA, etc.). World Sailing does not provide insurance for World Sailing Race Officials.

It might be appropriate in some countries for protest committee members to be insured against costs arising out of civil court proceedings. Although action brought by a competitor might fail, the costs of defense might be considerable.

Under rule 4, each competitor, boat owner and support person agrees to be governed by the racing rules and to accept the penalties imposed or other action taken, subject to appeal and review procedures. Nonetheless, courts in some countries state that they have a greater authority than the racing rules to decide on decisions from a protest committee under rule 69.

G.2.11 Party Fails to Attend

Rule 69.2(f) states that, if the competitor provides good reasons for being unable to attend the hearing, the protest committee shall reschedule it.

Rule 69.2(f) states that, if the competitor does not provide a good reason for being unable to attend the hearing and does not come to it, the protest committee may conduct it without the competitor present. If the committee proceeds without the competitor, and penalizes the competitor, it shall include in its report under rule 69.2(j), the facts found and the decision and the reasons for it.

Under rule 69.2(k), if the protest committee chooses not to conduct the hearing without the competitor present, or if the hearing cannot be scheduled for a time and place when it would be reasonable for the competitor to attend, the protest committee shall collect all available information and, if the allegation seems

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justified, make a report to the relevant national authorities. If the protest committee is appointed by the World Sailing under rule 89.2(c), it shall send a copy of the report to the World Sailing.

Rule 69.2(k) applies also when the protest committee has left the event and a report alleging a breach of rule 69.1(a) is received. The race committee or organizing authority may appoint a new protest committee to proceed under this rule.

G.2.12 Case Dismissal

After a hearing, if it is found that the allegation of misconduct is not proven, the protest committee should make this clear. The news of a rule 69 hearing will have spread throughout the regatta, and it is important that the competitor's name is cleared publicly.

G.2.13 Penalties

A rule 69 hearing does not have to result in the imposition of a penalty if the allegation of misconduct is proven. A warning may suffice after, for example, a minor act of misconduct followed by an apology for the misconduct. A penalty equal to or less than one DNE shall not normally be reported to any national authority (see discussion of rule 69.2(j)(3) below). If a person is excluded from an event or venue it must report the penalty to the national authority.

The protest committee may exclude a competitor and their boat, when suitable, from further participation in an event or series. The maximum penalty would be to disqualify the competitor from the entire regatta, since the protest committee has no power to penalize outside the event over which it has jurisdiction.

The protest committee may also take any other action within its jurisdiction as provided by the rules. The protest committee must stay within their jurisdiction, using only the rules that govern the event, within the definition *rule*, and specified in the notice of race or sailing instructions.

No publication of the outcome should normally be made, other than the usual hearing result on the official notice board (see the World Sailing Misconduct Guidance for suggested wording).

G.2.14 Appealing the Decision

The competitor may appeal a decision only if the protest committee was not a properly constituted international jury or a protest committee from which the right of appeal was denied under rule 70.5.

G.2.15 Reporting to National Authorities

A person against whom a finding was made is entitled to a copy of the proceedings to prepare an appeal or his defense before another body that might impose a further penalty, such as his national authority or World Sailing.

When a penalty less than or equal to one DNE is imposed, no report to any national authority is required.

When a penalty greater than one DNE is imposed, the case must be reported to the national authority of the person involved, or in specific instances, to World Sailing instead of the national authority. The report should be detailed, since the national authority will rely on it to decide whether to investigate the matter further. It is useful for the protest committee to recommend whether a further penalty is appropriate. Make this report as soon as possible, so important issues are not forgotten and so that the competitor can know whether further sanctions might follow. It is also important for other persons to see that the matter is dealt with promptly. Undue delay in reporting such matters brings the administration of discipline in the sport into disrepute. A copy of the report should be given to the competitor.

Rule 69.2(j)(3) allows the protest committee to report its decision to a national authority in any other case it considers appropriate. This could include a case where the protest committee has imposed a penalty of one DNE or less. However, the protest committee should exercise this power very carefully and explain its reasons in the report which is also sent to the competitor. It would be unusual for a protest committee to make a discretionary report where it has not imposed a penalty that is within its powers. An example would be where one member of a large crew on a keel boat is the person committing misconduct and it would be inappropriate to penalize the boat and the whole crew for the misconduct of one person. There must be a reason for involving the national authority or World Sailing which cannot be addressed by the protest committee at the event. In particular, the protest committee should not make a report without conducting a rule 69 hearing merely because it does not wish to deal with a difficult misconduct issue.

G.2.16 Action by the National Authority

When the protest committee is required to make a report to the national authority, provide as much information and evidence as is practically possible while events are fresh in the minds of witnesses, to assist another disciplinary body to come to the best decision at a later time. This might include recording the evidence as it is given to the protest committee.

H Appendix T Arbitration

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H.1 Introduction

Appendix T Arbitration can eliminate the need for protest hearings by offering a simplified review of the protest between the two parties and an experienced judge. After hearing both parties the judge offers an opinion of how the protest committee is likely to decide the protest. The appendix then offers ways to settle the dispute, allow a boat that broke a rule a lesser penalty than disqualification, and conclude the protest.

Appendix T Arbitration applies when so stated in the notice of race or sailing instructions. It has two parts: the Post-Race Penalty; and the arbitration meetings.

Post-Race Penalty: A boat may take a post-race penalty for breaking a rule of Part 2 or rule 31 provided the requirements of rule 44.1(b) are met. If a boat decides she has broken a rule, she may choose to accept a 30% scoring penalty. This decision may be made at the end of the race, before or during the arbitration meeting, and up to the start of a protest hearing.

Arbitration Meeting: The second part is an arbitration meeting of the protestor and the protestee with the arbitrator, who is an experienced judge. The sailors each describe what happened on the water, and the judge then gives an opinion about the validity of the protest, and which boat, if any, broke a rule.

Regardless of whether a Post-Race Penalty is taken, a protestor may ask to withdraw the protest. The judge who arbitrated may then act on behalf of the protest committee and in accordance with normal jury policy, to allow the withdrawal.

H.2 The Arbitrator

The judge who will conduct an arbitration meeting should be highly experienced with a good knowledge of the rules. The individual must think and make decisions quickly and have the respect of the parties. He should have a thorough understanding of RRS Appendix T, validity, the rules of Part 2, rule 31, and rule 44.1(b). An excellent and thoughtful judge who needs time to reach a decision may

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not make the best judge to select to arbitrate, and will usually be more valuable in hearings deciding the complex protests.

While it is not stated in the rules, where an international jury has been appointed, judges who conduct arbitration meetings should be members of the protest committee.

If a protest is not withdrawn, the judge who arbitrated may be a member of the protest committee that hears the protest.

H.3 The Post-Race Penalty

Appendix T must be included as a rule by the notice of race or the sailing instructions to permit the Post-Race Penalty and arbitration meeting.

The Post-Race Penalty system and arbitration meeting work only if the Post-Race Penalty is less than the disqualification that a boat would receive in a subsequent protest hearing, and more severe than any penalty that is available to the boat on the water at the time of the incident.

A severe penalty often results in a competitor refusing to accept arbitration and instead deciding to take a chance on avoiding a DSQ in a hearing. Mathematically, the worse the boat's finishing position in the race, the less advantage taking the Post-Race Penalty provides over a possible disqualification in a hearing. Likewise, a lesser penalty encourages a boat not to do a turns penalty on the water in the hope that the protesting boat will decide to drop her protest.

The Appendix T Post-Race Penalty is 30% of the score for DNF, rounded to the nearest whole number. The organizing authority may change the penalty by modifying T1(b) in the sailing instructions by changing the percentage, or by providing for a Post-Race Penalty that is a set points penalty.

As with other scoring penalties, there is no change to the finishing order of other boats in the race. Therefore, two boats may receive the same score.

The Appendix T Post-Race Penalty is available to any boat, when appropriate. A boat may not take a penalty other than retirement if she caused injury or serious damage, or if she has gained a significant advantage from her breach. See rule T1(a) and rule 44.1(b).

A basic principle under Sportsmanship and the Rules is that when competitors break a rule, they will promptly take a penalty. If the protest committee concludes that it is clearly established that a boat knowingly broke a rule and did not promptly take a penalty, the boat broke rule 2. Since rule 2 is a rule in Part 1, the Post-Race Penalty is not available to her.

Some advantages of the Post-Race Penalty in Appendix T are:

- A boat may take a penalty instead of retiring (RET) after coming ashore, when she realizes she broke one or more rules of Part 2 or rule 31.
- A boat that takes a Post-Race Penalty may not be penalized further unless a protest committee finds that there was injury or serious damage, or she gained a significant advantage from her breach.
- A boat may take the Post-Race Penalty before, during or after the arbitration meeting, and up until the beginning of a protest hearing involving the incident.

H.4 Principles of Arbitration

Arbitration takes place after a written protest has been delivered, but prior to the protest hearing. The judge's role at an arbitration meeting is to give an opinion as to what the protest committee is likely to decide. Even though the process is informal, and the boats are not bound by the opinion of the judge, all the safeguards built into the rules of Part 5 for procedures for protest hearings and decisions remain in place. Even if a party decides to take a Post-Race Penalty, the protest remains and rule 63.1 requires that it must be heard by the protest committee. If the protestor requests to withdraw the protest, the judge who arbitrated may then act on behalf of the protest committee and, in accordance with normal jury policy, allow the withdrawal.

Arbitration is appropriate when:

- rule 44.1(b) does not apply: No boat caused injury or serious damage in the incident, and no boat gained a significant advantage in the race or series by her breach, even if she took a penalty.
- the incident is limited to the rules of Part 2 or rule 31. If it becomes clear that other rules are applicable or another boat may be involved, the judge will close the meeting and send the protest to the protest committee;
- the incident involves only two boats. A protest involving three or more boats may be too complex to work through in arbitration of less than 15 minutes.
- The arbitration meeting proceeds with the understanding that the protestor might not ask to withdraw the protest, and so it may still be heard by the protest committee. The judge never enters a discussion on the applicable rules or interpretation of a rule or answers questions regarding any conclusions before the protest is withdrawn.

H.5 The Procedures

When a protest is delivered to the race office the protestor is asked to stand by while a judge reviews the protest to determine if the protest is suitable for arbitration.

If the protest is suitable and the protestor is comfortable, the judge may ask the protestor to find the other party and to come to the race office for the arbitration meeting. The hearing should be scheduled and the arbitration meeting is held when the parties arrive. The scheduling of hearings can anticipate that some

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protests will be withdrawn during arbitration prior to a hearing. At large events, have more than one judge ready to arbitrate protests.

If one of the parties does not attend, or chooses not to attend, the arbitration meeting does not proceed, and the protest is scheduled for a hearing. The protestee is given a copy of the protest and time to prepare before the arbitration meeting begins.

Hold the arbitration meeting in a quiet location, away from other competitors and observers. Standing, rather than sitting around a table, usually shortens the duration of the meeting. Only the parties to the protest give testimony. Witnesses are not allowed. Evidence given during the arbitration meeting should not be overheard by any potential witnesses if it goes to a hearing. A judge trainee or judge assessor may be allowed to observe the meeting if the parties do not object.

The rules do not address whether observers are allowed at an arbitration meeting. They are usually discouraged. If they are permitted, e.g., a parent at a youth event, then they must acknowledge that they must only observe. Also, the intent of rule 63.3 is clear and an observer at an arbitration meeting may not be a witness at a subsequent protest hearing.

The judge should have available the notice of race, the sailing instructions and any amendments to them, a current rule book, boat models and a watch to keep track of the time. When a boat accepts a Post-Race Penalty, it may be recorded on a form or on the back side of the original protest form and signed by the representative. The back side of the protest form also has a tick box for the protestor to request to withdraw the protest.

The first step is to confirm that the judge has no conflict of interest.

The judge explains to the parties how the arbitration meeting is conducted, that it should take about 15 minutes, and that the parties will be deciding the outcome of the meeting.

The next step is to determine if there was any damage or injury as a result of the incident. If it is possible that rule 44.1(b) applies, then rules T1(a) and T2 do not permit the boat to take a Post-Race Penalty. In that case, the arbitration meeting would not be held, and if it was in progress, it would be closed.

During the arbitration meeting, the judge might find that the protest is not suitable for arbitration. It may involve a rule not suited to arbitration, or the Post-Race Penalty is not appropriate. The arbitration meeting is then closed, and the protest, if not withdrawn, proceeds to a hearing.

The next step is to give an opinion on the validity of the protest. This includes the possibility that the protest committee will find the protest is invalid. For example, if the protest form and the protestor's testimony clearly indicate that the protestor did

not comply with rule 61.1(a), the judge will advise the parties that the protest committee will likely find the protest invalid. The protestor then may request to withdraw the protest or proceed to the protest committee for a hearing. In either case, the arbitration meeting ends.

If the protest is clearly valid or clearly invalid after the protestor's initial statement, then the judge's task of giving an opinion on validity is easy. However, it is much more common that the protest is neither clearly valid nor clearly invalid. In such cases, consider:

- The task of determining validity during an arbitration meeting cannot be an exhaustive investigation. No witnesses can be called, and it is unlikely that extensive questioning will resolve validity.
- Due process is not at risk because neither party is bound by the opinion of the judge who arbitrates.
- A statement by the protestor that a hail was made, and a flag was displayed, coupled with a statement that the protestee did not hear the hail and did not see the flag, does not mean that either party is not telling the truth.

The judge will decide, based on the balance of probabilities, if the protest meets the validity rules. When the judge is in doubt that the protest is suitable for arbitration, it proceeds to a hearing.

If the judge's opinion is that the protest is valid and if rule 44.1(b) does not apply, then the arbitration meeting proceeds. In this step, the judge takes each party's evidence, in turn, using model boats. The judge asks any necessary questions but keeps tight control of the conversation.

The judge will offer one of these opinions as to what the protest committee is likely to decide:

- The protest is invalid.
- One or both boats broke one or more rules. The judge applies the principles of exoneration to a boat that has been compelled by the other boat to break a rule.
- No boat would be penalized for breaking a rule.

If the meeting is not closed, Appendix T requires that the judge must give an opinion as to what the protest committee would be likely to decide. Stating that, 'The situation is too complicated,' is not an option.

A good way for the judge to give his opinion is by saying 'If this goes to a protest hearing, the protest committee will likely decide . . .'

After hearing the opinion of the judge, a party to the protest may decide to take a Post-Race Penalty at any time prior to the start of hearing.

A party that has been given the opinion that they are likely to have broken a rule will sometimes consult with their coach or others after the arbitration meeting has

ended and will often return to take a Post-Race Penalty before the start of a protest hearing. Remember that a boat may accept a Post-Race Penalty up to the start of the protest hearing.

Also, regardless of whether a Post-Race penalty is taken, a protestor may ask to withdraw the protest and the judge who arbitrated may allow the withdrawal in accordance with normal jury policy for allowing the withdrawal.

Once the protest is withdrawn, the judge may discuss any aspect of the protested incident with the parties, if time allows. If time is limited, arrange to meet the parties later.

If the protest is not withdrawn, it must be heard by the protest committee.

Sometimes a protestor may choose not to withdraw the protest, on the misunderstanding that the protestee would be scored DSQ in the protest hearing. The judge should explain that if a boat has taken an applicable penalty, such as the Post-Race Penalty, then rule 64.2(a) applies. Then the boat may not be penalized further unless the protest committee finds that the Post-Race Penalty was not applicable, normally because rule 44.1(b), or rule 2 applied.

If the protest goes to a hearing, the judge who arbitrated may participate as a member of the hearing panel. If so, he must be careful not to discuss any aspects of the arbitration meeting with any members of the protest committee before or during the hearing.

Parties to the hearing may include statements and evidence that were presented in the arbitration meeting. Any discrepancies from information presented in the protest hearing may be questioned by parties and the protest committee.

H.6 No Appeal

The opinion of the judge and the decisions of the parties made at the arbitration meeting are irreversible. They are not subject to reopening or appeal. If the protest is withdrawn, there is no decision of the protest committee to appeal.

I On the Water Judging Including Rule 42 and Appendix P

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I.1 Introduction

This section focuses on judges' activities when Appendix P is in effect. The first section applies whenever the judges are on the water observing racing. The remainder of the section focuses on judging rule 42 when Appendix P applies.

I.2 Monitoring Rules Compliance – General

The judges' presence on the water in easily identified jury boats leads to better rules compliance and a better quality of racing. Officiating through proximity, by staying close, leads to competitors being less likely to break the rules. When judges are watching them, they could be penalized or protested. The majority of competitors, who normally respect the rules, feel less pressure to break rule 42 in order to keep up with those who are breaking the rules. Competitors are more likely to comply with a rule, or take their penalty when they infringe a rule, or to protest, if they know the judges may have seen the incident.

In the absence of any other priority, judges should be in positions locations where incidents happen often. Here, they can be reliable independent witnesses in the event of a protest hearing.

The Basic Principle of our sport is that the competitors, not judges, have the lead responsibility for enforcing the rules on themselves and their fellow competitors. Therefore, not every incident observed by the judges on the water leads to a protest. World Sailing Jury Policy advises that judges will not usually protest for a breach of a rule of Part 2 unless they observe an apparent breach of good sportsmanship (RRS 2).

Judges should also record details of any error or improper action by the race committee that may become the subject of a request for redress.

I.3 Liaison with Race Committee

Many classes have special rules related to wind speed that switch on and off some of the prohibited or permitted actions under rule 42. If the wind speed exceeds or falls below a specified limit, the race committee may signal to permit or to prohibit pumping, rocking and ooching at a mark, by displaying flag Oscar or flag Romeo. For these classes, it is essential that the race committee and the judges have a proactive and reliable means of communicating about these signals to ensure that judges apply rule 42 correctly.

If radio communications are difficult, the judges should try to round the marks with the lead competitors to witness any signals that might change the application of the class rules.

I.4 Equipment Required

Prior to the event, the chairman of the protest committee should arrange suitable boats for judging rule 42 on the water. Suitable boats are those that are safe for the judges to use in the prevailing conditions and will not affect the fairness of competition in the racing area. If suitable boats that are also seaworthy for the conditions cannot be provided, then the judges should not attempt to judge rule 42 on the water.

The jury boats must be suitable for the type of boats they are judging. They must be maneuverable, hard-bottom, and of a speed allowing the judges to follow the boats. The boats must accommodate two judges. Additionally, the boats should optimally have a design that minimizes their wind shadow and wake, since the judges will be maneuvering in close proximity to the competitors. The Rigid Inflatable Boat (RIB) is commonly used for this purpose.

It is preferable that the judges drive the boats themselves, without additional persons on board. The chairman of the protest committee would make this arrangement with the organizing authority prior to the event, especially when judges will use loaned boats.

The jury boats should be clearly identified to avoid confusion with spectator and boats and support boats. Equipping the boats with two-way radios will facilitate communication between the judges and with the race committee.

When going afloat, judges should have, at a minimum, wet notes, a voice recorder, sailing instructions, class rules relevant to rule 42, and the Interpretations of rule 42. When judging rule 42 under Appendix P, the judges must have a yellow flag and whistle for signaling penalties to competitors.

I.5 Appendix P — Special Procedures for Rule 42

Appendix P provides procedures for penalizing and penalties for breaking rule 42 on the water. This system evolved when it became clear that for Olympic class and other centerboard class events, the self-policing of rule 42 did not work and on-the-water judging with immediate penalties for infringements was needed. It made its debut in Olympic competition in 1992.

The on-the-water judging of rule 42 under Appendix P is now fully developed. It is accepted by competitors and coaches who now expect judges to be on the water, to discourage infringements and to act on behalf of the other competitors when infringements are observed.

When judges accept an appointment to an event with judging rule 42 under Appendix P, they must be willing to enforce the existing rules and interpretations to the best of their ability. It is far better to have no judge present on the water than to have a judge empowered to enforce the kinetics rule who observes infractions and does nothing. Judges who ignore breaches lose the respect of competitors and coaches. Judges may have diverse opinions on rule 42 and how it is judged on the water. However, they must accept the rule as written and the World Sailing interpretations of rule 42. If they disagree with a rule, they may follow the World Sailing's documented procedure for submitting proposals to change a rule.

I.6 The Competitor Briefing

At youth events, remind competitors that judges will be monitoring rule 42 in the racing area and that they will take action if they see any of their competitors clearly breaching rule 42.

It is important to convey that the judges are on the water not to penalize them. They are on the water on their behalf 'as their friend' to penalize any other competitors that are infringing. Conveying the message in this way to parents who attend the briefings tells them that judges are the friends and not the enemies of their sailors.

Remind competitors that, even though there are judges on the water, they still may protest a boat for a breach of rule 42.

I.7 Rule 42 – Propulsion

Rule 42 includes basic rule 42.1, prohibited actions in rule 42.2 and exceptions in rule 42.3.

World Sailing publishes interpretations of rule 42 and recognizes them as authoritative interpretations and explanations of the rule. They are reviewed and updated from time to time. These interpretations guide competitors on how to sail their boats and guide judges on how to judge rule 42 on the water. They are available on the World Sailing Website at:

<https://www.sailing.org/raceofficials/rule42/index.php>

Some classes have changed rule 42 in their class rules and that will affect judging on the water.

The goal of enforcing rule 42 compliance on the water is to make the competition fair for all competitors and protect the sailors who are sailing within the rule. A judge must make consistent decisions. The only way to be consistent is to be totally objective. If someone is breaking the rule you give a penalty. It is also important that the judging team is consistent in their decisions. This requires continuing dialog among the judges about their observations. This also requires judges to arrive at an event prepared to judge on the first day the same as all other days in the event. There is no warm-up day.

A high level of consistency in judging rule 42 is expected within each class, and across classes at multi-class regattas. With two judges aboard each judge boat, consistency can be achieved by having one judge on each judge boat staying with the class throughout the regatta and the other judge on each boat rotating through the classes on different days. This is now normal practice for judge rotation at the Olympics and at World Sailing events. This method works well for judges, as some prefer to stay with one class while others do not.

Specific techniques used by each class are described in the papers on the most common breaches for that class. The papers have been translated into several languages. They are available on the World Sailing Website at:

<https://www.sailing.org/raceofficials/rule42/index.php>

I.8 Deciding Whether to Penalize

Before the first race, the judges should discuss the most common breaches that occur in specific classes, and when they should penalize a boat. They should also discuss trends and issues they have witnessed in recent events. During the event, the judges should regularly review penalties given and unusual body actions they see. These discussions should not identify individual competitors.

Judges should give the benefit of the doubt to the competitor and penalize only when they are certain of the infraction. However, once they are convinced, they must act to protect the competitor who is sailing fairly.

Judges should not allow individual classes a level of prohibited actions just because all boats seem to be breaching the rules a similar amount. Judges must remain objective and penalize boats that infringe the rules.

Judges should penalize a boat for a breach of rule 42 only when they are sure they have observed a breach and they are able to explain it to the competitor, using the words of the rule and the World Sailing interpretations. Impartiality and objectivity in judging are crucial. A second, third or subsequent penalty against a boat should be judged exactly the same as the first. In order to achieve this goal, judges should rely on what they see on the water each day and how the kinetics fit within the World Sailing interpretations of rule 42. They should not focus on event results or yellow flag penalty counts.

One of the first indications that a competitor might be breaking rule 42 is that one boat looks different from the others in the movement of the boat, rig or sails, or the body of the crew. Judges have to observe both the actions and the effects of those actions before they can conclude that a competitor has broken rule 42.

Judges will make decisions that are more objective and consistent if they go through the following process before deciding to penalize:

- Be in the right position to observe the possible breach;
- Verbalize what they see;
- Connect the competitor's movement to the effect on the boat or sails;
- Decide whether that movement is a prohibited action.

Some of the questions that judges should ask themselves and each other are:

Possible Pumping

- Do surfing, foiling or planing conditions exist?
- Are the crew pumping the sail(s) while surfing, foiling or planing?
- Could the trim and release be a response to conditions?
- Is the repeated trim and release fanning the sail?
- Does negative pumping cause the flicking leach? (Permitted by Pump 4)
- Can the flicking leach be connected to body movement or is it caused by other factors?

Possible rocking

- Is the competitor causing the boat to roll?
- Is the competitor accentuating background rolling?
- Is competitor-induced rolling helping to steer the boat?
- Is the amount of rolling consistent with the amount the boat turns?
- Is it in sync with the waves?

Possible Ooching

Downwind:

- Is the competitor stopping his forward body movement abruptly?

Upwind:

- Are there waves?
- Is the competitor's movement in phase with the waves?
- Is the sail flicking?
- Could the flicks on the leach be caused by the waves?
- How does it compare to other boats?

Possible Sculling

- Are the tiller movements forceful?
- Are they propelling the boat in any direction or preventing it from moving astern?
- Is the boat above close-hauled and clearly altering course towards a close-hauled course?
- Is the sculling offsetting previous sculling?
- If the competitor is backing the sail, is the sculling preventing the boat from changing course?

Repeated Tacks or Gybes

- How close together and how frequent are the tacks and gybes?
- Does the boat change direction because of the gybes?
- Can the tacks or gybes be justified for tactical reasons or wind shifts?

General

Judges must monitor all rule 42 infringements, even those not mentioned above, such as propelling a boat by fending off others and decreasing speed by dragging feet or the body in the water.

I.9 Rule 42 - Judging Procedures

Judges must be thoroughly familiar with rule 42, the interpretations of rule 42 and Appendix P, Special Procedures for Rule 42. This Appendix outlines the penalties and procedures for on-the-water judging of rule 42. Before going afloat each day, a judge should re-read rule 42 and the interpretations, and any change in the class rule, so that it is fresh and clear in his mind.

During a race, the judges on the water should do their best to cover the entire fleet, but the major focus must be on the first third of the fleet. The top competitors generally set the example for the fleet.

Rule 42 breaches divide into two types: tactical and technical.

- Tactical infringements are of short duration and committed in order to achieve an immediate advantage. They typically occur at the start, while crossing a right-of-way boat, near the zone from a mark, or at the finish.
- Technical infringements of rule 42 occur around the course and are part of the competitor's normal style of sailing.

Usually, both judges in the boat should agree on a technical infringement before they penalize a competitor. While the benefit of doubt remains with the competitor, once the judges are sure of the infringement they should penalize promptly and protect the fairness of the competition for the other sailors.

A judge who sees a clear tactical infringement may and should act independently.

I.9.1 Signaling the Penalty

Once the judges decide to penalize a boat, one judge should be responsible for all signaling and recording of penalties and the other should focus on driving.

The judge handling the signals should raise the yellow flag high in the air immediately and hold it vertically while the boat moves into position to hail the competitor. Since the jury boat will often have to move faster than normal to get into a position to hail promptly, hold the flag up while moving into position to inform the competitors that the boat's sudden movements have a purpose.

When the jury boat is close enough that the judge is sure the competitor will hear and understand, the judge should blow his whistle forcefully, point the yellow flag at the penalized boat and loudly hail their full sail number. If the competitor does not appear to hear or understand the hail, repeat it and make eye contact, if possible. Make absolutely certain that the competitor has heard the whistle and hail and seen the flag pointed at him. Once the judges are satisfied that the penalty has been clearly signaled and the competitor is aware, they should promptly remove the yellow flag. Do not keep it displayed until the competitor takes action.

Remember that the signals should be clear and the hail loud and clear so that all competitors around the offending boat also know who has been penalized.

If the judges have to delay their signaling to move into position safely, they may add to the hail a very brief description of the infringement so that the competitor knows why he has been penalized. Examples include, 'Sculling just before the start', or 'Body pumping at the mark'.

When judges are observing penalties being taken and recording the details of the infringement, they should also be seen to keep observing the rest of fleet. This could prevent other competitors from infringing rule 42 while the judges appear to be distracted. The judge driving should keep observing the fleet while the other judge tracks the penalty and records the infringement.

I.9.2 Recording the Penalty

The judge recording the penalty should record: the boat's number; the race number and leg of the course; the time of day; the infringement; relevant rules and interpretations; what action the competitor took in response to the penalty; and any other special circumstances which may warrant consideration, such as a start being recalled.

When observing a competitor taking a Two-Turns Penalty, note the tack they were on when they started and finished their turns. Watch carefully whether the penalized boat takes its complete Two-Turns penalty with two tacks and two gybes.

If the judges penalize two boats at the same time, each will observe one of the penalized boats to see that each boat performs the proper penalty.

If the penalty is signaled just before or after a boat finishes, the judges should record boats that finish in front of and behind the penalized boat in both the penalized boat's original finish, and her second finish after performing her penalty turns. Ashore, judges should check the results to make sure that the boat is scored in its correct finishing position. If the boat fails to finish correctly after doing her penalty turns, they must communicate this to the race committee so that they may score her DNF. The responsibility for making sure that the boat complies with the definition of finishing after the penalty initiated by action by the judges lies with them, and not with the race committee.

If a competitor continues to race or performs his penalty turns improperly, the judges must report that boat's disqualification to the judge recording the penalties: DSQ for a first penalty, and DNE for a second, third and subsequent penalty. The judge responsible for recording penalties will advise the race committee in accordance with Appendix P2 Penalties. The judge responsible for checking results should also check the posted results to ensure that they reflect the appropriate penalty.

If a competitor requests redress from the posted results the judges should be prepared to attend a hearing. P4 limits the possibility of redress for actions taken under P1, unless the action was improper due to a failure to take into account a race committee signal or a class rule.

When judges penalize a competitor and the race committee subsequently postpones the start, signals a general recall, or abandons the race, the competitor is not required to take a penalty. If it is the boat's first breach, the boat does not have to take a Two-Turns Penalty. If it is the boat's second or subsequent breach, the boat may participate in any restart (see rule P3). However, the judges must record and report the penalty, since the penalty still counts in the number of times the competitor has been penalized during the series.

When the judges penalize a boat for the third or subsequent time and she fails to retire, her penalty shall be disqualification without a hearing from all races in the regatta. Her score shall be DNE in all races in the regatta, and the protest committee shall consider calling a hearing under rule 69.2 (a).

Using an audio or video recorder can be a valuable tool. Some best practices to maximize the benefit include:

- Protect the device from water damage and the microphone from wind noise.
- Confirm that the device started recording, especially if the device has the same button to start and stop recording.
- When positioned where tactical infringements are likely to happen, leave the device running. This includes the last 90 seconds before the start, throughout mark roundings, and while observing finishes.
- When discussing a possible technical infringement, record the conversation between the judges as you analyze a competitor's movements. This can be useful later when you are describing what you saw to the competitor.
- When penalizing boats, record the hail of the penalty and keep the recorder running while the boats complete their penalties.
- At all times when the device is running, keep voice and tone objective and impersonal. Refer to the boat by sail number only and avoid personal or editorial comments. Good recordings of well-described penalties can significantly improve a judge's credibility with the competitors.
- Ask your fellow judge's permission before using an audio or video recorder. Then, consider the recording confidential unless both of you agree to share the recording.
- Occasionally review your recordings. Listen for improvements you can make in describing the behavior you are seeing.
- Transfer the audio information to the rule 42 report form as soon as possible.

Once ashore after racing, judges must report all yellow flag penalties and the resulting action taken by competitors to the judge responsible for recording penalties at the conclusion of the day's racing. This includes submitting a report of no activity if the judges did not give any yellow flag penalties. If an on-line reporting system is used, each judge will enter their own penalties into the database.

I.9.3 Explaining the Penalty to the Competitor

An accumulating list of Rule 42 infringements is posted on the official notice board after each day's racing. Provide a good explanation of what was seen with each infringement. Good explanations convey clearly to all competitors how a rule was broken and also demonstrates that the judges know what they are doing. They also can replace the need for competitors to seek an explanation from the judges. The explanations should read like 'facts' and where possible use the terminology in the rules or, if needed, the interpretations.

Judges should be available to answer questions from penalized competitors, either afloat between races, or ashore after racing. Take a competitor list on the water to identify the competitors that approach the judge boat for an explanation so you can greet them by name. This has a very positive effect on the interaction, particularly at youth events.

At top level events competitors and their coaches will usually ask for an explanation of a penalty. In nearly all cases, the competitor will know why they were penalized, and are just seeking to confirm the reason.

Give as many details as possible about the competitor's actions. Describe what first attracted your attention to the boat and competitor. Describe how the competitor's actions affected the boat. Explain what rule he broke, and the relevant World Sailing interpretation.

Competitors can be angry, upset or confused by the judge's penalty. Some might deny the breach or link the penalty to an implicit accusation of cheating. A judge can mitigate the risk of an emotional confrontation by talking calmly about the competitor's specific actions and avoiding implications of the competitor's motives or intent. If both judges that were involved in an incident are available, they should talk to that competitor together. One judge should calmly handle most of the conversation. The other judge should watch for signs that the discussion is becoming confrontational or argumentative. If this happens, the second judge can suggest that they continue the conversation later. If only one judge involved in an incident is available, ask another judge to be present while explaining the penalty to the competitor in order to avoid any misinterpretations.

Most of the time, judges should wait for the competitors to initiate the discussion. Judges should be more proactive about instigating a meeting when they believe a competitor may not understand how their actions break rule 42. This is particularly appropriate at youth or low-level adult events, with inexperienced competitors, or when a competitor has incurred a second penalty for the same action. By explaining and clarifying how the competitor is infringing the rules, the judges can help the competitor to avoid additional penalties.

At times, a competitor will want to request redress alleging that the rule 42 penalty was an improper action of the jury. If using Appendix P, redress is limited to an improper action taken by a judge under rule P1.2 due to a failure to take into account race committee signals or a class rule.

I.10 Judge Boat Positioning

Being in the right position at the right time is crucial to doing a good job. For on-the-water rule 42 judging, the objective is to place boats in positions where they are close to potential problems. This requires:

knowledge of the fleet racing tactics to anticipate the boats' movements;

knowledge of the characteristics of the specific boat designs to know what types of prohibited kinetics are most effective for that boat type;
taking into account the types of boats racing, jury boats, number of judges, conditions, course configurations, and local geography to maximize the judges' ability to cover the whole fleet throughout the race;
common sense and diligent focus to react to changing circumstances promptly;
on-going awareness of the positions of the other judge boats.

It is not possible to monitor all the boats all of the time. However, it is an achievable goal for the jury boats to cover the course such that every racing boat is aware of their presence at some time during each race. The best way to be effective is to position your boat near the front of the fleet and motor along at a similar speed to the competitors. The judges should pay closer attention to the leaders, but look with a wide vision, to scan as many competitors as possible.

In regattas with multi-fleets the judges may have insufficient resources to cover all of them. If choices have to be made, judges should prioritize starts, downwind legs, and finishing legs.

Judges operating boats are responsible for minimizing their engine wash and positioning their boat in a manner that will minimize the effects of their wind shadow.

Jury boats should try to cross boats at right angles maintaining a predictable course when close to competitors. Jury boats should be a minimum of five boat lengths away when crossing in front and one boat-length away when crossing behind. On downwind legs, be aware that in surfing conditions, competitors will often make dramatic course changes to take best advantage of the waves. If you find yourself too close to the boats, your best option may be to stop and let the competitor sail around you. The driver can raise both hands up high as a signal to the competitors that the jury boat has stopped.

Except at the start and during the first beat, jury boats should position themselves, so they are visible to the maximum number of competing boats.

When penalizing a boat, the driver must balance the need to be close enough to the competitor to signal the penalty clearly, while remaining sufficiently far away to stay clear of the penalty turns that the competitor may perform.

I.10.1 Pre-Start

Rule 42 takes effect at the preparatory signal. Generally, rule 42 violations are rare until about a minute before the start. In light air, a boat that is having trouble reaching the starting area might use illegal kinetics after the preparatory signal, including a tow from their coach boat, to get to the starting area. A boat wishing to start at the far end of the starting line might break rule 42 in an effort to traverse the line quickly.

Signal penalties as soon after the incident as practical. Do not wait for the starting signal.

A penalized boat must sail well clear of other boats and perform both turns promptly to take her penalty.

I.10.2 Start

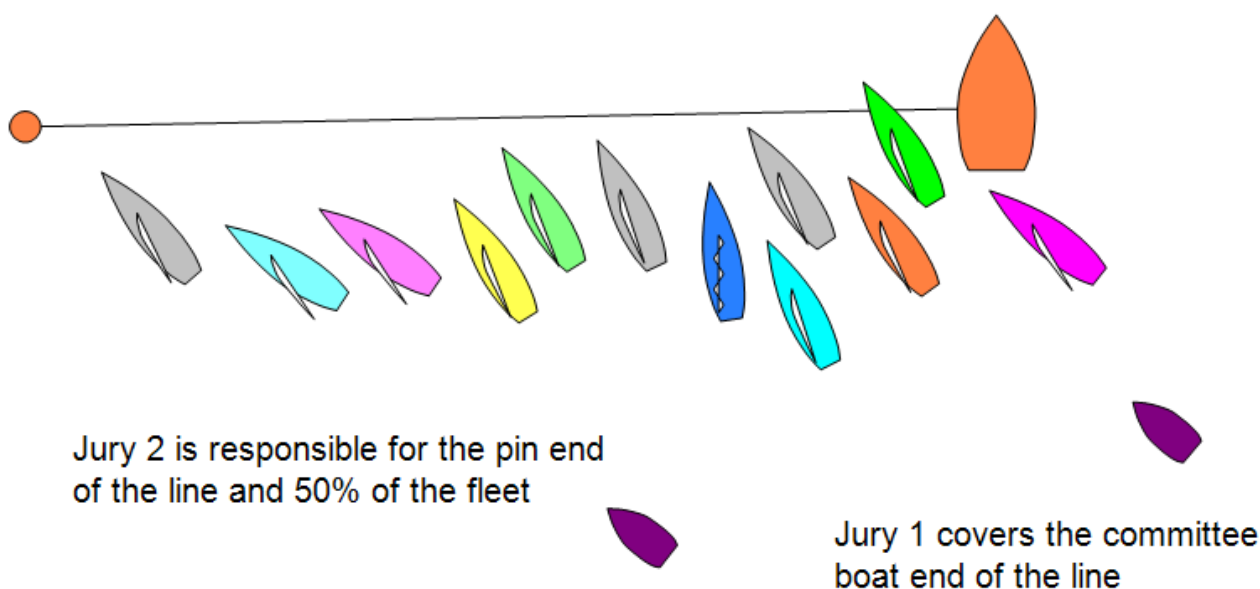
Penalties must be signaled quickly; therefore, the jury boat must stay clear of other competing boats.

R42 STARTING LINE BREACHES:

Sculling

Body pumping

Rocking in light airs



Common infractions

- Sculling just prior to the starting signal
- Repeated rocking/pumping by body movement that rolls the boat or fans the sails, at the start
- Rocking before the start as a boat tries to propel itself from the 'second row' into the 'first row'
- One roll of the starting line clearly propelling the boat - BASIC 4.

Positioning of boats

The judge working as the course chief will assign positions of jury boats behind the fleet. Usually, the boats will spread from right to left. Their positioning will depend

on the distribution of competitors, and not the actual starting line. When assigned to take the pin end at the left end, a boat will cover the boats closest to the pin end of the line.

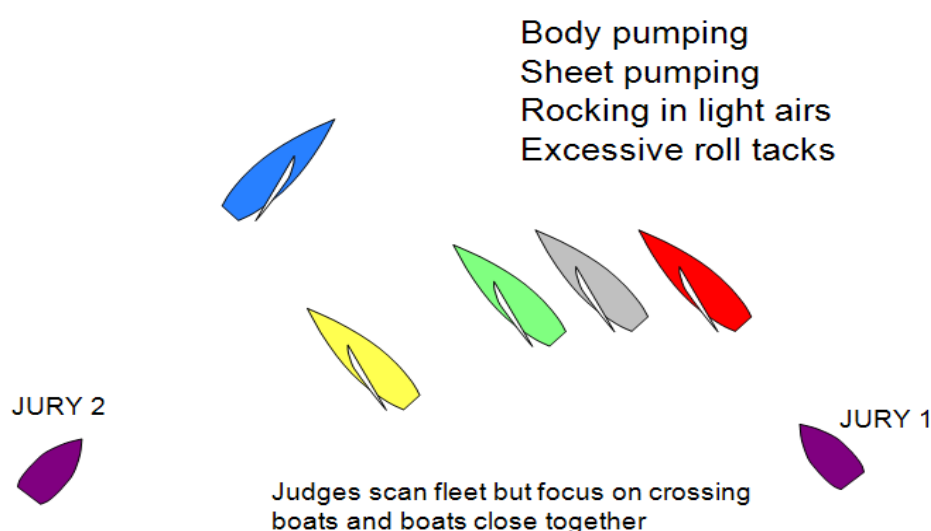
Each judge boat should identify the boats they are responsible for. In a fleet of 100 boats with four judge boats, each one would cover 25 boats. If two judges are on the boat, one judge watches 13 boats on one their side of the boat, and the other judge watches the remaining ones on their side. Stay focused on the boats that are your responsibility. Jury boats should position themselves far enough behind the fleet to observe all boats they are responsible for, and close enough to respond quickly, depending on the size of the fleet. Since most competitors are on starboard tack in their final positioning just before the start, jury boats will have the best view when they are positioned astern of the boats.

Watch a large group of competitors seeking to start at the starboard end of the line from a position below and to the right of the entire starting line.

I.10.3 Upwind

Judges can find it challenging to move their boats into a good position to signal a penalty without affecting other competing boats. In light wind, the sound of a hail and the whistle will carry a long distance allowing the jury boat to signal with less movement. Immediately after the start, it may be impossible to signal promptly without interfering with other competing boats. In this case, wait to signal until you can make a good approach to the competitor. Add to a delayed signal a quick explanation such as, 'Rocking back at the start,' so that the competitor knows why you penalized them.

R42 UPWIND LEG BREACHES:



Common infractions

In light wind:

- Rocking the boat by body movement
- Repeated roll tacking
- Exaggerated roll tacking so that the boat's speed increases as a result of the tack

In stronger wind:

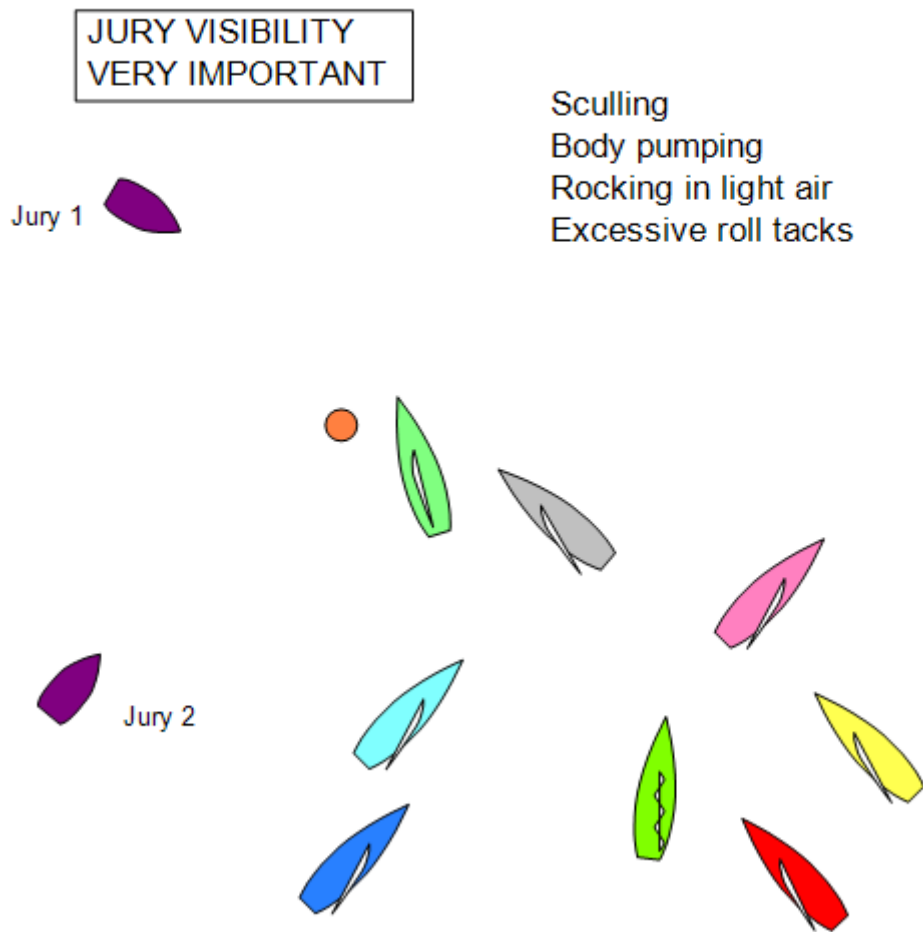
- Fanning the sails by bouncing the body on the deck or in the hiking straps
- Fanning the sails by short sharp repeated pumps of the main sheet.

Jury boats will generally position themselves behind the fleet and focus on pressure points. Jury boats can move through the fleet, being extremely careful of their wake. A jury boat should avoid remaining alongside a single competitor for an extended time. The engine noise and propeller wash can be distracting to the competitors.

Towards the end of the upwind leg, the jury boats should start to position themselves for the next leg. The jury boat watching the front third of the fleet should move into a position to observe the leaders as they start the reach or run. Towards the end of the leg, the jury boat observing the rear two thirds of the fleet should move to a visible position to weather of the windward mark.

At the first windward mark the jury boat should be highly visible. A second jury boat, positioned to leeward of the fleet, should go with the leaders as they sail on the reach. Positioning to leeward of the fleet on the reach allows judges to stay closer to the fleet with less negative effects from wind shadow or wake.

RULE 42 WINDWARD MARK BREACHES



I.10.4 Reaches

At the start of the leg, the judges should actively discuss and decide if surfing or planning or foiling conditions exist. If the conditions are marginal, judges must frequently reconsider as small changes in wind may cause surfing and or planning or foiling conditions to come and go.

An increase in boat speed does not necessarily qualify as surfing (rapidly accelerating down the front of a wave).

On reaches, one competitor will often begin to surf by pumping illegally and start gaining on other boats. Seeing this, other boats may also begin to pump illegally, to maintain their position. Ideally, the judges will act before this happens, but if not, they should penalize the first clear breach they see.

In the rare cases where the judges lose control of the fleet and the majority of boats are breaking rule 42, judges must act. They should penalize the first clear breach and keep penalizing until the fleet starts complying with the rules.

Judging when one wave ends and other starts can be difficult. You can judge the end of one wave as the end of a surge of boat speed. When a boat is planing, the competitor is not permitted to pump, even though the boat may move from one wave to another.

In stronger winds, it is often difficult to differentiate between rapid trimming and pumping. The rules permit trimming that is in response to changes in wind, gusts or waves, even if rapid. However, they do not permit repeated trimming that is not connected to wind or waves. A competitor may not constantly pump their sails.

Common infractions

- Repeated trimming that is not in relation to waves or wind
- Pumping a sail more than once per wave
- Body pumping to promote surfing and/or planing
- Pumping a sail when already surfing or planing
- Ooching (generally in stronger winds to promote surfing).

Positioning of Jury boats

One jury boat should stay to leeward of the fleet. The boat that was at the windward mark watches from the windward side of the fleet.

If you see an improper action during a mark rounding, wait until the boat is clear of the mark and on the next leg to signal the penalty.

I.10.5 Run

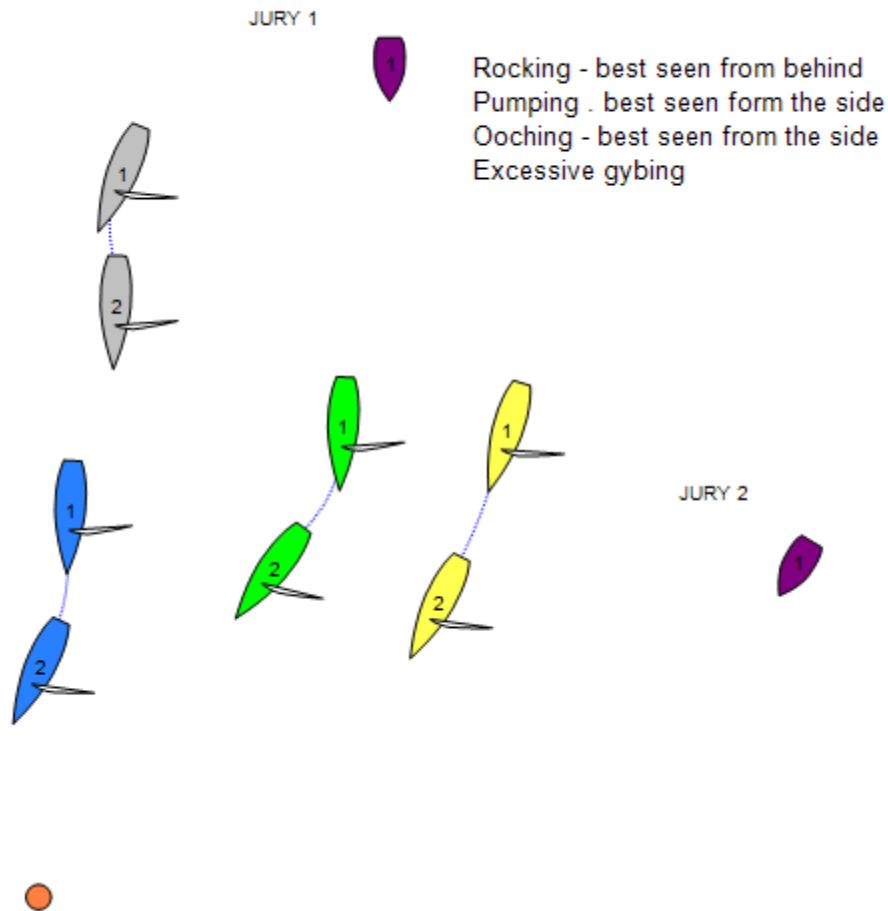
A competitor rolling the boat by repeatedly moving their bodies the same way as the mast with no change of direction is rocking. In positive rocking, the windward roll is caused by the competitor moving to windward first. In negative rocking, the competitor begins the rocking by moving to leeward first. If the competitor is moving his body to counter the roll of the boat, it is permitted trimming.

The best way to identify boats that may be rocking illegally is to keep a wide view. Your eyes will naturally pick out boats that are rolling more than those around them. Watch those boats to identify what is causing the extra rolling. You should penalize body motion or repeated trimming not related to the wind or waves that is inducing the rolling and is not permitted by the exception. This can be difficult to judge, as competitors combine permitted and prohibited actions. Talk over the specifics of what you see with your fellow judge. If you are not certain that the motion is permitted, watch for a little longer. Penalize only when both judges are satisfied that the rolling is prohibited and that they would be able to describe clearly the prohibited body motion to the competitor.

The World Sailing interpretation, ROCK 3 does not require competitors to stop their boat's background rolling. However, when the boat is set up to be unstable, a single roll may be enough to induce repeated rocking and that is prohibited (ROCK 5).

Be alert for excessive gybing or pumping in the last 100 meters of the leg to establish or break overlaps.

R42 DOWNWIND BREACHES



Common infractions

- Rocking
- In light winds, repeated gybing clearly not in response to wind shifts or tactical considerations
- Exaggerated rolling during gybing that propels the boat faster than it would have done in the absence of the gybe .

Positioning of Jury boats

Always position one jury boat near the front of the fleet. Often the same jury boat will follow the leaders throughout the race. Having a jury boat near the front will encourage rule compliance by the leaders. This helps ensure that the competitors will win or lose by fair sailing.

Both jury boats should attempt to move within the fleet. If a jury boat travels from the back of the fleet to the front, it should stay well clear of the fleet before accelerating, both for safety and to minimize the impact of their wake on the competitors. When moving at speed, try to find the speed at which the jury boat has the least wake. For many small powerboats, traveling at a moderate speed maximizes the size of their wake. Avoid such speeds unless necessary for safety.

The lead jury boat should watch the initial roundings from the center of the gate, staying clear of sight lines for race committee and the media boats.

I.10.6 Finish

The issues on the final leg are the same, except that a jury boat must be present in the finishing area at all times when boats are finishing.

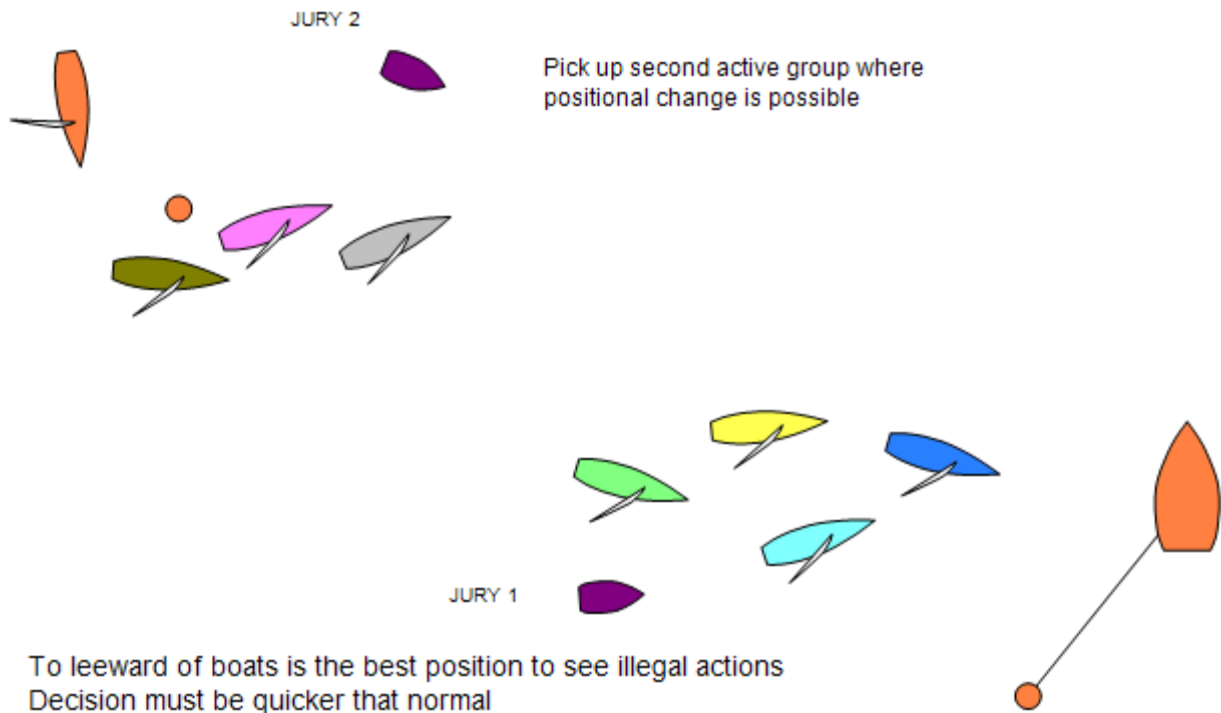
When the judges see an infringement right at the finish, they may and should penalize boats, even if they are no longer racing. Make every attempt to signal the penalty quickly when a boat has finished so that the competitor can promptly perform their penalty turns and re-finish.

Be aware that the penalty for the competitor's second, third or subsequent yellow flag protest is to retire from the race instead of doing a Two-Turns Penalty. If the finish is crowded and the race committee is busy, the competitor may wait for a clear opportunity to notify the race committee that they are retiring.



R42 FINAL REACH BREACHES

Pumping
Body pumping
Rocking



Common infractions

- Pumping to pass one or two boats just as the boats are finishing
- In light air on beats or runs to a finish, roll tacks or gybes that are forceful and either repeated and unrelated to wind changes or tactics, or that result in the boat going faster than it would have without tacking or gybing
- Often, if two boats are close coming into the finish, a boat will try one big roll and a pump, or both, to pull ahead just at the finish. In these situations, the judge needs to be ready to react quickly, but correctly. One roll or one pump does not break a rule, unless it clearly propels the boat and breaks rule 42.1.

Positioning of Jury boats

A jury boat should position itself near the last leeward mark and move towards the finish with the leaders. The jury boat should position itself close to and to leeward of the first small group of closely competing boats and follow them to the finish. It should then remain at the finishing area.

The second jury boat should watch the end of the last run, and then patrol the final reaching area paying particular attention to pressure points where boats are close together and passing might be possible by infringing rule 42

J Judges and Youth Sailors

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J.1 Introduction

This section helps judges understand their role in the development of young sailors. The underlying principle is that all youth sailors receive the greatest possible value from their participation in the sport and are encouraged to remain in sailing over a long period of time. They are the future of our sport. This section discusses issues arising in youth events, ranging from local club racing to international events, posing unique cross-cultural challenges and opportunities.

Youth sailors have varying needs and interests. They will be at very different levels of competence, experience and knowledge of the rules. Even a difference of one or two years between youth competitors within their age category may make differences in their understanding, self-control, capacity to speak clearly in front of a group, resistance to stress and pressure, and skill development.

Race officials, coaches and parents at an event are in positions of leadership and trust and therefore have a responsibility to present the sport to the sailors in a way that maximizes their participation, enjoyment, security and satisfaction. Coaches and parents have multiple roles, not only the support of their youth sailors ashore or on the water, but also in communication, race management, rescue and protest proceedings.

When a young sailor is exposed to harm, injury, harassment, bullying or a similar negative experience, the enjoyment of sailing is compromised, with the potential for the sailor dropping out of the sport. Young sailors must also learn how to take responsibility for their own safety and the safety of others.

Officials at events with youth sailors should be aware of ethical issues in sport. Of particular concern are doping, child abuse, spectator violence, sexual assault and misconduct, lack of respect for race officials and other competitors, and undue parental or entourage pressure on young children.

Judges should be aware of any policies that a class may have with regard to protest procedures. For example, a class may prescribe a time limit for protest hearing involving younger age categories.

J.2 Definition of Youth Sailors

The racing rules do not prescribe any age groupings of sailors. However, certain class associations prescribe age groups for racing and protest procedures, based on the traditions and policies of their class.

Youth sailors are generally aged from about 9 to 18 years old, though some classes include competitors aged 19. Local legislation applies, particularly in matters of child protection.

Judges need to adapt their communication styles to the individual behavior of youth sailors. Since chronological age may be a poor indicator of maturity, an age-dependent approach may not be good developmental practice. A more appropriate approach is to consider maturity in terms of readiness. Readiness assumes that certain experiences have been accumulated that allow the young person to learn new skills and take in new information. A child or young person's readiness will depend on his or her:

- physical readiness, i.e., mastery of fundamental movement skill, growth;
- social readiness, i.e., sense of self, support and encouragement from parents and friends;
- motivational readiness, i.e., expressing a desire to participate and learn;
- cognitive readiness, i.e., ability to understand instruction, rules or tactics, in a relevant language, ability to re-build an on-the-water situation through statements, drawing and witness evidence;
- experience with hearings and their procedures;
- psycho-social readiness, i.e., the ability to accept that the same situation may be perceived differently by distinct persons resulting in different statements and evidence, and that a different statement does not necessarily mean that the person making it is lying.

J.3 Behavioral Expectations at Youth Regattas

Judges can have a major impact on the future conduct of a sailor. There is need for sensitivity in setting the behavioral expectations for a youth regatta. Even minor breaches of the rules should not be accepted because of their age. Strict and fair instruction at the start of a sailor's career can have an important educational effect now and in future competitions.

Judges must discourage any attempt of intimidation of a younger or less confident competitor from an older one, or between a native English speaker and an English language learner. Such feeling may discourage youths to continue in the sport of sailing due to a bad perception and lack of confidence in hearing procedures.

J.4 Visibility of Judges

At all regattas, judges should be approachable by the sailors and their support teams. This is even more important at youth regattas, which may be the sailor's first contact with a protest committee or international jury.

When judges are ashore and are not required for official duties, they should make themselves available to the sailors. Visit the boat park in pairs, and be available for conversations with sailors, coaches or parents. It is recommended that more than one judge participates in discussions with sailors to avoid any perception of bias, conflict of interest, misunderstanding and other reasons.

During regattas, there may be opportunities to give rules workshops. There can also be opportunities ashore to discuss rule and situations with coaches.

J.5 Regatta Briefings

Briefings are no different from competitors' briefings at other events, but the chairman of the protest committee may take the opportunity to:

- Introduce the members of the protest committee so that sailors and support persons may recognize them throughout the event;
- Advise the sailors that they may approach the members of the protest committee at any time ashore or on the water, except when racing;
- Remind them that sailing is a self-policing sport, and remind them of their obligations under 'Sportsmanship and the Rules'; and
- Remind them of the behavior standard that is expected of them in relation to the racing rules, and their relationships with other sailors.

For practical reasons, like limited space, number of languages, and class tradition, competitors' briefings at large youth events may be replaced by briefings for coaches or team leaders. Clear instructions to coaches can facilitate good behavior and rule observance by their sailors.

J.6 Communication with Youth Sailors and Their Support Persons

When speaking with sailors, ask for and use the sailor's name. When explaining rules or interpretations with sailors, use the vocabulary used in the rules, rather than changing the word. Where possible, include the sailor's coach or parent in the conversation. Ensure that another race official is with you during these conversations.

J.7 Hearings

In hearings, youth sailors should be respected as individuals, and not patronized. The hearing should be formal, and the judges should be firm, respectful, and helpful to all participants. Youth sailors may not have had previous experience in a hearing. Ask at the start of the hearing if this is their first hearing. If it is, the chairman should inform the parties and their coaches and witnesses of the process that will be followed, both initially and as the hearing proceeds.

Anticipate and arrange for interpreters prior to hearings between sailors with no common language. Where possible, have a judge who speaks the same language as the competitor to act as an interpreter. Otherwise, support team members may be used as interpreters.

Judges should use the vocabulary of the rules throughout the hearing and when communicating the facts found, conclusion and decisions. This will avoid misunderstanding. A younger sailor may not have a full understanding of the terminology, rules and procedures. Provide explanations when needed. Ask questions that use defined terms by giving their definitions.

While giving the decision at the end of the hearing, the chairman should check that all parties have understood the reasons for the decision.

J.8 Observers at Hearings

Observers at hearings should be encouraged at youth regattas. Besides coaches and parents, it may be beneficial for other sailors to observe the process, if space is available. The normal rules for observers in the section on Hearings will apply. Make the observers aware of these rules prior to the hearing starting.

J.9 Use of the Protest Flag

The racing rules do not require a protest flag for some classes of boats that youth sailors sail. Be aware of the class rules regarding protest flags and any special procedures that a class might have.

J.10 Rule 42 and Appendix P

The use of Appendix P on the water to monitor compliance with rule 42 should be encouraged at youth regattas. This helps the sailors to understand the mechanics of rule 42 and encourages compliance with other rules.

At some youth regattas, the sailing instructions modify Appendix P so that the Two-Turns Penalty is used for all Appendix P penalties. Rule 42 compliance should be judged at a consistently high standard. This assists the sailors in understanding what actions are prohibited by rule 42 and allows them to learn from their mistakes.

Judges must insist that the Two-Turns Penalty or retirement, if required, be completed in compliance with rule 44. When a boat does not complete her penalty, judges should take the appropriate action in Appendix P.

The section On the Water Judging Rule 42 and Appendix P in this manual, provides details on how judges operate under Appendix P. Being approachable and available on and off the water to explain penalties is essential for youth sailors to understand compliance with rule 42.

J.11 Support Persons and Support Boats

Support persons are bound by rule 4 to accepting the rules. This includes parents of youth sailors. It is therefore useful to remind support persons of their obligations to follow rules on shore and on the water. This is particularly useful when parents bring new youth sailors to the events and are new to the rules themselves.

Support boats are an important part of the safety routine at a regatta. The movement and placement of support boats need to be restricted but can allow the boats to transit around the course following the limitations included in the sailing instructions or the coach boat regulations or both.

Should a protest committee call a hearing to consider whether a support person has broken a rule, all boats that person supports should be invited to the hearing, as they are parties. Should the allegation be upheld, the competitors should be warned that they may be penalized later if the support person commits a further breach. These procedures are explained in the section The Hearing in this manual.

Not all young sailors will have support personnel on the water. Jury boats should not tow boats to the course area before racing, even if there is no wind. This avoids the appearance of showing favor to any boats. However, towing boats ashore after racing is acceptable as long as the judge shows no bias or preference as to which boats they give assistance.

J.12 Child Protection and Rule 69 Misconduct

Guidance on child protection issues and the use of rule 69 with minor children is provided in Appendix H of the World Sailing Misconduct Guidance. Judges are strongly advised to study and follow these procedures before beginning any investigation that might involve child abuse, child protection or bullying. Local child protection laws will have specific requirements that must be followed carefully. The chairman should seek guidance from local authorities, should such a matter arise. The worst-case scenario is that a race official, however well-meaning and despite acting in good faith, will interfere with the course of justice by interviewing a child or investigating a serious complaint in the incorrect manner.

K Judging Oceanic and Offshore Racing

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ABBREVIATIONS

DPI	Discretionary Penalty Imposed
DNE	Disqualification that is not excludable
DSQ	Disqualification
IRPCAS	International Regulations for Preventing Collisions at Sea
OSR	World Sailing Offshore Special Regulations
TSS	Traffic Separation Schemes in IRPCAS

PREAMBLE

This chapter provides information and help for judges at offshore and oceanic races. For readability and understanding, it follows the outline of the RRS Appendix N describing the duties of the international jury. The chapter takes into account that Oceanic and Offshore racing requires procedures that change the RRS (in accordance with rule 86), respecting as closely as possible the basic principle of Racing Rule of Sailing Part 5 Section B. This chapter also comments on some specific procedures at offshore and oceanic races.

K.1 Protest Committee Composition and Organization

Where possible, include members of the protest committee who have knowledge of navigation calculations, tracking systems, electronic charts, GPS and meteorological analyses, needed to decide the appropriate penalties and redress in hearings. A good knowledge of the International Regulations for Preventing Collisions at Sea (IRPCAS) and the World Sailing Offshore Special Regulations (OSR) is also needed. If no member of the protest committee has this knowledge, an independent expert may be called when needed to give evidence. The race committee or the race director may also provide information and technical help.

A meeting of the full protest committee prior to the start and finish of the race is recommended. At the initial meeting the communications methods within the protest committee may be established. All members should be familiar with the use of the chosen technology. The aim is to define a policy to reduce misunderstanding and to ensure confidentiality.

K.1

During the race, the protest committee may resolve issues remotely, by email, conference call, or other means. All judges must be available for contact throughout the race.

In a race that has various legs and stop-overs, the composition of the protest committee might not remain consistent. For continuity in a race that has various legs, it is preferable to keep at least the chairman and one other member of the protest committee throughout the entire race. After a leg of the race, local judges may take part in the PC, provided that all the required skills required are maintained.

Protest committee members must handle information relating to emergencies, serious accidents or any dangers relating to competitors sensitively. The confidentiality of the information must be safeguarded. The chapter on Crisis Management in the World Sailing Race Management provides guidance.

K.2 Responsibilities of the Protest Committee

The responsibilities of the international jury set out in Appendix N2 are no different from those at other events. Since oceanic events span long periods of time, a good working relationship among all race officials is essential. It is also essential to maintain the independence and impartiality of the international jury.

Pre-race protests on measurement and safety equipment or class requirements must be handled sensitively. Sensitive information about equipment or the race may be involved and might draw attention from the media. Judges must take extra care to safeguard this information.

If referred by the organizing authority, the protest committee's responsibilities may include under rule N2.3:

BEFORE THE RACE:

- check the sailing instructions for consistency with the notice of race and class rules, relevance of any national prescriptions, and changes to racing rules;
- consultation on race management's intention, keeping in mind RRS 85, 86, 87, and 88;
- establish and publish any discretionary penalties, or how navigational penalties may be calculated.

DURING THE RACE:

- extensive consultation may be required at various stages of the race, for safety reasons such as relocating ice gates, or to extend or shorten the race.
- giving advice in relation to the RRS as consultants to the organizing authority, race committee or technical committee.

AFTER THE RACE:

- if applicable, financial penalties, misconduct, etc.

K.3 Specific Rule Changes in Sailing Instructions

The sailing instructions may make various changes to the racing rules. This list, while not exhaustive, shows many examples of the rules that typically are changed in the sailing instructions in these categories:

RELATED TO PROTEST PROCEDURES AND DECISIONS OF THE PC

- modifications to protest procedures in RRS Part 5 in accordance with rule 86, to establish a different method for conducting hearings;
- change rule 64.2 so that the protest committee may impose a DPI instead of a DSQ for breaches of specified rules. Typical examples are for rule 28, rule 29, and rule 31;
- discretionary penalties involving navigation and breaches of Part 2 rules should be calculated at the hearing;
- various time limits for boats to deliver a protest before the race, while racing, and after the race;
- various time limits for protests by the race committee, technical committee, protest committee, modifying rule 61;
- circumstances in which a boat may be eligible for redress if she is stopped or delayed during the race due to actions of a governmental or official body.

RELATED TO OUTSIDE HELP, RULE 41

- organizers will frequently prohibit the use of routing and provide or limit access to a common set of weather forecast files to all participants in the race. Check with the race committee how it is controlled, and if it is reliable.
- may boats receive shore-based technical advice for on-board repairs?
- are technical stops permitted?
- will verbal outside help be permitted to resolve medical problems while racing?
- which sort of outside help is permitted?

RELATED TO SAFETY

- attending safety briefings before the race;
- for safety reason, changing rule 30 for boats that are OCS;
- changes to rule 44 for penalties for breaches of RRS Part 2 and rule 31;
- scheduled radio session imposed by race management for safety.

RELATED TO NAVIGATION

- specific prohibited zones, TSS;

- specifications of where and when RRS Part 2 rules apply, and where and when IRPCAS apply between boats racing, keeping in mind that IRPCAS always apply between vessels;
- protected (forbidden) zone for the starting sequence, and when they apply (often one hour or more before the start)
- virtual mark: see experimental Appendix WP on the World Sailing website <https://www.sailing.org/documents/racingrules/experimental-rules.php>
- whether an engine may be used to enter a port in case of emergency, repairs or medical treatment, subject to report to the race committee;
- whether the boat is permitted to go into port;
- whether the boat is permitted to be hauled out in port;
- whether crew members are permitted to go ashore or during technical repairs stops;
- whether crew may be replaced for medical reasons during a race.

RELATED TO MEDIA REQUIREMENTS IN THE NOTICE OF RACE AND SAILING INSTRUCTIONS

- attending press conferences, opening ceremonies, prize-giving ceremonies and prologue races
- complying with advertising requirements.
- radio or video session imposed by race management for media purposes

K.4 Procedures for Hearings

Even though there are specific hearing procedures for offshore and oceanic races, the protest committee must always protect each party's right to be heard, no matter what hearing procedure is followed. The scheduling of hearings conducted while racing, whether by email or other means, should accommodate sailors for fatigue or weather considerations. It is preferable that both boats agree on the time for the hearing.

BEFORE THE START

The full protest committee should be present on site, if possible. If any hearings need to be conducted before the start, the protest committee should be aware that there is no requirement for any party to check the notice board. Therefore, if a sailor or support person is called in for a hearing, the notice should be made in writing and delivered to the person himself. While this is true for all regattas, it is more likely to occur at an oceanic or offshore event, for example in the case of measurement issues, the OSR, etc.

DURING THE STARTING SEQUENCE

Protests involving the rules of Part 2 are likely to occur during the starting sequence or around the initial rounding mark. Having members of the protest committee on the water is helpful. Especially early in the race, competitors may prefer to

K.4

concentrate on racing and avoiding traffic rather than take time for a hearing via conference call or to write a complete statement. They may be able to respond to email or other written communications later, depending on weather and their progress in the race.

If there is no agreement on the facts of a protest involving the rules of Part 2 or IRPCAS, it is often better to have a hearing after the finish. An exception could be if there is damage and a request for redress.

DURING THE RACE AND WHILE RACING

After the start, organisers frequently wish to have any protests or requests for redress resolved prior to boats finishing. The timing of conference calls for hearings and decisions must recognize that protest committee members may be in diverse locations and time zones. The chairman should give enough time to members to answer e-mails and set a timeline for answers.

AT OPEN SEA

Protests between boats are infrequent. Protests from the race committee, technical committee and protest committee are more frequent.

Protests by the race committee often relate to infringements of the IRPCAS, including rule 10 Part B relating to TSS. Keep in mind that some infringements of the IRPCAS may lead to an appearance in a national maritime high court.

When the protest has been decided, it may be communicated to all parties involved. A copy should be sent to all other committees for practical application and information.

AFTER THE FINISH

Protests after finishing are most frequently from the race committee and technical committee, in relation to broken seals or lost equipment.

K.5 Penalties

In races of extended duration, disqualifying boats for rules breaches is usually inappropriate. For example, there is no DNE in The Ocean Race, the Figaro or the Vendee Globe. The longer the race, the more reluctant organisers may be to see a boat disqualified. There is a tendency to rely more on discretionary penalties (DPI).

The use of DPIs should be stated in the sailing instructions and may vary with the requirements of the organizing authority and the culture of the race. There is as yet no consistent approach to DPI for offshore and ocean racing, but a number of organisers have developed models for addressing penalties.

COMMON DISCRETIONARY PENALTIES (DPI)

- time penalties, applied as a percentage of elapsed time (offshore races of relative short duration);
- time penalties in days / hours / minutes added to the elapsed time;
- stop penalties, to pass at the same waypoint, after a specified duration;
- stay penalties in port for a minimum period;
- financial penalties for breaches of media obligations, which could also be Standard Penalties to be applied by the organizing authority without a hearing.

K.6 Requests for Redress

This is one of the most difficult parts of the protest committee's work at offshore and oceanic races because giving redress will have a direct impact on results. The most common requests for redress are for:

- incidents during the starting sequence, resulting from a protest between boats;
- an alleged improper action of the organizing authority, race committee, protest committee, or technical committee, such as if spectator boats hinder a boat, while the organizing authority is responsible for providing a safe zone as defined in the SI;
- for a boat giving or attempting to give help to a person or vessel in danger.
- The value of the redress given is usually expressed as a reduction of the elapsed time, rather than as corrected time. In view of media attention, decisions on redress are best taken and published as soon as possible, and if at all possible, before the boats finish.

L Judging Radio Sailing

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Abbreviations

IRSA	International Radio Sailing Association
SYRPH	System for Reducing the Number of Protest Hearings

L.1 Introduction

Radio sailing differs from all other forms of sailing, as the crew handling the boat is not on board. Competitors and race officials stand side by side on the bank. As a result, radio sailing has developed specific rules set out in RRS Appendix E, along with practices for judges and umpires.

No more than 24 boats may compete on the water at any one time. A system of heats is used allowing events to be run with up to 84 competitors. In many cases an incident has to be resolved by the protest committee before the next heat can start, as one or more competitors involved may be scheduled to sail. Amongst other elements, these heat systems modify RRS Appendix A, Scoring. In particular, these changes introduce a significant difference in the points for retiring or being disqualified.

Most racing is run without umpires. However, radio sailing has developed the use of observers, who may be competitors not sailing in that heat, who hail and record contacts between boats, and between boats and marks. These reports are made available to parties to any protest hearing before the hearing opens. A party to the hearing may then choose to retire. This procedure is set out in the IRSA System for Reducing the number of Protest Hearings (SYRPH).

Major events, including those for which an international jury would be appointed, such as World or Continental Championships, are umpired. When racing is umpired, observers work closely with umpires. Observers will normally recognize

L.1

boats rapidly and anticipate impending situations. They may also recognize slight contact more easily than an umpire. As a consequence, the building of mutual respect is vital and is key to establishing a good working relationship.

Umpiring for Radio Sailing has been developed over a period of 15 years. The basic principles are now clearly established, but further development continues.

Procedures for umpiring are set out in the *Rules for Umpired Racing*. This is at present an IRSA document, but the transfer of the management of these rules to World Sailing is under way. These rules recognize that umpires cannot resolve all incidents. If there is no decision from an umpire, then the competitor still has the right to a hearing. The current IRSA version of this document can be found at: <https://www.radiosailing.org/documents/category/276-umpiring>

(When the World Sailing version supersedes this document, it will be available on the World Sailing website.)

It is intended that umpiring should modify normal procedures as little as possible. In this way, the *Rules for Umpired Radio Sailing* retain the use of competitor observers, who work closely with the umpires.

Other developments include:

- an Accelerated Protest Procedure, which integrates SYRPH by providing pre-hearing procedures in which parties are given access to reports from umpires or observers, and offering parties the opportunity to retire, before the hearing is opened;
- a Call Book which gives guidance on rules and situations specific to radio sailing. This document was initially prepared by IRSA but the transfer of the management of the Call Book to World Sailing should be completed by 2021.

L.2.1 Additions to the Notice of Race

Radio sailing is governed by RRS Appendix E. This fact should be stated in the notice of race, as there are many rules which are changed for this type of racing. Mention should also be made of other documents that may govern the event, including the *Rules for Umpired Radio Sailing* when racing is to be umpired, SYRPH and the Accelerated Protest Procedure. IRSA has published a Notice of Race Guide.

L.2.2 Additions to Sailing Instructions

Appendix E requires certain details to be specified in the sailing instructions, for example, whether there will be a defined control area, a defined launching area and how it may be used.

In addition, the sailing instructions should set out how observers will be

L.2

appointed for each heat, and any penalties for not carrying out observer duties. IRSA has published a Sailing Instructions Guide.

L.3 Umpiring

For a major event, seven judges should be appointed. Four judges umpire each heat. The three others hear any protests as a panel under rule N1.4(b). Judges rotate between umpiring heats and hearings. In this way a member of the protest committee may have seen part of the incident. Postponing racing to hold a hearing strains the relationship between competitors and umpires. By having a panel available at all times, only hearings that could affect the composition of the next heat delay racing.

It is possible to umpire a race with fewer umpires. However, the more boats an umpire is required to follow, the more incidents will go unobserved. Umpire teams work well when each umpire handles 6 boats per umpire

Each umpire works in close partnership with a competitor observer. Umpires may base their decisions on information provided by an observer, even if they themselves have not seen part or all of the incident.

L.4 Equipment

Little equipment is needed. Comfortable walking shoes are essential, as umpires may walk up to 15 km per day. Observers are provided with paper and a clipboard to make note of incidents. Judges should also have a means of recording incidents.

Signals are verbal, as the judges are very close to the competitors controlling their boats. Strong clear voice sounds must be made to ensure that all the competitors hear the umpires' hails. At some events, umpires are provided with microphones and hails are broadcast over the public-address system. At international events umpires should take into consideration that many competitors will not have English as their primary language. Judges should use a minimal number of standard hails. In particular, sail numbers must be hailed, under rule E2.1(b) using single digits (e.g. 15 is one five, and not fifteen).

L.5 Basic principles of Radio Sailing umpiring

Umpires work as a team to cover the whole fleet, from the warning signal until the last boat finishes. Umpires work in partnership with observers, one observer for each umpire. Umpires may rely on information provided by an observer when making a decision.

To make a decision, umpires must follow boats before, during, and after any incident. To do this, each umpire follows a small, manageable number of boats. There will usually be an overlap between the groups of boats followed by each umpire. Each umpire can follow his boats because he relies on the other umpires to follow their allocated boats.

Umpires work to a pre-ordained plan to ensure that they concentrate on key points of the course. For example, all four umpires, with their observers, follow boats into and around the first windward mark.

When an observer hails 'Contact' between boats that are not in the group being followed by his umpire partner, he must assume that the umpire has not seen the incident. The umpire may request the observer to report to the pertinent umpire. The umpire will only penalize a boat if the observer provides convincing evidence that a rule has been broken.

An umpire may not have sufficient information on which to base a decision. In this case, he will either remain silent or hail 'No Decision' to inform competitors. Following an observer or umpire hail of 'Contact' the incident will be reported to the race committee as an unresolved incident. When no decision is made following a valid hail of 'Protest,' the protestor may proceed with the protest after the heat.

Umpires apply the principle of last point of certainty: umpires will assume that the state of a boat, or her relationship with another boat, has not changed until they are certain that it has.

Umpires move around the control area in order to find the best viewpoint for observing their boats. This viewpoint may not be where some competitors choose to stand to control their boats. In most cases, the best view of a group of boats can be obtained by being level with leading boats, looking back.

Umpiring minimizes time taken for protests, and umpire procedures are designed to reduce the chance of error. Umpires will, on occasion, make errors, for which they should promptly apologize. When there is contact and neither boat takes a penalty, the umpire decides who is at fault; it is unlikely that both competitors will agree with the decision.

When giving a decision the umpire may add a few words of explanation. When requested, the umpire may give a more detailed response after the end of the heat.

Competitors may assist umpires when there is a protest by:

- indicating where the incident took place;
- indicating why they are protesting;
- acknowledging rapidly if they intend to take a penalty;
- taking penalties promptly;
- indicating if they believe that an infringing boat has gained an advantage despite taking a penalty
-

L.6 Umpire positioning

Umpires, accompanied by their observers, follow the plan shown in the positioning framework as they follow boats around the course. Umpires must remain within the control area which limits the movements of competitors. This

ensures that umpire decisions are taken from the same viewpoint as that of the competitors handling the boats.

Umpires have developed, and continue to develop, a framework for umpiring positioning which allows for:

- each umpire to follow a manageable group of boats;
- good coverage of key moments in the race;
- reducing the movement of umpires. (This is important when the control area may be 150 metres long and umpires need to run to keep up with boats, especially on the downwind legs).

The framework combines following groups of boats with observing specific zones. For instance, all four umpires cover the start, after which each umpire takes a small group of boats around the windward mark and down the first run. Two umpires then handle the passage through the gate whilst the other two follow the last boats down the run as they cross through the leaders on the beat.

The framework is described in a document 'Radio Controlled Umpiring Positioning Framework' that is available to competitors so that they can more easily follow umpires when appointed as observers. The document is presented on the final page of this chapter.

L.7 Unresolved incidents

Incidents that are not resolved immediately are dealt with after the heat. As an alternative to the standard protest procedure, which includes a 10-minute protest time limit, judges have developed an accelerated protest procedure which does not require the protestor to lodge a written protest. Instead, having hailed 'protest' after the incident, the protestor informs an umpire of his intention to protest immediately after finishing or retiring. The umpire notes the essential details and hails all other parties to the protest. All competitors involved then recover their boats and report to the Jury Desk. The judges that are assigned to protests then apply pre-hearing procedures, and open a protest hearing if necessary. In many cases, a competitor will choose to retire rather than proceed to a hearing.

L.8 Summary

Umpired racing under the *Rules for Umpired Radio Sailing* works extremely well, with judges making on-the-water decisions on protests involving the rules of Part 2, and rules 31 and 42. At the same time, the system maintains the competitors' right to protest and to have a hearing for alleged breaches of all other rules.

The Accelerated Protest Procedure ensures fast-track hearings for incidents in which a judge's decision was not available, so that the result of each heat may be completed shortly afterwards. This procedure can be found on the Documents page of IRSA.

The speed with which radio sailing boats sail and maneuver means that incidents develop extremely rapidly. Radio sailing provides a real challenge for all race officials.

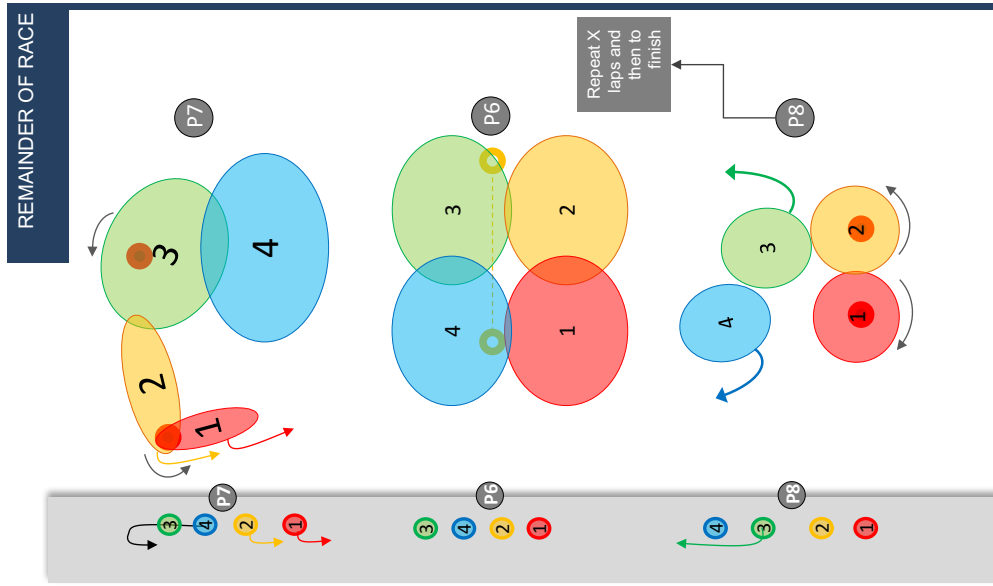
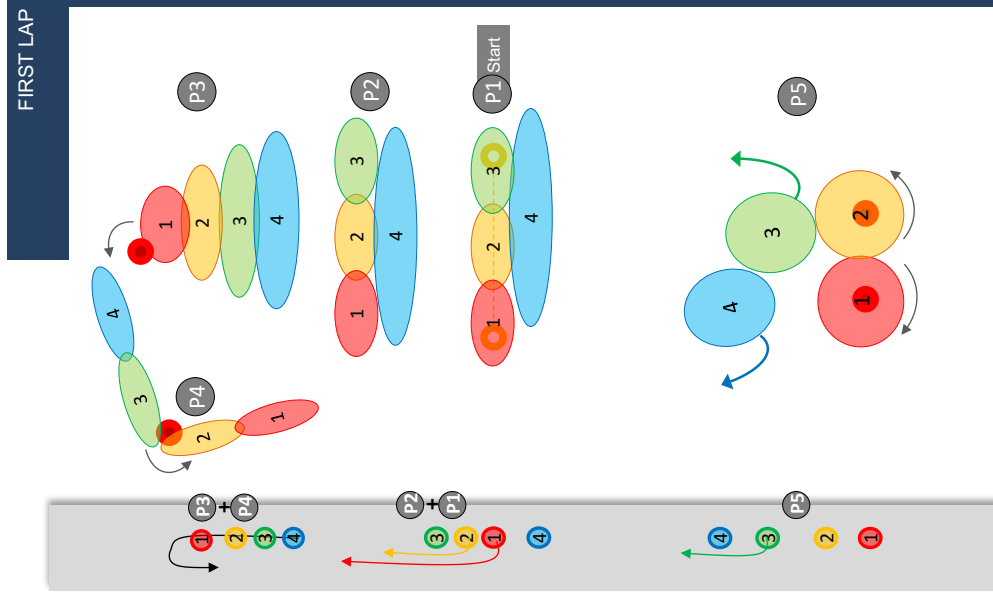
Radio Controlled Umpiring: A Positioning Framework.

Notes:

- Each umpire takes ¼ fleet plus 1. With 20 boat heats, umpires watch groups of 6 boats (so umpires overlap).
- If only 3 umpires, delete U4 on 1st lap and U2 for remainder. If only 2, delete U2 & U4.
- If more than 2 laps then repeat positions 6 through to 8 as many times as needed

Right to Left
Course

Left to Right Course
Overleaf

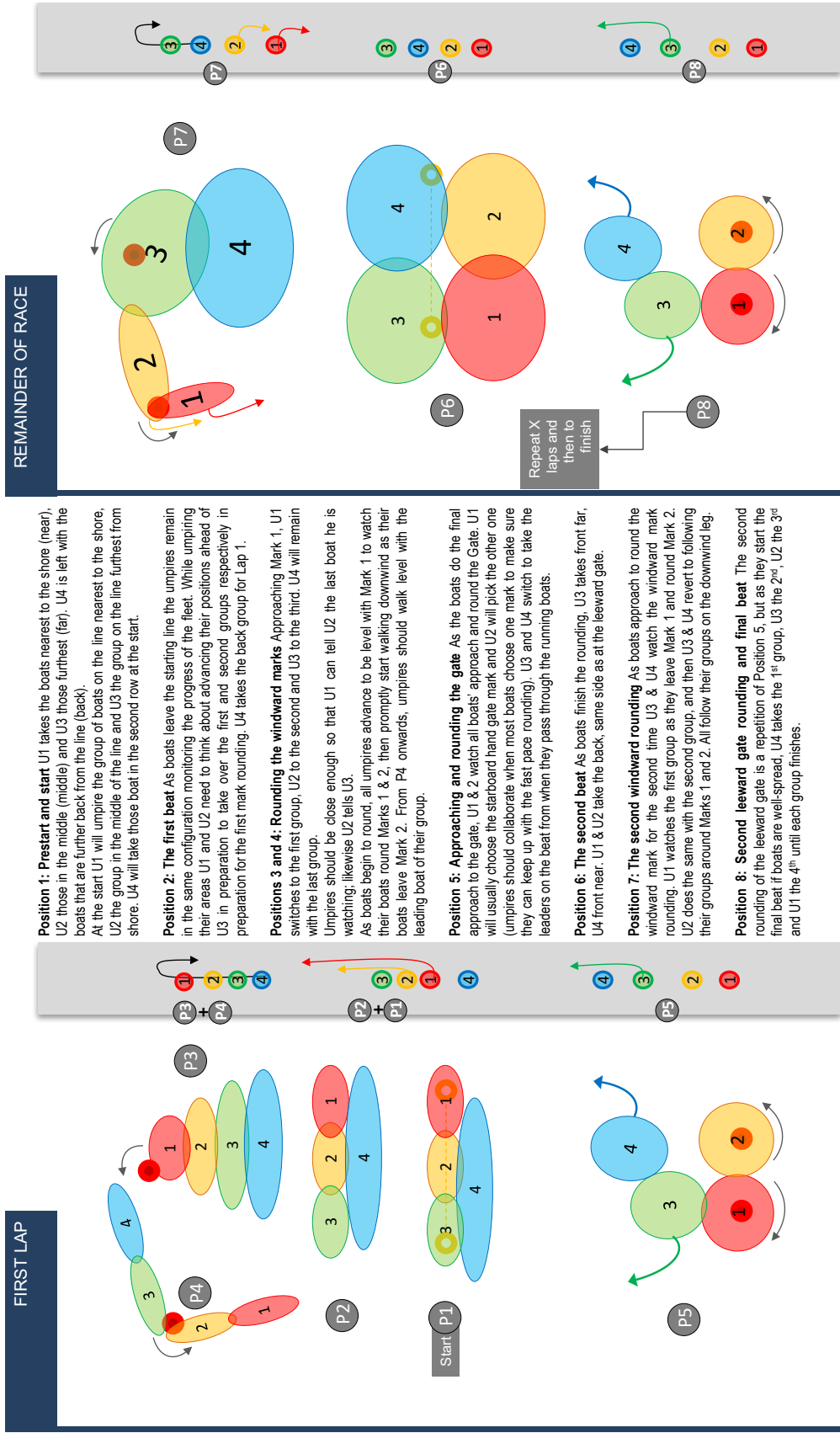


- Position 1: Prestart and start** U1 takes the boats nearest to the shore (near), U2 those in the middle (middle) and U3 those furthest (far). U4 is left with the boats that are further back from the line (back).
At the start U1 will umpire the group of boats on the line nearest to the shore, U2 the group in the middle of the line and U3 the group on the line furthest from shore. U4 will take those boat in the second row at the start.
- Position 2: The first beat** As boats leave the starting line the umpires remain in the same configuration monitoring the progress of the fleet. While umpiring their areas U1 and U2 need to think about advancing their positions ahead of U3 in preparation to take over the first and second groups respectively in preparation for the first mark rounding. U4 takes the back group for Lap 1.
- Positions 3 and 4: Rounding the windward marks** Approaching Mark 1, U1 switches to the first group, U2 to the second and U3 to the third. U4 will remain with the last group.
Umpires should be close enough so that U1 can tell U2 the last boat he is watching; likewise U2 tells U3.
As boats begin to round, all umpires advance to be level with Mark 1 to watch their boats round Mark 1 & 2, then promptly start walking downwind as their boats leave Mark 2. From P4 onwards, umpires should walk level with the leading boat of their group.
- Position 5: Approaching and rounding the gate** As the boats do the final approach to the gate, U1 & 2 watch all boats' approach and round the Gate. U1 will usually choose the starboard hand gate mark and U2 will pick the other one (umpires should collaborate when most boats choose one mark to make sure they can keep up with the fast pace rounding). U3 and U4 switch to take the leaders on the beat from when they pass through the rounding boats.
- Position 6: The second beat** As boats finish the rounding, U3 takes front far, U4 front near. U1 & U2 take the back, same side as at the leeward gate.
- Position 7: The second windward rounding** As boats approach to round the windward mark for the second time U3 & U4 watch the windward mark rounding. U1 watches the first group as they leave Mark 1 and round Mark 2. U2 does the same with the second group, and then U3 & U4 revert to following their groups around Marks 1 and 2. All follow their groups on the downwind leg.
- Position 8: Second leeward gate rounding and final beat** The second rounding of the leeward gate is a repetition of Position 5, but as they start the final beat if boats are well-spread, U4 takes the 1st group, U3 the 2nd, U2 the 3rd and U1 the 4th until each group finishes.

Radio Controlled Umpiring: A Positioning Framework.

Notes:

- Each umpire takes 1/4 fleet plus 1. With 20 boat heats, umpires watch groups of 6 boats (so umpires overlap).
- If only 3 umpires, delete U4 on 1st lap and U2 for remainder. If only 2, delete U2 & U4.
- If more than 2 laps then repeat positions 6 through to 8 as many times as needed



M Sailor Categorization – World Sailing Regulation

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M.1 Introduction

The World Sailing Regulation World Sailing Sailor Categorization Code provides an international system for the categorization of sailors as amateurs or professionals. This Regulation and process was renamed from 'Classification' to distinguish it from the classification system used in Para sailing.

Categorization is based on 'financial involvement in boat racing (whether direct or indirect) and/or the use in the sailor's work of knowledge or skill capable of improving the performance of a boat in a race' (Regulation World Sailing Sailor Categorization Code - Frequently Asked Questions (FAQs)). The Code categorizes competitors into two Categories: Category 1 sailors take part in racing only as a pastime, while Category 3 sailors have been paid for work or services in sailing.

World Sailing Regulations may be changed at any time, so checking that you are working with the latest version is essential.

Events and classes are not under an obligation to use a categorization system, but should they do so, rule 79 sets out the World Sailing Sailor Categorization Code as the only system that shall be used.

If you are appointed to the protest committee of an event where categorization limitations apply, you should familiarize yourself with the requirements of categorization. A good place to start is the above-mentioned Frequently Asked Questions, which can be found on the World Sailing website, following the link from the main page on Classification (note reference to the former name of the Code): <https://www.sailing.org/classification>

The World Sailing Sailor Categorization Commission administers the system of categorization on behalf of World Sailing. The Commission has a number of responsibilities, such as:

- deciding competitors' applications for categorization;
- hearing appeals;

- liaising with classes and events; and
- providing guidance on the application of the Categorization Code.

This section discusses some of the situations that may affect judges at a classified event. The Categorization Commission is available to provide assistance and guidance to officials at all times and can be contacted via the World Sailing Office at categorization@sailing.org.

At some events where the Code is being used, arrangements are made for a Categorization Commission member to be available in person or by telephone or audio or video conference. Where a referral is urgent, the Commission can usually respond to or investigate a situation within a short time, if you say the information is needed urgently.

Categorization problems can provoke strong reactions from competitors and boat owners. Changes in categorization may require a change in a crew list close to the event, with impact on a boat's ability to train and compete. It is known for legal proceedings to be threatened and for legal representatives to contact the event organizers. In the event of such problems, it is wise to make immediate contact with the World Sailing Office and the Categorization Commission, as they have experience of similar issues and will usually be able to help.

M.2 Notice of Race and Sailing Instructions

Where the class rules do not do so, the notice of race or sailing instructions should contain crew limitation rules which mention sailor categorization.

For example, a boat may be limited to the number of Category 3 competitors who may be on board, or the helmsman might have to be Category 1. It is important that the requirements are drafted clearly and unambiguously.

Some classes have additional requirements, such as prohibiting helmsmen who have competed in an Olympic Games or America's Cup within the last ten years. These are not categorization requirements and are permitted. It is also permitted (and recommended by World Sailing) that a class or event deems a competitor who does not hold a valid categorization to be a Category 3 competitor for the purposes of the crew limitation rules.

However, it is not permitted to have a rule which states that a certain type of individual is or is not Category 1 or Category 3. Only World Sailing can make this decision.

M.3 Spot checks

For some events, a Categorization Commission member may attend registration and conduct interviews with competitors. The Categorization Commission member has the power to change the categorization of a competitor at the event if there is a good reason to do so (e.g. if the categorization is wrong).

M.2

The notice of race should state if a Categorization Commission member may be present during registration and perform spot checks. The Categorization Commission member will draw up the interview list in consultation with the event organizers or class and publish it on the official notice board. Interviews usually take place before registration closes and always before racing starts.

Interviews are initially conducted by the Commission member alone. If the Categorization Commission member has reason to believe that a competitor's categorization might need to be changed, the interview will be suspended, and the competitor called back for a second interview. The second interview is then conducted in the presence of a witness, usually a member of the Jury. The role of the judge is then to take an independent note of the interview. At the end, the Categorization Commission member will announce his or her decision to the competitor.

Competitors may appeal against a decision to re-categorize them, but this must be done online and this usually takes quite some time, i.e. it is extremely unlikely that any appeal would be decided in time for the start of racing. Until the appeal has been decided, the Code states that the decision of the Categorization Commission member at the event is binding. The competitor cannot request redress, as the Categorization Commission is not covered by rule 62.1(a) and there is no other redress procedure.

M.4 Protests

A boat may be protested after the crew deadline (a defined term within the Categorization Code) and before the categorization protest time limit (also a defined term), or 24 hours after a changed crew list is posted, if:

- information, which would have led to a higher categorization, was not disclosed when a competitor applied for a categorization; or
- a competitor has, since being categorized, engaged in activities incompatible with his categorization;

and in either case, the boat would then break the crew limitations in the notice of race, sailing instructions or class rules.

These types of protest are often complex and may require close liaison with the Categorization Commission. The protest committee will also need to consider the types of Category 3 activity, as listed in the Code, and how to best assess if a competitor falls into one of these categories.

The FAQs issued by the Categorization Commission can be helpful in assessing the different situations. See: www.sailing.org/classification.

As with measurement protests, where the protest committee is in doubt as to the categorization of a competitor, it may call a member of the Categorization Commission as a witness to the hearing. The member may attend by audio or

video conference if not in attendance at the event. Alternatively, the protest committee may refer the facts found to the Categorization Commission to seek its opinion on them, in which case the response of the Categorization Commission then binds the protest committee.

Under the Code, which changes rule 63.3(a), the protestee is entitled, on request, to present evidence of a personal or private nature in the absence of the protestor. The protest committee must not then record that evidence in its decision. If the protest committee, on hearing the evidence, is not satisfied that it is of a personal or private nature, it must disregard the evidence unless it is offered again in the presence of the protestor.

The penalties are set out in the Code. If the boat has not yet raced, she is not to be penalized. If she has completed a race or races, then the penalty is disqualification from each race (unless the protest arises as a result of a mandatory protest by the race committee acting on a report from the Categorization Commission, in which case the penalty is at the discretion of the protest committee (see section M.6 below for more details).

The protest committee has no power to change a categorization, only to determine whether it should be different. It must report its decision on a protest to the Categorization Commission, together with details of all the evidence heard by the committee (including any evidence given in private).

M.5 Protests about Crew Limitations

A protest under the RRS may, of course, be brought where a boat has simply not complied with the notice of race or class rules (for example by having more Category 3 sailors on board than permitted or having a crew member steer when this is not permitted). In these circumstances the protest committee will apply the normal rules regarding time limits, validity, penalties etc. to the protest. The categorization listed on the World Sailing website against the competitor is definitive in these cases.

M.6 Changes by the Categorization Commission

If the Categorization Commission changes a competitor's categorization during an event (for example on the basis of an interview) it may backdate that change to the start of the event. If the Categorization Commission believes a boat would then break the crew limitation rules, it will report the matter to the race committee, which then must protest the boat. The penalty for a breach in this situation is at the discretion of the protest committee.

M.7 Other Complaints or Information Received

If the protest committee receives complaints or information at an event that may cast doubt on a competitor's categorization, but no protest is lodged, it should

report that information in confidence to the Categorization Commission via the World Sailing Office.



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