

Judges Manual

August 2019



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 exiting International Judges with the aim of contributing to consistency in judging all over the world.

Since our sport is constantly changing and evolving, a manual such as this must be a living document that needs to be updated constantly. Contributions to improve it, including new subjects and to keep it up to date, are always welcome. Updated versions will be posted on the World Sailing website as changes and additions are made.

The August 2019 version includes updates that are marked with a vertical line on the right side.

Special thanks are due to the many experienced International Judges who contributed to this manual.

Andres Perez, Chairman
World Sailing International Judges Sub-Committee
2019

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 as a judge.

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Section A
The Basics

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A The Basics

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A.1 Introduction

The role of a judge in sailing is to ensure the fairness of the competition. The role is unique in many ways. First, a judge is required to determine disputes between competitors. To do this, and to be seen doing it fairly and according to the rules, a judge must be thoroughly familiar with the *Racing Rules of Sailing*.

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.

Sailing owes a debt of gratitude to those people who work to acquire the necessary knowledge and experience to accept this responsibility and to do it well. Those who make such a commitment make a very large contribution to our sport.

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 and Regulations

The definition of *Rule* includes the following World Sailing Codes:

Regulation 20	Advertising Code
Regulation 21	Anti-Doping Code
Regulation 37	Betting and Anti-Corruption Code
Regulation 35	Disciplinary Code
Regulation 19	Eligibility Code Regulation 22
	Sailor Classification 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 interpretations of the racing rules. *The Case Book* and recognizes them as authoritative interpretations and explanations of the rules. They are 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 adopted by the World Sailing Council, based upon the recommendation of the Racing Rules Committee. Regulation 28.3 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.

The answers are prepared by experienced Race officials and are intended to provide a service to Race Officials, Member National Authorities and World Sailing Class Associations whereby they 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 nevertheless represent an important service by providing carefully considered opinions of experienced Race Officials.

It is intended that these Q&A are further considered for inclusion in the World Sailing Case Book/Call Books (Match and Team Racing).

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, and is a member of World Sailing. 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 sailing 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 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 agrees with the decision, or believes the clarification is beneficial, it will accept the appeal as a World Sailing case, subject to ratification by the World Sailing Council.

Organizing Authority

The body that plans and runs the races or 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. 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, except for hearing a request for redress under rule 62.1(a) alleging an improper action or omission of the race committee. In that case, the protest committee must be independent of the race committee. A protest committee that is an International Jury constituted in accordance with Appendix N of the rules shall be independent of and have no members from the race committee.

Protest Committee

The protest committee hears protests, requests for redress and alleged breaches of rule 69. It is appointed by the organizing authority or race committee. It may be 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 Juries are referred to as Protest Committees when hearing protests and requests for redress.

International Jury

An International Jury is a protest committee that meets the requirements of Appendix N of the rules. 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.

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 or the Race 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 *rules*. Their 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. The Technical Committee also interprets the class rules at events.

Judge, National Judge, International Judge

The term 'judge' is often used to describe a member of a protest committee who participates in decision making. 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 specially trained judge who makes decisions on the water, and may impose penalties, during a match or team race or umpired fleet race. Umpires may be called upon to hear protests during match racing and team racing events, as well.

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B.1 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 at 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 purpose of World Sailing.

World Sailing Race Officials Administration is governed by Section 3 of the World Sailing Regulations (Regulations 31 - 34). 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 are stated in World Sailing Regulation 6.10.7.3. They are available, along with current updates at <http://www.sailing.org/documents/regulations/regulations.php>

B.2 Applications for Appointment and Re-appointment

World Sailing Race Officials Administration is governed by Section 3 of the World Sailing Regulations. The requirements for appointment as an international judge, along with the application procedure are presented in World Sailing Regulation 31 and in the publication, World Sailing Race Official Roles, Qualifications and Competences, 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 requirements for a candidate applying to become an International Judge are in the resource. In general:

- have attended a World Sailing International Judges Seminar in the last four years;
- have passed the written examination in the last four years;
- have served as a member of a protest committee for the number of principal event

fleet racing specified. At the specified number of these events, the candidate shall have been a member of an international jury and one event must have been outside his Group or his MNA in the case of Group I - Q.

- have the specified number of completed positive IJSC reference forms from the jury chairman who shall be an International Judge. The reference form is available on-line
- Submit an application form by the deadline date stated in the Regulation

All candidates must ensure they have read the most recent versions of the relevant Regulation 31 and the World Sailing Race Official Roles, Qualifications and Competences, Application Document for World Sailing International Race Officials in full, in order to understand the complete qualifications required to become an International Judge.

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, consult the Appendix describing Principal Events.

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.

B.3 Reference Forms

First time applicants require to comply with Regulation 31. The reference forms are found on the World Sailing website at

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

The completion and submission of the reference forms is the responsibility of the Jury Chairman from the event at which the reference is given. Prior to the regatta, advise the **Jury Chairman** that you are seeking a reference. Provide your name, address and World Sailing Sailor ID.

Guidance for the Candidate and Jury Chairman

At the conclusion of the Regatta the Jury Chairman will complete the form at the event and **must** discuss the assessment with the applicant. The form must be submitted to World Sailing at raceofficials@sailing.org no later than 4 weeks after the event finished.

The Jury Chairman should be aware of the statement under **Guidance for the Jury Chairman**. It describes where a Reference Form should not be completed and prior notification **must** be made to World Sailing to determine whether another source of reference could be arranged at the event. Only forms completed by International Judges, who are the Jury Chairman of that Regatta, shall be valid for consideration. The reference

form **may not** be completed retrospectively as this undermines the teaching nature of the reference form process.

You are entitled to a copy of the form, which you may request directly from the Jury Chairman or the World Sailing office, once it is received.

Section C

Qualities and Skills of an International Judge

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C.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;
- to 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 34 – 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 or her appointment.

C.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 Racing Rules of Sailing.

World Sailing has published documents that Race Officials would consult to determine if they have a conflict of interest with regard to serving at a regatta. These include

- Racing Rules of Sailing, Definition “Conflict of Interest”
- World Sailing Regulation 34 - Conflict of Interest
- World Sailing “Race Officials Committee Guidelines for Assessing a Conflict of Interest for Race Officials”
- Constitution Committee interpretation

These documents are published on the World Sailing website. They are not reprinted here, since regulations and advisory papers may be changed within a quadrennial. They are published at:

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

C.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
Protest hearings and hearings under RRS 69	<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 allegation and decisions for RRS 69 hearings
Going afloat to observe the racing	<ul style="list-style-type: none"> • license to operate a small craft; • Mobility necessary to transfer from dock to boat and

Function at the event	Necessary skills
	<p>from boat to boat (sea legs);</p> <ul style="list-style-type: none"> • 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 spending long days afloat in any conditions
Judging RRS 42 under Appendix P	<ul style="list-style-type: none"> • Requirements for going afloat; • a thorough understanding of RRS 42, class-specific common kinetics, and the procedures for Appendix P; • knowledge of class-specific changes to RRS 42; • boat positioning for judging kinetics while minimizing the inconvenience to racing boats
Direct Judging and Umpiring under Addendum Q	<ul style="list-style-type: none"> • Requirements for going afloat; • a thorough understanding of Addendum Q and its procedures; • boat positioning for umpiring medal races and for direct judging of fleet racing; • making rapid decisions on breaches of Part 2 of the Racing Rules of Sailing; • requirements for judging RRS 42 under Appendix P, if appropriate
Umpiring radio controlled boats	<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 Racing Rules of Sailing; • physical fitness necessary to stand and move along the pier for long days of competition; • spending long days outdoors

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.

Hence:

- If you have special needs, inform the Chairman of the protest committee or the representative of the organizing authority who takes care of officials. If you are billeted in a private home, let it be known if you have allergies to any pets or tobacco smoke, etc.;
- if you have dietary restrictions, let it be known before your arrival;
- if you have temporary or permanent physical limitations, do not accept the invitation if you cannot fulfill the required protest committee functions;
- if you need accommodations, advise the organizing authority and Chairman of the protest committee prior to arrival.

C.4 Allegation of Inadequate Conduct or Competence

World Sailing Regulation 35 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 Regulation 32 (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..

Section D

Judges and Junior Sailors

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D.1 Introduction

Junior sailors comprise a major group of participants in our sport. This section helps judges understand their role in the context of the development of young sailors. The underlying principle is that all junior 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. This section discusses issues arising in youth events ranging from local club racing to international events posing unique cross-cultural challenges and opportunities.

Junior sailors have varying needs and interests. They will be at very different levels of competence, experience and knowledge of the rules.

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 have multiple roles, not only the support of their 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 junior 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 pressure on young children.

Judges should be aware of any policies that a class may have with regard to protest procedures.

D.2 Definition of Junior Sailors

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

For the purpose of this section, it is considered that junior sailors are generally aged from about 9 to 18 years old, though some classes include competitors aged 19.

Judges need to adapt their communication styles to the individual behavior of junior 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 conditions and/or 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/her:

- physical readiness, e.g., mastery of fundamental movement skill, growth;
- social readiness, e.g., sense of self, support and encouragement from parents and friends;
- motivational readiness, e.g., expressing a desire to participate and/or learn and;
- cognitive readiness, e.g., ability to understand instruction, rules or tactics, in a relevant language.

D.3 Judges' Role at Junior Regattas

Judges have a significant role to play in ensuring the fairness of the competition and maintaining the confidence of the sailors, coaches and support teams.

Judges should take steps to not only administer the rules but also to assist the sailors and their coaches by interpreting the rules. This approach could contribute to the participants' enjoyment of the sport.

There is need for sensitivity in setting the behavioural expectations for a junior regatta. It is important that sailors of all ages should be respected as individuals, and not patronized.

Decisions and actions by judges can reinforce good behavior on and off the water, and the need to take a penalty after knowingly infringing a rule.

Judges can also have a major impact on the future conduct of a sailor. Under no circumstances should sailors be allowed to believe that minor breaches of the rules will be accepted because of their age. Strict and fair instruction at the start of a sailor's career can have an important educational effect.

During regattas, there may be opportunities to give rules workshops. There can also be opportunities to clarify rule issues with coaches. Such periods might include when sailing is postponed or abandoned and sailors are ashore

D.4 Visibility

At all regattas judges should focus on making themselves visible, approachable and accessible by the sailors and their support teams, but even more so at junior regattas, where this may be the sailor's first contact with a protest committee or international jury. It is helpful if the judges are introduced at the sailors' briefing so that sailors and their coaches can recognize them as the regatta progresses.

When judges are ashore, and are not required for official duties, they should make themselves available to the sailors. This may involve visiting the boat park in pairs, and being 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.

D.5 Communication with Sailors and Their Coaches

When speaking with sailors, use the sailor's name, even if you have to ask for his or her name. When explaining rules or interpretations with sailors, where possible, use the vocabulary used in the rules. Do not change the language of the rules because the sailor is young. It is preferable to include the sailor's coach or parent in the conversation, and when available, to ensure that another judge is with you. Have interpreters available at international events, as appropriate.

D.6 Protests

A significant area where a judge will interface with junior sailors is in the protest room. All sailors, but especially junior sailors, should expect a consistent and fair process, using language they can understand.

The protest hearing should be formal, and the judges should be firm, respectful, and helpful to all participants.

Junior sailors may not have had previous experience in a protest 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.

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. For example, it may be appropriate to ask questions that using defined terms and giving their meaning as well. "Was your spinnaker ahead of the other boat's rudder?" may be a better question than, "Were you overlapped?"

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(s) act as an interpreter. Otherwise, qualified coaches and other team supporters may be used as interpreters.

D.7 Observers

Observers at hearings should be encouraged, especially at junior regattas. Besides coaches and parents, it may also be beneficial for other sailors to observe the process; but exclude any person who will be a witness in the hearing. The chairman and organizing authority must arrange to have a room available that will accommodate the number of observers allowed. When the protest committee secretary is scheduling the hearing, the parties should be made aware that observers are welcome.

The normal rules for observers found in Section K7 will apply. Make the observers aware of these rules prior to the hearing starting.

D.8 Use of the Protest Flag

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

D.9 Reporting to the Race Committee at the Finish

Some class associations require that the sailing instructions contain the additional requirement that immediately after finishing the boat informs the race committee of her intention to protest and identify the boat protested. This is simple for a race recorder to do, and it avoids the risk of a coach or parent prompting protests after the sailors return to shore.

D.10 Arbitration

Some class associations use arbitration with RRS Appendix T at junior events. For a simple boat on boat protest, arbitration provides a process for the parties to resolve protests in a simpler manner and in less time. Provide interpreters, who could be the arbitration judge, as necessary to ensure due process. Observers may be allowed, especially in cross-cultural settings, unless they will be witnesses in any subsequent hearing of the protest.

Rule 42 and Appendix P

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

At some junior regattas, the Two-Turns Penalty is used for all Appendix P penalties. This assists the sailors in understanding what actions are prohibited by rule 42 and allows them to learn from their mistakes. Although the penalties of Appendix P may be relaxed at regattas by a change in the sailing instructions, the standard of rule 42 compliance should not be relaxed and should be judged at a consistently high standard.

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.

Prior to racing, the jury boats should be on the course and visible. The jury boat(s) should be close to the starting line so that all sailors can see that the judges are on the water and identify the jury boats should they wish to communicate with the judges.

Judges should make themselves available so that the sailors can discuss their actions that led to a penalty. On days with multiple races, the judges should, when practicable, position their boats near the finishing line so that competitors can find them. On single race days, or after the last race of the day, the judges may be approached ashore. Judges should be able to explain the actions of the sailor and why the penalty was given. The judges should refer to the rule that was broken and refer the sailor to the World Sailing Rule 42 Interpretation, if relevant. When the discussion is held ashore it is best practice that two judges discuss the penalty with the sailor and his or her coach or parent, if available. At least one of the judges should have been part of the team that gave the penalty. World Sailing policy is that one judge explains the penalty while the other judge monitors the conversation. Especially with younger sailors, it is important to avoid the perception of the discussion being two judges against one sailor.

D.11 Regatta Briefings

At the competitor's briefing the jury chairman should consider the following, as applicable to the event:

- Introduce and identify the judges;
- State that the Protest Committee is here to serve the competitors, and that its prime role is to ensure fairness of the competition;
- Indicate the Protest Committee's intention to be afloat observing compliance with rule 42, and advise competitors when and how they can speak with judges or the protest committee;
- Remind sailors of the location of the official notice board and the location of protest hearing room;
- Invite observers to protest hearings, as permitted in the rules;
- Advise sailors that foul or abusive language will not be tolerated;
- Remind that support persons are subject to the rules as per RRS 3.1(b)
- Advise sailors that they can approach the members of the Protest Committee at any time on the water, except when racing, or ashore; and
- Remind sailors that sailing is a self-policing sport, and remind sailors of their obligations under "Sportsmanship and the Rules";
- Remind young sailors of the behavior standard that is expected of them in relation to the racing rules, and their relationships with other sailors.
- If arbitration will be used, briefly explain the process;

For practical reasons (e.g. limited space, number of languages, class tradition), competitors' briefings at large junior 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. It is appropriate for the jury chairman to attend the regular coaches briefing along with the PRO and comment on rules observance and incidents, answer questions, and promote communication.

D.12 Parents, Coaches and Club Support

Parents, coaches and club support are an important part of junior regattas and the development of junior sailing. Their involvement with the sailors should be acknowledged and supported within the bounds of fairness.

Younger competitors wanting to speak with a judge should be invited to bring a coach or a representative to join in the conversation to assist the sailor.

D.13 Support Boats

Support boats crewed by the sailor's support team are an important part of the safety routine at a regatta. Junior sailing would not be as strong as it is without these support structures. The movement and placement of support boats needs to be restricted, but can allow the boats to transit around the course following the limitations included in the sailing instructions and or the coach boat regulations or both. For major events, it is recommended that support boats be required to carry representatives of at least two different sailors or teams.

The protest committee may consider calling the support person to a hearing under rule 60.3(d) for a failure to comply with the rules and regulations of the competition.

Not all young sailors will have support personnel on the water. The judges should ensure that they don't show favor or bias to any particular boats. Jury boats should not tow boats to the course area before racing, even though there is no wind. However, towing boats ashore after racing is acceptable so long as the judge shows no bias or preference to boats they give assistance, and provided that towing boats ashore is in response to a request from the race committee.

D.14 Support Boats

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.

D.15 Sailing Instructions

As much as possible, sailing instructions for junior regattas should be consistent across events in matters that are not regatta specific. Regatta specific clauses include start times, description of marks, racing area, location of notice board and signals made ashore location. The sailing instructions should be posted on a website at least one week prior to the event.

It is not in the interest of sailors to receive a multi-page document shortly before racing begins. Young sailors should not be expected to note the subtle changes in sailing instructions while preparing for racing.

D.16 Changes to Sailing Instructions (RRS L3)

For junior regattas, it may be appropriate to include the following specific sailing instruction clauses:

When there is a change to the schedule of races it is recommended that the change be posted before the end of protest time limit on the day before the change in schedule is to take effect, so that young sailors can leave the venue at a reasonable time.

The Start

Include the clause (RRS L11.3) to require boats that have not started to avoid boats starting.

Penalty System (RRS L14)

It may be appropriate for fleets with inexperienced competitors to turn off rules

P2.2 and P2.3 and only require a One-Turn or a Two-Turns penalty for each rule 42 infringement.

Protests and Requests for Redress (RRS L16)

If required by the Class Association or the organizers, require all boats regardless of length, to display a protest flag when protesting. If required by the policies of the Class Association or the organizers, require that a boat intending to protest shall, immediately after finishing, in addition to the requirements of rule 61.1(a), inform the Race Committee boat at the finishing line of her intention to protest and give the identity of the boat(s) being protested. The Race Committee should note such reports on its results log.

Support Boats (RRS L23)

Some regattas will provide a set of regulations for support boats and support persons. Otherwise, except when participating in rescue operations, team leaders, coaches, parents and other support personnel shall be required to stay outside areas where boats are racing from the time of the preparatory

signal for the first fleet to start until all boats have finished or retired or the Race Committee signals a postponement or an abandonment of all fleets. The areas where the boats are racing can be defined as the area inside the course and within a distance specified by the RC of any mark, lay line, starting line, finishing line or any area where any boat that is racing is sailing or may sail.

Section E

Protest Committee

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E.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 at a sailing clubs, where the local race committee or club appoints a protest committee of knowledgeable club members, to a non-appealable International Jury appointed or approved by World Sailing at the high-profile events. In most cases, the judge with the most experience, often a National Judge or International Judge, is asked to chair the protest committee and accepts the responsibility to ensure that the rules and procedures are followed.

E.2 Conflict of Interest

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 he is aware of it.

The rule prohibits a member of a protest committee who has a conflict of interest from hearing a protest, except in three circumstances:

- a) if all parties to the hearing have been fully informed of the conflict and consent;
- b) if the protest committee decides that the conflict of interest is not significant;
- c) when the conflict between the protest committee members is balanced (RRS M2.3).

The rule guides the protest committee on considerations in determining whether a conflict is significant.

The reason for these options is that it is not practical at all events, and especially at club events, to exclude all judges who have a conflict of interest. Some flexibility is needed to suit different events. 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.

World Sailing guidance on conflict of interest is available at <http://www.sailing.org/raceofficials/conflict-of-interest.php>

A judge who has a conflict of interest should decline an invitation to be on an International Jury. If the judge is uncertain if he has a conflict of interest, it is advisable to check with the World Sailing office at raceofficials@sailing.org

If the conflict of interest occurs at the event, then a protest committee formed by an International Jury remains properly constituted if it consists of at least three members and at least two of whom are International Judges.

E.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 Regulations 23.3 and 25.8).

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. 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.

If Appendix P is used for on-the-water judging of rule 42 Propulsion, then the protest committee members should have the ability, and the majority of the members should have experience to participate in this specialist type of judging.

Finally, consider including one or two experienced national judges who would benefit from the experience and to assist them in obtaining the requirements necessary to apply to become an International Judge.

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 national judges program, 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.

E.4 No Appeals Jury and International Jury

If the Notice of Race and Sailing Instructions so state, the right of appeal may be denied (RRS 70.5) if any one of these three conditions applies:

- (a) it is essential to determine promptly the result of a race that will qualify a boat to compete in a later stage of an event or a subsequent event (a national authority may prescribe that its approval is required for such a procedure);*
- (b) a national authority so approves for a particular event open only to entrants under its own jurisdiction; or;*
- (c) a national authority after consultation with World Sailing so approves for a particular event, provided the protest committee is constituted as required by Appendix N, except that only two members of the protest committee need be International Judges.*

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. When this is the case, the “local” vice-chairman is 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 Schedule A (Article 40) of the World Sailing Constitution. A protest committee member’s nationality does not create a conflict of interest.

Since a protest committee constituted as an International Jury is independent of the race committee, no member of the protest committee may also be a member of the race committee.

When a full International Jury or panel is reduced to three or four members because of illness or emergency, the organizing authority should make a diligent attempt to find a qualified replacement.

E.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.

RRS N1.8 requires that when the national authority prescribes that its approval is required for the appointment of an International Jury (see RRS 91(b)), notice of its approval shall be included in the Sailing Instructions or be posted on the official notice board.

E.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 persons, 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 25.8.13.

E.7 Responsibilities

The main duty of the appointed protest committee or International Jury is to conduct hearings for protests, requests for redress, to write allegations under rule 69, and to hold hearings under rule 69. Sometimes its responsibilities are extended to include on-the-water judging of rule 42 (Propulsion) and monitoring rule compliance. Often protest committee will provide advice to the race committee or the organizing authority, when requested, and help resolve problems that occur at regattas.

E.7.1 Additional Responsibilities of International Juries

Although technically there is no difference between the duties of a local protest committee and one formed by members of an International Jury, in practice the higher the regatta 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).

E.8 Procedures

Protest Committee decisions are reached by a majority vote. If there is no majority, the Chairman of the hearing may cast an additional vote.

E.9 International Jury Panels

The requirements for a panel hearing are outlined in Appendix N1.4(b). In most cases, you need three judges from different MNA's, two of whom must be IJs. The only difference in the hearing is that you tell the parties that you are a panel of the International Jury and if they are dissatisfied with the decision they are entitled to a hearing with a full jury, except concerning the facts found.

In practice, this means that the International Jury will review the procedures used in the original hearing. They would then focus on whether the conclusion and decision matched the facts. This new hearing is not a reopening under RRS 66; although the International Jury could decide that the panel might have made an error, and then decide to reopen the hearing.

E 10 Off-site Protest Committee Members

Appendix N outlines the requirements for International Juries and Appendix M 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 could still act adopting a Remote Hearing (see below), even 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 something has to be decided before the event, e.g. about the eligibility or classification of a sailor;
- if something has to be decided after the event finished, e.g. a complicated measurement protest that will require several days to the technical committee;
- in oceanic races;
- 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 a diligent attempt (see also RRS N1.5)

E 11 Off-site parties and witnesses

RRS 63.3 grants a party the right to be present throughout the hearing, specifying that if a party does not come, the Protest Committee can nevertheless proceed with the hearing in the absence of the party.

Even though the best practice is to have all the parties and witnesses physically present during a hearing, there are some exceptional cases where the Protest Committee could offer them to attend the hearing by adopting a Remote Hearing, for example:

- if something has to be decided before the event, e.g. about the eligibility or classification of a sailor;
- if something has to be decided after the event finished, e.g. a complicated measurement protest that will require several days to the technical committee;
- in oceanic and offshore races;

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.

E.12 Recommendations for Remote Hearings:

Remote hearings should be conducted with videoconference systems and simultaneously transmitted to all the persons involved in the hearing.

A videoconference system is a program, protocol or device that uses Internet to transmit multimedia streams that include at least voice and video of the persons involved. Eventually, other streams can 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 videoconference hearings work. It is a responsibility of parties and witnesses to have a proper connection available.

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 or her additional duties:

- For hearings occurring during an event, have a default time set up in advance of the event when you expect off-site persons to be available. Consider the time zones for all persons involved.
- Send copies of the protest and other documentation to the off-site protest committee members and parties.
- If the parties will use video evidence, try get copies in advance to forward to the off-site protest committee members and parties.
- Have a projector and screen so that the parties can see as well as hear the off-site protest committee members.
- Make sure that all the parties and witnesses are alone in the room, without communicating with others.
- Make sure everyone, both at the hearing and off-site, are happy with the procedures.

In some remote situations, videoconference remote hearing might not be possible (for example, during oceanic races). Only in this case, the remote hearing can be processed through emails. This should be specified in the Notice of Race / Sailing Instructions, as detailed in Section O.

Section F

Alternative Whistle Systems

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F.1 Introduction to On the Water Judging

On-the-water judging, or direct judging for fleet racing has become popular with classes and Organizing Authorities. It provides immediate and final determination of a breach of a rule of Part 2, and often, Rule 31. Breaches of Rule 42 are covered under Appendix P, with penalties given by judges on the water. Some classes include class rules limiting crew positions as well.

When protests and breaches are resolved on the water with an immediate penalty or no penalty, boats know their relative positions and can continue to strategize their race without waiting for the result of a protest hearing.

On-the-water judging places judges on the race course with the competitors. Judges work in pairs to observe the racing and to signal infringements in accordance with the various systems provided in the event's SIs and as discussed below.

These practices have been developed for fleet racing and continue to evolve as each system is refined through experience. Typically, a class association will choose to have on-the-water judging as part of their regatta and will ask the judges to implement the system preferred by the class.

The components required to implement a system include, reference in the Notice of Race, changes in the SIs, availability of judges, suitable boats for judges, and equipment including whistles and flags.

Briefing competitors before racing clarifies how the judging will occur, as indicated in the SIs and other rules governing the event. Debriefs are very beneficial to competitors in a large fleet held after racing or the following morning where judges explain the calls and all the sailors can learn from each call.

F.2 Basic Rule Infringements

F.2.1 Introduction

Basic rule infringement is the simplest form of on-the-water judging and is different from Appendix Q and Addendum Q which will be discussed in a later section. There are currently different systems in use.

When judges observe a breach of a rule of part 2 or rule 31, they notify the boat immediately. Signals to the boat include a sound, typically a whistle, hail of the sail number, and a visual signal, typically a red flag pointed at the infringing boat or boats. These signals indicate that one or more boats have infringed a rule and may take a penalty under rule 44. If no boat takes a penalty, the judges may lodge a protest for the incident they have witnessed, or they can act as witnesses if a boat lodges a protest.

In other systems, judges simply signal that they saw a breach of a rule to indicate their expectation that a boat or boats take a penalty. Typically, this system involves blowing a whistle, but no identification of a boat. Yet in other systems, the judges are given the authority to penalize the boat they consider broke a rule. The boat's failure to take the penalty would then result in a DSQ without a hearing. A careful study of the SIs at each event will advise the judges of the system they will be using.

F.2.2 Additions to the Notice of Race and the SIs

F.2.2.1 Notice of Race

The notice of race must state that on-the-water judging may or will be used in the regatta.

Example 1 Notice of Race

“On-the-water judging in accordance with SI X.X may be used. The procedure and penalties will be detailed in the SIs.”

Some OAs may want to include the exact same language in the notice of race that will be used in the SIs.

F.2.2.2 Sailing Instructions

A specific section must be added to the SIs to inform the competitors that on-the-water judging will be used. The procedure must be in a separate numbered paragraph that clearly states how the competitors will be informed that a rule has been broken and what actions the competitors are expected to take. Here are some examples that have been inserted into SIs at various events.

Example A

SI.XX.1 On-the-water judging will be applied for the rules of Part 2 and rule 31. Judges who are members of the protest committee will blow a whistle when they observe a breach of a rule, and they expect one or more boats to take a penalty. The judges must insure that they are close to the infringing boat when the penalty is signaled. If the incident results in a protest hearing, the judges may provide testimony as a witness.

Example B

SI.XX.1 In addition to rule 42 infringements, members of the protest committee will be on the water to observe racing. To indicate that a judge has seen a breach of a rule of Part 2 or rule 31, the judge will make one sound signal but no sail number will be hailed. This means that the judges have seen a situation which may be protested and one or more competitors should take a penalty or retire. If no boat takes a penalty under rule 44.1,

the judges may protest one or more of the boats.

SI.XX.2 Action or no action by the judges under this SI shall not be grounds for redress. The changes rule 62.1(a).

Example C.

SI.XX.1 On-the-water judge boats will display code flag “J”.

SI.XX.2 In addition to enforcing rule 42, judges will be observing boats for breaches of the rules of Part 2 or rule 31. When the judges observe a boat breaking one of these rules, they will make a sound signal. If no boat takes a penalty under rule 44.1, the judges may protest one or more of the boats for that incident.

***Note:** The SIs must define the number of turns that a competitor shall take when penalized for breaking a rule.*

SI.XX.3 Action or no action by the judges under this SI shall not be grounds for redress. This changes rule 62.1(a).

F.2.3 Initial Briefing at the Meeting for Competitors and Coaches

The procedure for on-the-water judging should be discussed with the competitors and coaches at the first briefing by a representative of the protest committee.

Care should be taken to:

- specifically refer to the method to be used for on-the-water judging and how it will be applied;
- give a brief description of the sound signal and what it means;
- introduce the judges;
- provide a description of and number of judge boats, and how they will be identified;
- inform competitors that the judge boats will be very close to and amongst the boats as they race;
- remind the competitors of the number of turns to take if penalized.

F.2.4 Racing best practices

Jury boats should be RIBs or similar motor boats, with adequate engine sizes which do not make excessive wash when driven in close proximity to boats racing. The boats should be seaworthy for the conditions and suitable for the type and size of fleet being judged.

Each judge boat should have two judges (at the higher event levels, a must). The judges should always try to work in pairs to agree on incidents; although there are instances when only one judge observes an incident. Judges should be anticipating potential incidents and the rules involved, so that if an incident does occur, they can make a quick decision. Typically, each judge will focus on one boat as an incident between boats develops. Before signaling a penalty, the

judges(s) must be certain that a rule has been broken. If the judges do not agree or they are not certain that a rule has been broken, then the green and white flag is displayed to indicate no penalty. The judges must be experienced in driving small power boats, positioning in the best locations throughout the race to observe potential areas of contention between the competitors. They must be close enough to the competitors to not interfere with any boats racing or create excessive boat wash. They must be in position to see infringements, to decide any protests, and to have their sound signals heard.

F.2.5 Judging recording

Each judge should keep notes made while afloat for each instance where they signaled that a rule had been infringed. It is also useful to record incidents when a green was signaled). Record the race number, date, time, leg of the course, boats involved in the incident, the lead up to the incident, the boat(s) that broke a rule, and any boat that took a penalty. Where possible, make a diagram to include as many of the boat positions during the incident as possible. Notes help in fully describing the incident at the debrief.

F.2.6 Debriefs

Judges should always be available to discuss with any competitor the calls which have been made on the water. Holding a daily debrief session for all competitors is also useful. Discussions should include the pair of judges who made the call of penalty or no penalty. Through the explanations by the judges, competitors gain an in-depth knowledge of the racing rules.

F.2.7 Summary

The system for on-the-water judging used must be clearly explained in the SIs and to the competitors in order that they understand the sound and flag signals. In the system where just a sound signal is made, it is possible that more than one boat takes a penalty when only one boat broke a rule. It is possible that a boat that is not sure that they broke a rule would take a penalty turn, even if she did not break a rule. Getting close to the infringing boat or using a system which specifically indicates which boat broke a rule, by hailing the sail number, will help eliminate most of these ambiguities.

There are several advantages to this system. Boats that broke a rule have the option to take a penalty that is less than a disqualification in a protest hearing. Competitors also arrive ashore knowing where they finished in the race, with limited possibility that this will change. Other protests for rule violations for other parts of the rules not involving Part 2 or rule 31 are still decided by the protest committee through hearings.

In summary, the system provides an alternative to the full protest system, resulting in less time in the protest room, more opportunity to participate in the social aspects of the regatta.

F.3 Appendix Q and Addendum Q – On the Water Judging for Fleet Racing

F.3.1 Introduction

Addendum Q can be downloaded from the World Sailing website at: <http://www.sailing.org>. World Sailing has approved it for the use as an addendum to the SIs in World Championships, World Sailing World Cup, Grade 1 and Grade C1 events for umpired fleet racing in the last race of each series for the Olympic classes. Approval for any changes of Addendum must be approved in writing from World Sailing.

Appendix Q can be downloaded from the World Sailing website at: <http://www.sailing.org>. Different from Addendum Q, it was developed for all levels of fleet racing. This appendix can be used under rule 86.3 to change or test proposed rules if the national authority prescribes and/or allows. Those seeking to use this new approach to on-the-water rule enforcement may be required by their MNA to seek approval before its use.

The use of either Appendix Q and Addendum Q is recommended for umpired fleet races in which there are about twenty to thirty boats. There should be one umpire boat for every 4 to 6 boats in the fleet. Fewer umpire boats can be used, but coverage will be more difficult.

Be sure to note to the competitors that the Addendum changes the definition of Finish and several other rules. Note that Addendum Q was specifically designed for the Medal Races at Sailing World Cups and the Olympics. Check the World Sailing website for possible new templates.

Also note that the Addendum includes a section on Advice to the Competitors as well as Advice to the Judges/Umpires. This advice pertains to Appendix Q as well. The OA may separately use this advice part of the document or use the complete Addendum or Appendix so that all involved will understand the system.

F.3.2 Additions to the Notice of Race and the SIs

F.3.2.1 Notice of Race

The Notice of Race must specifically state that Addendum Q or Appendix Q will be used in the regatta.

F.3.2.2 Sailing Instructions

In addition to the notice of race statement, the full Addendum Q or Appendix Q must be added to the SIs as an attachment.

F.3.3 Initial Briefing at the Meeting for Competitors and Coaches

There are significant changes to the rules in Addendum Q or Appendix Q which should be discussed during the initial skippers briefing. Advise the competitors that they should review and understand completely the Advice to the Competitors section of the Addendum and be open to questions.

Addendum Q and Appendix Q reduces a boat's rights to protest and to get redress, and changes the procedure to use when protesting. Point this out and advise competitors that if they use an improper protest signal the incident will become an invalid protest and the judges will signal no penalty, even though there may have been an infringement.

F.3.4 On the Water

Positioning is critical in order to view each incident correctly. In most cases, the judge should be a few boat lengths away from any situation in order to properly understand the actions of the right-of-way boat and the keep-clear boat and to be certain that a rule has been broken. If they are not in position to clearly see the incident they must signal no penalty. Under this Appendix, judges both respond to the sailor's request for a decision, and give judge initiated penalties.

Each judge should understand the procedure for signaling penalties. The complete judge team must use the same procedure when signaling a penalty.

Each judge team should develop a system to identify locations where boats are close together and incidents are more likely to occur, known as "pressure points". Communicate these with each other to ensure good boat positioning. These points will generally be at the start, at marks of the course, and at the finishing line.

When covering these pressure points, there may be more than one judge boat in an area, with judges on each boat who may have seen the incident. Each judge boat might have a different perspective of the incident so that each judge team could make a different decision. When a judge sees an incident and other judges are in the area, they should raise their arm to signal they have seen the incident and that they are ready to make a decision. If no other judge raises their arm the judge should make the call. If judges on two boats raise their arms, one points at the other judge to make the call.

Addendum Q provides in-depth details of positioning, communication among the judges, viewing the incident and signaling the penalty. This advice also applies to Appendix Q.

Since judges must be in position to see incidents they need to be aware of their wake and the effect it has on the competitors, especially in light air conditions. Anticipation of where the pressure points might occur will assist the judges in properly positioning their boats while minimizing adverse effects from their wake.

F.3.5 Equipment

The judge boats must be of an appropriate size to be close to the competitors in tight situations, and seaworthy for the conditions. In many cases this should be within a few boat lengths of the action, and closer than for judging for rule 42.

The judges will need whistles to signal their actions, VHF radios to communicate within the judge team, and recording devices or notebooks to detail all calls, penalties as well as non-penalties incidents.

Each judge boat will need the flags specified in the SIs and any Addendum, or by the Class. These include a green and white flag to indicate no penalty, a red flag to indicate a penalty to one or more boats and a black flag to indicate that a boat is disqualified. For breaches of rule 42 under Appendix P a yellow flag may be required; although Addendum Q uses red for all breaches.

F.3.6 Debriefs

Debrief discussions with competitors should be done by the pair of judges from each boat, taking into consideration emotions and allowing time to fully discuss. Debriefs can take place on the water or in a separate session for all competitors at the end of the day after racing.

Explain what the judges saw and what rules applied to their decision. It should not become a heated debate or one party trying to convince the other party of who is right. If the conversation moves in this direction, it is best to limit the discussion and move on.

It is also important that when a judge team has made an error, they are willing to tell the competitor, either in a debrief or when speaking just with the competitor. No decision can be reversed, but all will realize that the goal is to serve the sport and to make it better.

F.3.7 Summary

On-the-water judging systems can be beneficial to the competitors when small fleets are involved. Most breaches of Part 2 rules are identified so boats can take penalties. While breaches of other rules and requests for redress will still go to hearings, sailors can finish a race knowing that what took place on-the-water will stand as is.

On-the-water judging does require more resources in power boats, equipment as well as a possible need for more judges and added fuel costs.

Discussions of incidents will offer new opportunities to understand the rules in more depth and allow the competitors to increase their awareness of how the rules can be a benefit to their racing results.

F.4 Radio Sailing

F.4.1 Abbreviations

IRSA	International Radio Sailing Association
SYRPH	System for Reducing the Number of Protest Hearings

F.4.2 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 and practices for race judges and umpires.

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 IRSA System for Reducing the number of Protest Hearings (SYRPH).

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.

Major events, for which an International Jury would be appointed, such as World or Continental Championships are umpired. 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 International Radio Sailing Association (IRSA) Addendum Q. This addendum recognizes that umpires cannot resolve all incidents. If there is no decision from an umpire, then the competitor still has the right to a hearing.

It is intended that umpiring should modify normal procedures as little as possible. In this way, IRSA Addendum Q retains the use of competitor observers, who work closely with the umpires. It provides pre-hearing procedures in which parties are given access to reports from umpires or observers before the hearing is opened.

Other recent developments include an Accelerated Protest Procedure, which integrates (SYRPH) and an IRSA Case Book which gives guidance on rules and situations specific to Radio Sailing.

F.4.3 Additions to the Notice of Race

Radio Sailing is sailing under Appendix E of the Racing Rules. 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 IRSA Addendum Q when racing is to be umpired, SYRPH and the Accelerated Protest Procedure.

IRSA has published a Notice of Race Guide.

F.4.4 F 4.2.2 Additions to the 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 appointed for each heat, and any penalties for not carrying out observer duties.

IRSA has published a Sailing Instructions Guide

F4.3 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 Appendix N1.4(b).

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.

F4.4 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 hail at the moment. 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 RRS E2.1(b) using single digits (e.g. 15 is one five, and not fifteen).

F4.5 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 umpires 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 partner 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 changed.

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 lost to 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 taking a penalty;
- taking penalties promptly;
- indicating if they believe that an infringing boat has gained an advantage despite taking a penalty

F4.6 Umpire positioning.

Umpires, accompanied by their observers, follow a pre-ordained plan as they follow boats round 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 view point 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 meters 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 4 umpires cover the start, each umpire takes a small group 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 has been described in a document that is available to competitors so that they can more easily follow umpires when appointed as observers.

Appendix F.1 shows Radio Controlled Umpiring Positioning Framework

F4.7 Unresolved incidents

Incidents that are not resolved immediately will be 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 to an umpire immediately after finishing. 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 retire rather than choose to proceed to a hearing.

F.4.8 Summary

Umpired racing under IRSA Addendum Q 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. This makes the result of each heat completed shortly afterwards.

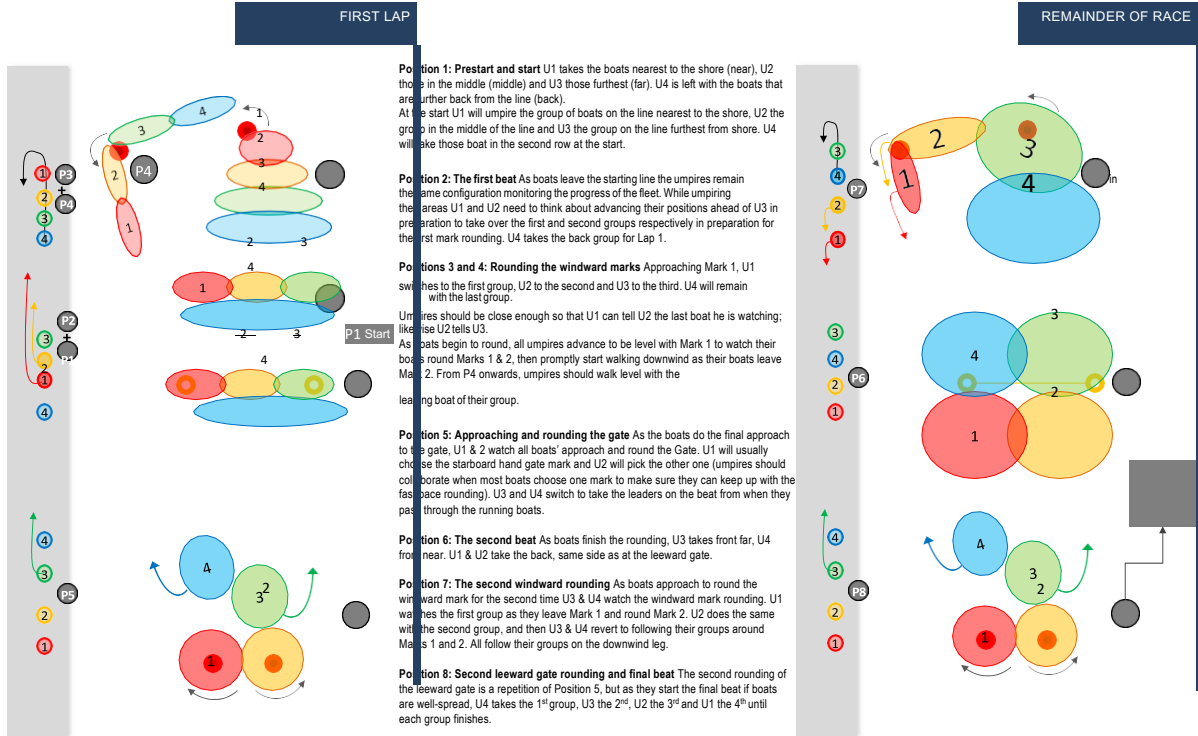
The speed with which radio sailing boats sail and maneuver means that incidents develop extremely rapidly. Radio Sailing provides a real challenge for all race officials.

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



Section G
The Event

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G.1 Pre-event Responsibilities of the Chairman of the Protest Committee

Before an event begins, the International Jury chairman and vice-chairman have a variety of tasks to perform 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 protest committee chairman should tactfully ensure that the organizing authority is aware of its responsibilities with respect to the protest committee. The chairman may send a photocopy of Section G and the pre- event checklist of this manual to the Organizing Authority. This will help to ensure confirmation of the equipment, accommodation etc. that they will provide. This list can be modified for the Event level to make it less daunting.

The main pre-event responsibilities fall to the Chairman and Vice-chairman, but if other members can help, the International Jury will be better prepared.

G.2 Communication with the Protest Committee Chairman and Vice-Chairman

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

- i. review the Notice of Race and draft Sailing Instructions;
- ii. if so required, assist the organizing authority to choose the appropriate judges for the event;
- iii. agree with the organizing authority on reimbursement of expenses and housing;
- iv. communicate to the organizing authority the requirements of the protest committee on the water and ashore; and
- v. allocation of other tasks and duties among the jury members,

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

RRS N2 lists the responsibilities of the International Jury. RRS 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 the race committee, and has no members from the race 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 judgement, since they were not involved in those decisions.

G.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 RRS J1. A wise judge will use Appendix J and the Notice of Race Guide of Appendix K 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.

However, even after a thorough effort, changes to the Notice of Race may be necessary (e.g. 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. For example, someone who ships his boat from Australia to Europe has a right to complain, and perhaps a right to compensation, on finding that the terms of the contract have been altered to such an extent that he would not have come had he known.

Check the Notice of Race and the Sailing Instructions for any differences or omissions of the requirements of Appendices J, K, and L. Appendix K advises that care should be taken to ensure that there is no conflict between a rule in the notice of race and a rule in the sailing instructions. If there is conflict between the Notice of Race and the Sailing Instructions rules in the notice of race, the sailing instructions, or any of the other documents that govern the event, RRS 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.

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.

G.4.1 Common Problems Encountered in Notice of Race and Sailing Instructions

- Any change to World Sailing Regulation 20, Advertising Code (see Appendix 1), 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 very clear. If the members of the protest committee or protest committee cannot easily understand them, then some of the competitors will be confused as well.
- RRS 62.2 allows a request for redress to be delivered as soon as reasonably possible. On the last day of a large international regatta or world championship, it is advisable to fix the time for some requests for redress to be delivered by applying RRS L16.7:

16.7 On the last scheduled day of racing a request for redress based on a [protest committee] [jury] decision shall be delivered no later than 30 minutes after the decision was posted. This changes RRS 62.2.

Section H

Best Practice of the International Jury During the Event

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H.1 The Initial Meeting of the Protest Committee

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. This allows for the competitors, regatta staff, race management and judges to get to know each other. It also allows 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.

The entire protest committee should meet on the day before the first race.

The most important duty is a last-minute check of the Sailing Instructions. Correcting a mistake may avoid many hours spent in later hearings. However, at this late stage it is important to limit changes to those that are essential changes.

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. It is often that a cooperative first experience between the race committee and the protest committee will lead to respect between the race committee and the protest committee over the event.

H.1.1 Procedure for Casual Questions from Competitors

Before the event the protest committee should decide how to answer queries from competitors about a regatta procedure or the rules.

This procedure is recommended for responding to inquiries from competitors or coaches:

If the question is not complicated, the answer is straightforward, and the judge is confident of the answer, the judge should answer the question.

- However, the judge should emphasize that the opinion expressed is his own opinion and the opinion of the protest committee might be different. If the competitor wishes an official answer to the question, he should submit it in writing

and the Jury's answer will be posted on the Official Notice Board.

- If the answer is not clear to the judge, he should say so and ask for the question to be submitted in writing in order for an answer from the protest committee to be provided.
- If the judge thinks that other competitors might have the same question, then the competitor should submit the question in writing to the Jury. The Jury will post the question and their answer on the Official Notice Board.

Fairness and impartiality should be maintained with even the most difficult competitors. The tone used should be patient but firm. If the competitor begins to debate the answer, avoid an argument, and ask for the question or questions to be provided in writing. Individual judges should never act alone with a difficult competitor. If you are alone and an argument seems likely, delay any discussion until another member of the Jury is present or request that the competitors' question be put in writing.

H.1.2 Protest Committee Policy on Protests Initiated by the Protest Committee

The protest committee should discuss and agree on guidelines for protests initiated by the committee when they observe an infringement (e.g. rule 31). Generally, the judge who has knowledge of the incident discusses it with the chairman. They decide whether or not to lodge the protest. It is important to not discuss the incident with the other members of the protest committee, so that they may judge the matter at the hearing without prior knowledge from any discussion. Although it is the protest committee as a body which brings a protest against a boat, the duty of filing the protest form is delegated to individual protest committee members.

H.2 Pre-Race Meeting with Race Committee Chairman, Principal Race Officer and Other Officials

A meeting should be arranged before racing begins between the jury members and the chairman of the race committee, the principal race officer and other key personnel, e.g. safety officer. The objective of this meeting is to develop a spirit of cooperation as well as a level of mutual understanding and respect. The chairman or representative of the jury also should meet with the measurement personnel 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 under rule 62.

H.3 Briefing of Competitors

It is highly desirable to have a competitors' briefing. The briefing's main purpose is to introduce the key individuals of the Race Management Team and protest committee to the competitors. This will allow a competitor to know who to speak to if he needs help solving a problem during the regatta.

Anyone from the organizing committee, race committee or jury 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 jury will help to promote an atmosphere of friendliness, fairness, and impartiality:

- Introduce the protest committee members.
- Emphasize that the jury is there to provide a service to competitors.
- Comment on Appendix P Special Procedures for Rule 42, if it is in effect, and post the World Sailing interpretations on the Official Notice Board.
- 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.
- At regattas, with youth or less experienced competitors, it may be appropriate to remind them of the importance of taking a penalty promptly for breaking a rule, whether or not the boat is protested. Also remind them of penalties in rule 44 for breaking a rule of Part 2 or hitting a mark. 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 for 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 a protest committee is dealing with inexperienced or young 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/parent understands. At all times protest committee members should maintain an atmosphere of fairness and impartiality.

A document to competitors titled *INFORMATION FROM THE PROTEST COMMITTEE TO COMPETITORS* can list guidelines that will apply. It includes:

- Penalty Turns and Retirements
- Observers at Hearings
- Requests for Redress for Alleged Race Committee Error in Scoring a Boat OCS, UFD or BFD
- Doping Control
- Video Evidence
- Protests

Standard documents that provide consistency at Events are posted on the World Sailing web site (www.sailing.org/raceofficials). It is advisable for the reader to access this site regularly to obtain any new documents posted there.

H.4 Inspection of Boats

When boats are to be measured, or measurement checks made, nominated protest committee members should watch the procedures if there is time to have an understanding of the process if an issue arises later in the regatta.

In a series where crews switch boats during the regatta, the jury may wish to inspect the boats for equality during the competition. However, jury members should not replace the work of the boat inspection personnel.

H.5 Weighing of Competitors and Clothing

Crew weighing is becoming increasingly common throughout the sport when a maximum total weight of a boat's crew is specified in the Class Rules and/or Notice of Race and Sailing Instructions.

The boat owner's objective is to have a total crew weight at or near the optimum. This can mean starving and exercising the crew before the weigh-in to be under the maximum weight, then feeding them again for the races.

The best practice is a system where crews weigh in before the regatta and at some stage during the regatta. At a high-level event, daily crew weigh ins for all crew should be considered. At other events, sufficient weight ins should be done to prevent the practice of starvation and binge eating.

Some class rules require random weighing of a set percentage of the crews periodically through the regatta.

A typical sailing instruction would be 'the total weight of the boat's crew dressed in a minimum of shorts and T-shirts shall not exceed 450 kilograms at the time of weighing. Crews shall present themselves for weighing between [time] and [time] on [date].'

The organizing authority must provide an accurate weighing machine (either a balance arm weighing machine, or pressure pads fed to an electronic read-out), and make it available for use by competitors for checking their own weight. If a spring balance is to be used, a standard test weight near to the critical weight should be on hand to verify the accuracy of the weighing machine. The current practice is to have the scales calibrated and certified by the local government authority who certifies the scale's accuracy.

The responsibility for weighing rests with the race committee or the technical committee. However, it is wise for the protest committee to monitor the method and equipment. In this way, any shortcomings can be corrected before they cause problems which may result in a request for redress.

When stated in the class rules or Notice of Race and Sailing Instructions, the race committee or the technical committee should carry out the weighing of clothing after racing to check the limit imposed by rule 43, in accordance with Appendix H. A wise protest committee will monitor the method and equipment used.

H.6 Communicating with Support Persons

Judges should treat all support persons with respect. Among them, coaches and team leaders, are professionals. They often have much more immediate experience than the regatta race officers or protest committee members. 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.

It is often desirable for the organizing authority to 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. The meetings in no way replace official communications to competitors posted on the Official Notice Board.

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

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

On the morning of the last race, discuss their recommendations for future regattas.

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 a behavior that is approaching the stage of a breach of sportsmanship.

H.7 Communicating with the Media

The media play an important part of 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 protest committee should agree on which member should be its representative to communicate with the media. Quite often the local vice chairman is asked to do this. All communications should be channeled through the protest committee spokesperson. A copy of the hearing results should be passed to the media center promptly. The protest committee representative should offer to explain protest committee decisions to members of the media or attend press briefings. Such efforts can avoid misunderstandings that could harm the way the sport of sailing is viewed by the public

Section I

On the Water Operations Including rule 42 and Appendix P

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I.1 Statement

Most of this chapter 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 chapter 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, providing a better quality of racing. The concept of officiating through proximity leads to competitors being less likely to break the rules because Judges are watching them, and they could be penalized or protested. The majority of competitors, who normally respect the rules, feel less pressure to “push the rules” in order to keep up with those who are breaking them. 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.

Our sport is based on the premise 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. Judges should protest only when they witness a clear infringement that is not observed by other competitors, or when rule 2 (Fair Sailing) is involved.

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 can bring parts of rule 42 (pumping, rocking and ooching) in or out of play at a mark. For these classes, it is essential that the race committee and the on-the-water Judges have a proactive and reliable means of communicating 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 Jury Chairman 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 on the race course. If suitable boats cannot be provided, then the judges should not attempt to judge rule 42 on the water.

The boats must be suitable for the type of boats they are judging. They must be normally maneuverable, hard-bottom, and of a speed allowing the Judges to follow the boats. The boats must have the capacity to accommodate two Judges. Their equipment shall be large enough to operate safely in the range of weather and sea conditions in which the competitors will race. The Rigid- Inflatable boat (RIB) are commonly used for this purpose. Additionally, since the Judges will be maneuvering in close proximity to the competitors, the boats should optimally have a design that minimizes their wind shadow and wake.

The Jury boats should be clearly identified to avoid confusion with spectator and coach boats. Equipping the boats with two-way radios will facilitate communication between the Judges and with the race committee. When judging rule 42 under Appendix P, the Judges must have with them a yellow flag and whistle for signaling penalties to competitors.

When going afloat, Judges should have, at a minimum; wet notes, a tape or digital voice recorder, sailing instructions, class rules relevant to rule 42, and the Interpretations of rule 42.

I.5 Rule 42

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

The Racing Rules Committee approved a series of World Sailing rule 42 Interpretations, which were reviewed and updated from time to time. These interpretations have the same authority as World Sailing Cases and should be read in conjunction with the Racing Rules of Sailing and the Judges Manual. The interpretations will be updated as necessary. They are available on the World Sailing Website at:

www.sailing.org/raceofficials/rule42/index.php

The World Sailing interpretations of these rules guide competitors on how to sail their boats and guide Judges on how to judge rule 42 on the water.

It is also important to read the class rules for the class of boats you are judging. Some classes have made revisions to rule 42 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 remain consistent in his or her calls. 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 calls. This requires continuing dialog among the Judges about their observations.

You can also learn more about specific techniques used by particular classes by reading the papers on the most common breaches. The papers have been translated to several languages and are helpful to understand the specifics of described classes. Available on the World Sailing Website at:
www.sailing.org/raceofficials/rule42/rule42-breaches.php.

I.6 Deciding whether to penalize

Before the first race, the Judges should discuss the most common breaches they will come across in specific classes, and when they should penalize a boat. 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. Judges should avoid discussing and identifying individual competitors. Rotation of the Judges during the event will improve consistency.

When judging rule 42 on-the-water, Judges should penalize a boat only when they are sure they have observed a breach of rule 42 and they are able to explain it to the competitor, in the terms of the rule and the World Sailing interpretations, after the race. 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 shouldn't focus on event results or yellow flag penalty count. They should instead rely on what they see on the water each day and how the kinetics fit within the World Sailing interpretations of rule 42.

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

- Are there surfing or planing conditions?
- Are the crew pumping the sail(s) while surfing 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 you connect the flicking leach 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 or her 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

- Do the individual tacks or gybes increase the speed of the boat?
- 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 remember to 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.7 Regatta Procedures (Fleet Racing)

Judges must be very familiar with Appendix P, Special Procedures for Rule 42. This appendix outlines the penalties and procedures for on-the-water judging of rule 42. Judges must also be very familiar with rule 42, and with the interpretations of rule 42. Before going afloat each day, a Judge should re-read rule 42 and the interpretations to the rule so that it is fresh and clear in the Judge's mind.

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

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.

Under normal circumstances, 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.7.1 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 quicker than normal to get into a position to hail promptly, holding the flag up while moving into position lets the competitors know that the boat's sudden movements has 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 or her 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 knows he or she is being 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".

Once the Judges are satisfied that the penalty has been clearly signaled and the competitor is aware, they should promptly remove the yellow flag.

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.

I.7.2 Recording the penalty

The Judge recording the penalty should record: the boat's number; the race number and leg of the course; the time; 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 penalty (Under rule 44.2, a Two-Turns Penalty includes 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 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. The 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 the Race Committee.

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 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 but not for adjusting a boat's score under P2.

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 perform a Two-Turns Penalty. If it is the boat's second or subsequent breach, the boat may participate in any restart (see P3). However, the Judges must record and report the penalty in the normal manner, since the penalty still counts to determine 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 a tape or digital voice recorder can be a valuable tool. Some best practices to maximize the benefit include:

- Protect the recorder from water damage and the microphone from wind noise.
- When positioned where tactical infringements are likely to happen, leave the recorder running. This includes the last 90 seconds before the start, throughout mark rounding's, 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 competitors, record the hail of the penalty and keep the recorder running while the competitors complete their penalties.
- At all times when the recorder is running, take extra care to keep voice and tone objective and impersonal. Refer to competitor by sail number only and avoid personal or editorial comments. Good recordings of well-articulated penalties can significantly improve a Judge's credibility with the competitors.

- Be aware that some Judges object in principle to being recorded. Ask your fellow Judge's permission before using a recorder, and consider the recording confidential unless both of you agree to share the recording.
- Occasionally review your recordings. Listen for improvements you can make in articulating the behavior you are seeing.

I.7.3 Explaining the penalty to the competitor

Judges should be available to answer questions from penalized competitors. They should be available either afloat between races, or ashore after racing.

When discussing the infringement with the competitor, 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 or she broke, and the relevant World Sailing interpretation.

Competitors can be angry, upset or confused by the Judge's penalty. Be aware that some will 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 try to 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 it is the best practice to ask some other judge to be present while explaining the penalty to the competitor in order to avoid any misinterpretations at a later stage.

Most of the time Judges should let the competitors 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 junior 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 avoid additional penalties.

I.8 Positioning the Boats

When judging any sport, 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 movements of the competitors.
- 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 to 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.

While it is clearly not possible to monitor all the boats all of the time, it is an achievable goal for the Judge 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 many regattas with multi-fleets the Judges have insufficient resources to cover all of them. If choices have to be made Judges should prioritize starts, downwind legs, and finishing legs.

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.

Judges operating boats are responsible for ensuring that they minimize their engine wash, and that they position their boat in a manner that will minimize the effects of their wind shadow.

Judge 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 well be to stop and let the competitor sail around you. When doing this, the Jury boat 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.

1.8.1 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.

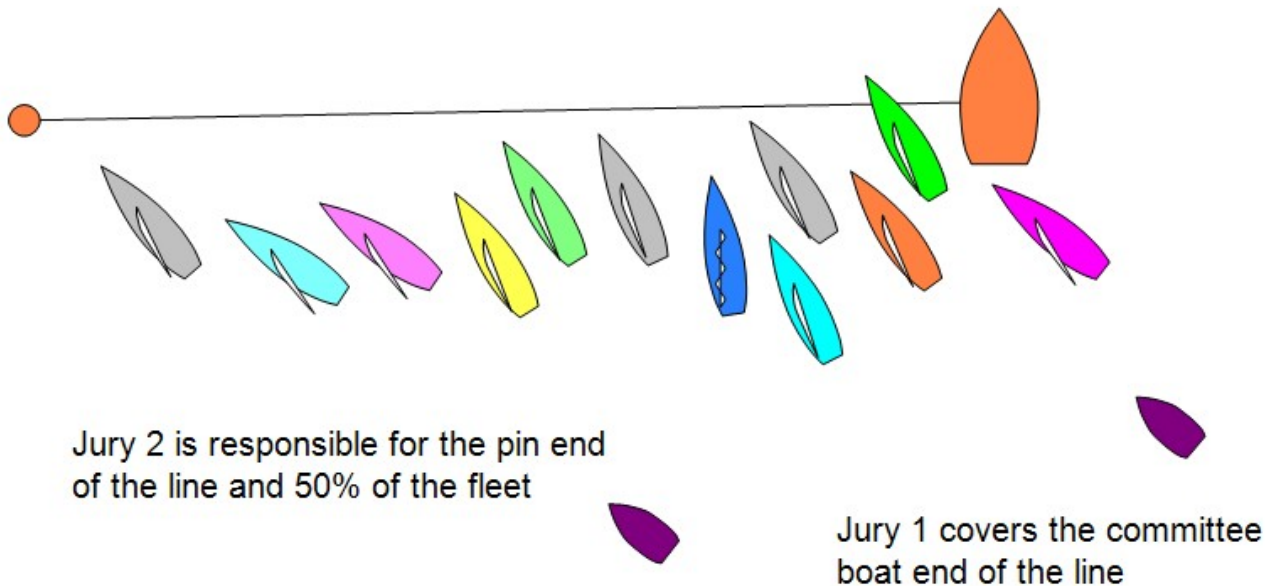
A penalized boat must sail well clear of other boats, and perform both turns promptly to take her penalty.

I.8.1.1 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

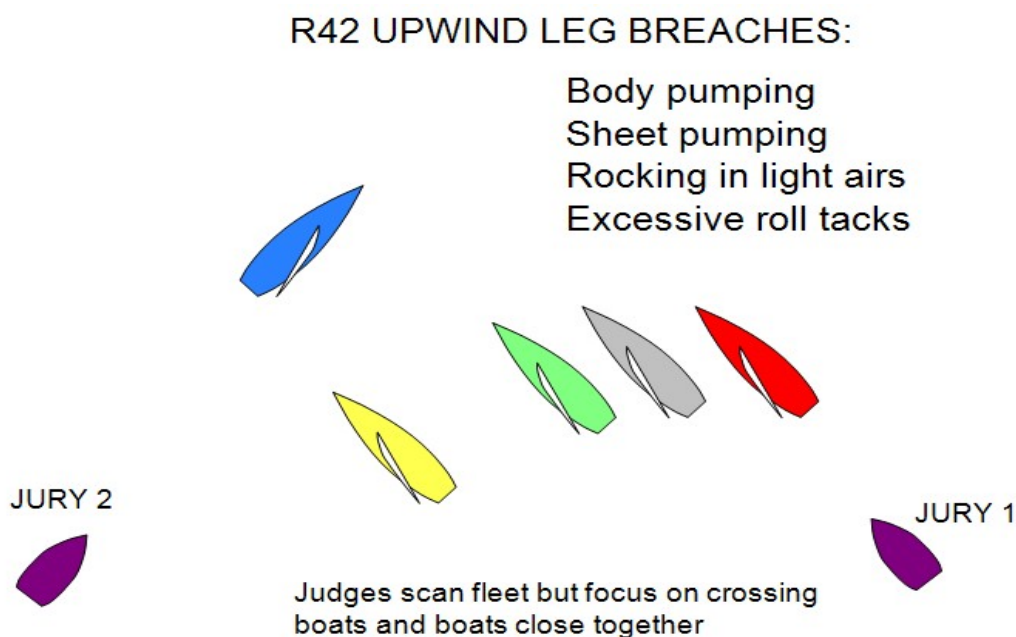
The Judge working as the course chief will assign positions behind the line. Usually the boats will spread from right to left. Their positioning will depend on the distribution of competitors, and not the actual starting line. When assigned to take the “pin end” of “left end”, a boat will cover the boats closest to the pin end of the line.

The boats should position themselves far enough behind the fleet to observe ten to fifteen boats 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.

When a large group of competitors is seeking to start at the starboard end of the line (typically the signal boat end), Judges may well find that they can best observe these competitors by being in a position below and to the right of the entire starting line.

1.8.2 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 until you can make a good approach to the competitor, and then signal them. When you've had to delay the penalty, you can add a quick explanation such as "Rocking back at the start" so that the competitor knows why you penalized them.



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

Positioning of Jury boats

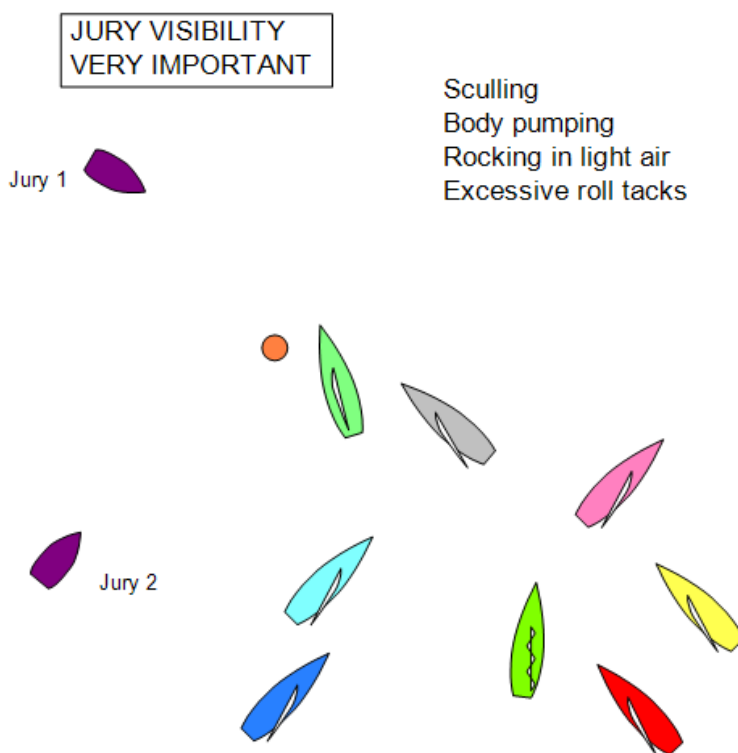
Jury boats will generally position themselves behind the fleet and focus on pressure points. Jury boats can move through the fleet but they should be extremely careful

of their wake. In addition, the Jury boat's engine noise and propeller wash can be distracting to the competitors. A Jury boat should avoid remaining alongside a single competitor for an extended time.

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



1.8.3 Reaches

At the start of the leg, the Judges should actively discuss and decide if surfing and/or planing conditions exist. If the conditions are marginal, Judges must frequently reconsider as small changes in wind may cause surfing and/or planing 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 another start 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.8.4 Run

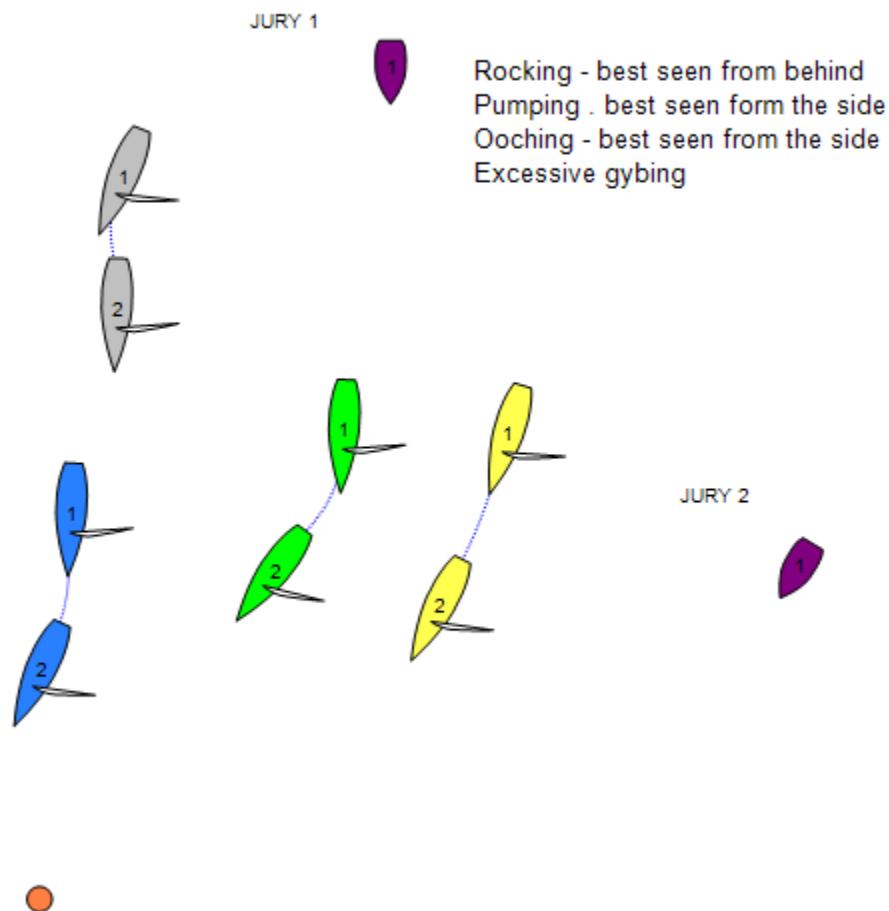
If Judges see the competitor rolling the boat by repeatedly moving their bodies the same way as the mast with no change of direction, the competitor is rocking. In positive rocking, the windward roll is caused by the competitor moving to windward first. In negative rocking, the competitor begins the 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, and 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 notes that competitors are not required 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 is prohibited (ROCK 5).

Be alert for excessive gybing or pumping in the last 100 meters of the leg to
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 good behavior 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 wants to jump 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. You should avoid such speeds unless it is necessary for safety.

The lead boat should watch the initial rounding's from the center of the gate, staying clear of race management and press sight lines.

I.8.5 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.

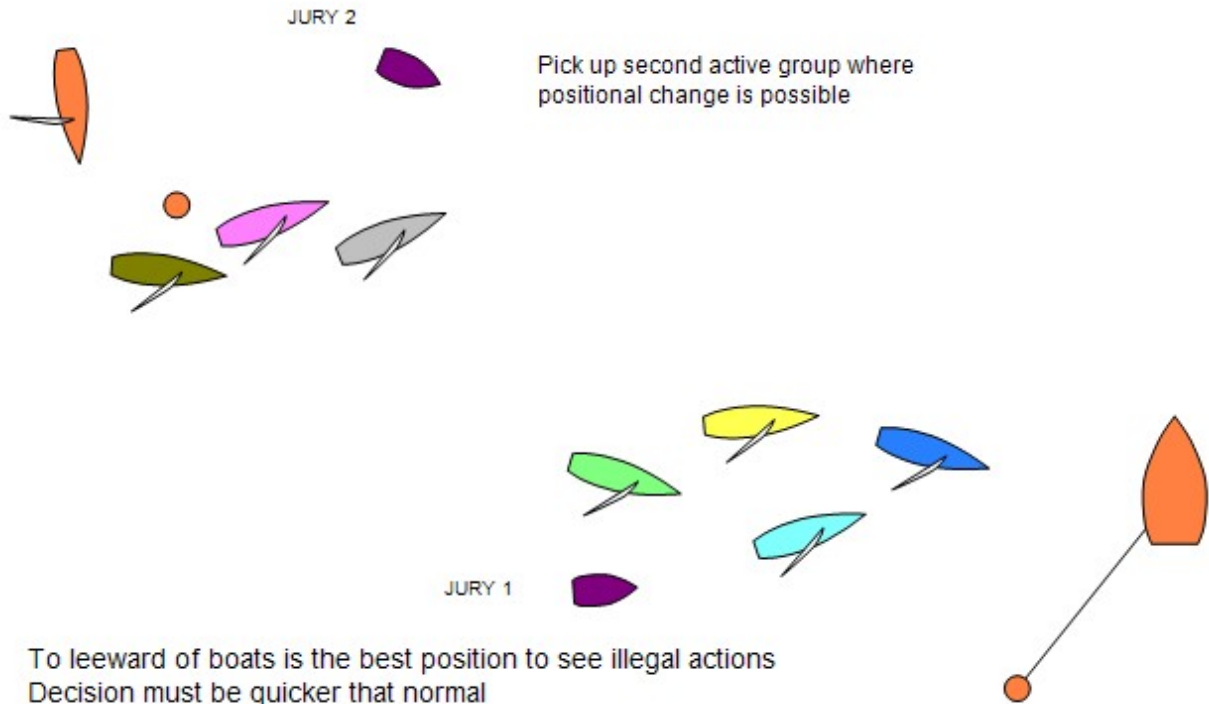
When the Judges see an infringement right at the finish, they can and should penalize boats, even if they are no longer racing. Make every attempt to signal the penalty quickly when a boat has finished so that the competitor can promptly perform their penalty turns and re-finish.

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.

I.9 At the Competitors' Briefing (with/without Appendix P)

Telling the skippers that there will be an active on-the-water Jury presence has a significant effect on compliance with rule 42. The chairman should cover the following points:

- The Judges will take action only on clear infringements.
- The Judges will not issue warnings about rule 42 infractions.
- The Judges will post a list of boats penalized under Appendix P.
- Remind the competitors that rule 60.1 still applies and one boat may protest another.

I.10 On-Shore after the Race

Upon returning to shore, the Judges should submit their penalties to the rule 42 coordinator. He or she will promptly compile a combined list of all rule 42 penalties and review the list to see if all competitors took the appropriate penalty. If a boat did not take an appropriate penalty, the coordinator notifies the race committee of disqualifications under P2.1 (DSQ), P2.2 (DNE) or P2.3 (DNE from either that race or all races in the regatta), depending on the competitor's action.

The Judges should post the complete list of boats that they have penalized for rule 42 under Appendix P on the official notice board as soon as possible. Include on the list the names of the Judges who issued each yellow flag, so the competitors can approach the Judges with any questions or clarification they might have.

The Judges should be available to competitors on shore after racing to discuss any of their calls. These discussions should always be between the competitor and the Judges who penalized the incident. The Chairman may want to monitor the conversations discretely and moderate if the conversation starts to become contentious or heated.

I.11 Rule 42 Redress Hearing

Rules do not prevent a boat from requesting redress alleging that the disqualification was an improper action of the Jury.

If using Appendix P, redress is limited to action taken by a judge under P1 due to a failure to take into account race committee signals or to interpret class rules correctly, unless this is modified by the sailing instruction. As an example, the Laser Class use a modified wording to P4.

I.12 Appendix P—Special Procedures for Rule 42

Appendix P outlines the procedures for penalizing and penalties for breaking rule 42 on the water. This system evolved from several systems previously used by many classes and multi-class regattas. It made its debut in Olympic Competition in 1992.

As with all systems, there are advantages and disadvantages.

Advantages

- Competitors see Judges taking action and understand the limits of rule 42.
- The second, third and subsequent penalties are severe enough to discourage competitors from breaking the rule.
- Competitors are much more aware of the circumstances at the time of the penalty, enabling a more useful discussion after the race.

Disadvantages

- When the competitors are in a tight bunch, a delay can occur before Judges can signal the penalty (e.g. sculling at the start). This causes confusion and reactions from competitors (e.g., 'I wasn't doing anything').
- The number of on-the-water Judges is frequently insufficient to monitor the whole fleet consistently. Consequently, the competitors believe the judging to be inconsistent because the Judges will miss some severe infractions, while seeing and then penalizing other less severe infractions.
- The Jury boats may be inadequate to motor through the fleet, preventing the Judges from monitoring the whole fleet evenly.
- Competitors may tend to not take their personal responsibility for obeying rule 42.
- When they think the Judges are not watching, they may increase their kinetics until they get caught, believing that the gains they make will be worth the risk of the occasional Two Turns Penalty.

The use of on-the-water rule 42 compliance has grown over the last decade, and expands the responsibilities of Judges. Whilst the racing rules permitted on-the-water judging prior to the addition of Appendix P, there was no specific place for it in the rule book. Consequently, the penalty systems and the sailing instructions describing them were often different from event to event.

Appendix P codifies this and creates a consistent framework under which competitors and Judges can operate. It is now easy for a regatta organizer to apply Appendix P and make provision for on-the-water judging of rule 42.

Judges and competitors may have diverse positions 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.

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 have to remain objective, and penalize boats that infringe the rules. A class association may change rule 42 through their class rules.

When Judges accept an appointment to an event which has on the water enforcement of rule 42, 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 that observes blatant infractions and does nothing.

Judges should give the benefit of the doubt to the competitor and never penalize unless they are certain of the infraction. However, once they are convinced, they must act to protect the competitor who is sailing fairly.

Section J

Protest Committee Administration

J Protest Committee Administration

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J.1 The Protest Committee Secretary's Duties

The most essential part of the protest committee secretary's job is organizing the protest committee desk for the receiving and processing of protests. Ideally the protest committee desk should be situated next to the protest room. The secretary and the chairman should consult before the start of the event and decide the system to be used. It needs to be carefully adapted to the end of protest time listed in the Sailing Instructions.

The job of the protest committee 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 worry about administration. The secretary should check to see that:

- the protest committee room has sufficient chairs, table, lighting, paper pads, protest models;
- the official notice board is as designated in the Sailing Instructions and is properly identified;
- there is access to equipment - such as a printer, dedicated photocopier, and telephone.
- the communication between the chairman, race committee, results service, etc. has been agreed and operating;
- when national authority prescriptions are in force, a copy in English is available for all competitors (rules J1.2(4) and J2.2 (5)) and also posted on the Official Notice Board;
- the access code for Wi-Fi, for Judges who bring notebook computers;
- a supply of protest forms and scoring inquiry forms at the protest desk.

Provide the protest committee with:

- a copy of the Notice of Race, Sailing Instructions, applicable national authority prescriptions, L Notices, class rules and notices for each member of the protest committee;
- the daily time limits for filing protests on each course;

- the daily list of alternative penalties taken;
- access to copies of mark roundings and finish sheets, if needed for redress requests;
- any letter regarding denial of right of appeal or constitution of the international jury is displayed as required by rule N1.8.

The jury secretary follows procedures set out by the chairman, such as:

- whether or not the chairman requires the secretary to remain inside or outside the jury room during hearings;
- whether full decisions are to be typed and posted, and the format required;
- whether to accompany the jury on the jury boat or remain on shore.

J.2 General Daily Administration

Attend meetings of the protest committee and race committee meetings. Ensure that all notices to competitors, amendments to Sailing Instructions, etc. are signed by the appropriate officer (the principal race officer, race committee chairman or protest committee chairman), and posted as quickly as possible. Adequate photocopies must be available for competitors.

Each day, each member of the protest committee needs photocopies of any new paperwork (amendments, etc.) in their file. The protest committee section of the official notice board must be kept in order.

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

J.3 Receiving Protests

The hours the protest committee desk will be open to receive protests (or notify if elsewhere) must be posted.

The person receiving protests must never reject any protest or request for redress, whatever form it takes, and whether or not it is received outside the time limit. Only the protest committee may decide whether or not a protest or request is valid, after addressing the various validity requirements.

J.4 Recording and Copying the Protest

On receipt, each protest or request for redress should receive a number, date, time, and the initials of who received it. Record this information on the protest form and in the log of protests received.

Make a copy of each protest form for each member of the protest committee, one for the person lodging the protest or redress request, and one for the protestee. Keep the original for the Chairman. The papers for each protest should be placed in an A4 envelope with the details of the protest written on the front of the envelope or a specific form provided by the Chairman.

Keep the copy for the parties to the hearing at the protest desk and provide the

parties with a copy as soon as possible.

J.5 Arbitration System

When a protest is delivered to the protest desk, the person accepting protests logs the time and asks the protestor to stand by. A judge then determines if the protest meets the requirements for arbitration. If so, the judge will ask the protestor to find the representative of the other boat. Arrange an arbitration meeting as soon as possible, if the parties accept arbitration as an alternative to a full hearing.

If one of the parties does not come to the arbitration meeting, the arbitration meeting does not proceed. The voluntary nature of arbitration makes rule 63.3(b) inapplicable. The protest committee secretary will then schedule a protest hearing.

Schedule a protest hearing if the arbitration does not resolve the protest.

Refer to Section L for more details on Arbitration.

J.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. Ascertain 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. Ask the competitor to write on the protest form, the words –

“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 protested boat would sign the form. A separate form may be used for this declaration. If so, staple it to the protest form. In all cases of acknowledgement, the protest must be presented to the protest committee, perhaps when all other hearings have been completed.

Once that declaration is made, ask the protestor whether he or she wishes to withdraw the protest since, under rule 64.1(b) the protestee has now taken a penalty and could not be subject to any further penalty in that incident if it goes to a hearing. If so, ask the protestor to write on the form, “I wish to withdraw this protest”. The protest committee may then allow the protest to be withdrawn under rule 63.1.

J.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). This involves a brief hearing in which the protestor provides the reasons for the request. The protest committee would allow the withdrawal of the protest if it is satisfied that the request is reasonable. The competitor should also sign the protest form confirming withdrawal of the protest

J.8 Scheduling Hearings

If it is known when hearings are to begin, the representative of the protesting boat can be informed when his hearing is scheduled. The first few hearings are best scheduled at 20 minute intervals, and then at half-hour intervals (assuming there is only one protest committee). Thus, if the first one or two protests 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 (allowing for a meal break where required). 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 counter protest, or protests from different boats about the same incident, they should be scheduled to be heard at one hearing.

The Chairman should first read the delivered protests and decide the most efficient order of the Hearings. Schedule first any hearings where the Race Officer is a party, so they can be heard consecutively. On the last day of the event, schedule first any hearings involving boats that may possibly be a prize winner, 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 protests on the Official Notice Board. Hearings may begin before the protest time expires provided that the parties to the protest are ready to proceed.

J.9 The Hearing

When the protest committee is ready for a hearing, give a copy of the protest (or request to each member of the protest committee. When the protest committee 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 in the incident involved in the protest.

If observers are allowed the Protest Committee chairman should remind the observers of the applicable rules for observers.

The protest committee secretary should check that witnesses are available and waiting outside when they are called to enter the protest committee room. 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, committee notes, and any other papers received during the hearing. A good system is to use a large envelope for each case, with the protest number and parties noted on the outside of each envelope. When all protests have been heard that day, the protest

committee secretary should communicate the results to the results office and the media. In consultation with the chairman, complete the protest results log and post it on the notice board.

On the last day, there is usually a time limit after a hearing to request a reopening or redress against the protest committee's decision from each case. Post these decisions and the individual case time limits for reopening and redress promptly on the Official Notice Board, stamped with the date and time of posting.

If there is a request for a written decision from competitors, the jury secretary should ensure that a fully written up decision is made available for the competitor to collect.

J.10 After the Last Race

The protest committee 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.

Section K

The Protest Hearing

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K.1 Jurisdiction, General Principles, Preparation

The protest committee's jurisdiction is limited by the rules as defined in the current version of the *Racing Rules of Sailing*. 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.

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

The rules for the initiation of the other three types of hearings are shown in the following table:

Hearing	Initiated By	Rule
Protest	Boat	60.1(a)
Protest	Race Committee	60.2(a)
Protest	Protest Committee	60.3(a)
Protest	Technical Committee	60.4(a)
Redress	Boat	60.1(b)
Redress	Race Committee	60.2(b)
Redress	Protest Committee	60.3(b)
Redress	Technical Committee	60.4(b)
Support Person	Protest Committee	60.3(d)

The rules and procedures for initiating, conducting and deciding these hearings are formally presented in Part 5 of the rulebook. However, there are other types of hearings that are not so specifically defined. For example, a formal hearing may be appropriate when 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. Under RRS N2, an international jury may be asked to decide a matter that directly affects the fairness of the competition. Such a request may require obtaining evidence from competitors, officials or other participants. In such a case, a formal hearing may be warranted.

Any hearing should be conducted in a formal but friendly way so the parties feel they had their evidence seriously considered. In a hearing, the protest committee should be polite but always in control.

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.

Many different room configurations work well. Some chairmen like a round table with the participants alternating with the members of the protest committee. Others

feel that at important events, the chairman should sit in the middle of the jury on the side of the table facing the door, with the protest committee members sitting on either side of the chairman. Parties should sit opposite the chairman. When a witness gives evidence, he should sit between the parties. Work with the furniture that is available.

Do not allow food or beverages in a hearing. No alcohol or smoking should be allowed in the protest room. All mobile telephones and recording devices must be switched off.

The chairman should review the case with the other members of the protest committee before the parties enter, so that the protest committee has a general idea of the issues involved.

The members of the protest committee should be introduced to the parties to the protest. If any member of the protest committee has a conflict of interest, it should be disclosed to the Chairman. Follow RRS 63.4 to determine whether the conflict of interest is significant and whether that member of the protest committee should not be on the hearing panel.

If a party claims that a member of the protest committee has a conflict of interest, the chairman should ask the reason. Nationality alone does not fit within the definition and is not grounds for excluding a judge. If the protest committee decides that there is an actual conflict of interest, and either it is significant or at least one of the parties rejects the judge based on it, then this judge will not be a member of the protest committee for that hearing. If, during the hearing, a member of the PC feels he or she might have a conflict of interest, the parties should be asked to leave the room while the protest committee decides its significance. The member who is excused from the hearing panel may still may serve as a witness.

The protest committee members should take an active role in questioning the parties to ensure that sufficient evidence is presented to enable the protest committee to find facts necessary to determine the protest. Ask at the appropriate time without intervening when the parties are asking questions of each other or witnesses, except to seek clarification

Show extra patience and take extra care to ensure that junior sailors understand the proceedings. Young sailors could be intimidated by the protest committee hearing system. Try to arrange the room in a friendlier way for them. Explain to them how to do a final summary of their case. Provide them with a more complete explanation of the decision, if necessary.

If, for some reason, a protest committee no longer complies with the requirements of Appendix N, the parties should be told that they have the right to appeal before the hearing proceeds.

K.2 Interpreters

Take great care to ensure that competitors who are not fluent in English understand all of the statements and procedures. Constant checks by the chairman are necessary. This can be difficult for a chairman who also needs to be concerned about procedure. It may be necessary to ask one of the protest committee members to pay attention to the individual instead.

If a competitor speaks enough English to say he has poor English skills, ask him

to start the hearing without an interpreter. If he is still having trouble understanding, allow an interpreter to be present. It is often the coach who plays this role. The chairman must ensure that the coach does not provide an unfair advantage to his athlete. Remind the coach that he or she is there as an interpreter, and not as a rules advisor. Protest Committee members should speak slowly and clearly to assist the party in understanding what is being said.

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

K.3 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.

Definition: **Party** A *party* to a hearing is

- a. For a protest hearing: a protestor, a protestee;
- b. For a request for redress: a boat requesting redress or for which redress is requested, a race committee acting under rule 60.2(b); a technical committee acting under rule 60.4(b)
- c. For a request for redress under rule 62.1(a): the body alleged to have made an improper action or omission;
- d. a person against whom an allegation of a breach of rule 69 is made; a person presenting an allegation under rule 69;
- e. a *support person* subject to a hearing under rule 60.3(d) or 69; any boat that person supports; a person appointed to present an allegation under Rule 60.3(d).

However, the protest committee is never a *party*.

When a party is absent, 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, the protest committee must decide to what extent the competitor can be accommodated. The protest committee must also allow the protestee a reasonable time to prepare for the hearing. When at the beginning of a hearing, a party asks for more time to prepare, the protest committee must decide whether more time is deserved or necessary.

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)). For radio-controlled boats this rule is changed so that the representatives of the boats shall have been controlling them.

When neither the protestor nor the protestee attends the protest hearing, the committee should first consider whether there was a flaw in the posting of the time or place of the hearing. If the protest committee decides that the parties were properly notified, the protest committee may act without the parties. In most cases, the protest committee will dismiss the protest when the protestor and the protestee(s) do not attend the hearing. However, it may act upon the evidence

provided on the protest form. When this occurs, the protest committee should be ready to reopen the hearing on request, if good grounds are provided for the non-attendance. A good reason for missing a hearing might be getting medical treatment for an injury received during the incident.

Note that rule 63.3(a) is changed for protest hearings involving classification of a competitor. See Regulation 22.5.3.

K.4 Right to Withdraw a Protest

Withdrawing a protest requires the approval of the protest committee. A competitor may not automatically withdraw a protest simply upon request. The protest committee should determine the reason why it is being withdrawn. If foul play, damage or injury is suspected, permission should not be given.

K.5 Hearing More Than One Protest Concurrently

When there is a protest and a counter-protest, or when several protests appear to relate to the same incident, they should be heard together in a single hearing. If the protest committee has doubts about whether two protests are about the same incident, it is preferable to assume that they are and start the hearing with all the parties from both protests.

Multiple requests for redress about a single complaint are best addressed at a single hearing. When considering the validity of protests concerning one incident, each should be addressed in the order in which they were delivered. The protest committee should decide whether each is valid and give the reasons for refusing those that are not valid. Provided that at least one is valid, the hearing must proceed.

When there are multiple counter protests, the competitor who delivered the first valid protest would be the protestor, if his protest is valid. The protestor gives evidence first and the protestee gives evidence, and summing up, last.

K.6 Penalizing a Boat Other Than the Protested or Protesting Boat

A party to a protest has the right to hear all the evidence. If it becomes apparent that a third boat might have broken a rule, then the protest committee should stop the hearing and protest that boat under rule 60.3(a)(2). Rule 61.1(c) requires that the boat be informed as soon as possible, the current hearing should be closed, and the hearing begins again, including the reconsideration of validity, with all the parties present.

K.7 Observers

At the initial jury meeting, discuss whether hearings should be open to observers. World Sailing's policy is to open hearings to observers, but often a large enough room is not available.

The advantage of open hearings is that they can greatly enhance the respect for the hearing system. However, a hearing should not be made 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 entertain those not involved. Similarly, a party might ask for a hearing to be closed to

observers. Such a request can be considered by the protest committee on its merits after the reasons are stated.

Observers may include persons not connected with the case being heard; club members, other sailors, parents, coaches and the press or media. No person should be present who witnessed the incident and is to be called to give evidence, or might be called to give evidence.

Observers in a hearing should be made aware of their obligation to remain silent. Make sure that each observer will not be called as a witness. Observers shall not be allowed to record or photograph any of the hearing. An Observer form describing the observer's role and limitation should be given and signed by the observer.

Observers must leave the room after the evidence has been taken while the protest committee discusses the case and makes a decision.

K.8 Hearing Procedure: Validity

K.8.1 General Principles

The protest committee must address the validity of a protest before the hearing can proceed according to rule 61.1. It is not sufficient to simply obtain the protestor's opinion that the protest is valid. This may require that the chairman investigates deeper if the response to the question "When did you hail protest?" is "Immediately."

When the protested boat admits that she knew she was being protested and did not take a penalty, the protest committee may review each of the validity requirements less strictly.

When the protest is valid the hearing must proceed unless a party accepts a penalty in the incident, such as retiring prior to the hearing. When the protest or request does not meet the requirements for validity, the committee shall declare it invalid and close the hearing. However, if the protest is invalid but the incident resulted in serious damage or injury, the protest committee may protest any boat or boats involved (rule 60.3(a)(1)).

When the protest appears to be invalid, give the protesting boat the opportunity to give evidence on the failed validity requirements. If there is conflicting evidence on the question of validity, ask the parties and any observers to leave the room while the protest committee decides on whether or not the protest is valid. Then recall the parties and announce the decision.

K.8.2 Receiving a Written Protest in Time

The sailing instructions may change a rule and may provide for special procedures for delivering a protest. Unless a different procedure is stated in the sailing instructions, RRS 61.3 states that the protest shall be delivered to the race office. However, a protest should be considered to be delivered when it is received by any official thought to be 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.

If the protest is late, rule 61.3 requires the protest committee to decide whether there is an acceptable 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.

K.8.3 Identification of the Protestee

The protest must identify the protestee. In almost all cases, this will be by sail number or boat's name. When there is an error in identification, the error may be corrected before the hearing starts.

K.8.4 Description of the Incident

The protest shall identify the incident. This is requirement (b) of the five requirements for a protest listed in rule 61.2, and the only one of the five that cannot be corrected after the protest is delivered. When the incident is not identified, the protest will be found invalid. There must be adequate information from which the protestee can identify the incident and understand the allegation. Other details required by rule 61.2 may be corrected before or during the hearing.

K.8.5 Protestor's Representative

The protestor is technically the boat that protests, and the boat's representative is normally one of the crew. When a protest claims a breach of a rule of Part 2, 3 or 4, the boat's representative shall have been on board at the time of the incident, unless there is good reason for the protest committee to rule otherwise.

K.8.6 The Hail

There is currently no World Sailing Case to interpret the word 'reasonable' in rule 61.1(a), '... she shall hail "Protest" and conspicuously display a red flag at the first reasonable opportunity for each.' Judges must use their own common sense to interpret the requirement, but it does not take long to make a hail.

K.8.7 The Protest Flag

A red flag must be conspicuously displayed at the first reasonable opportunity after the incident and the flag must be displayed 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 required from boats less than six metres unless specifically stated in the Sailing Instructions or in the Class rules as allowed by rule 87.

K.8.8 Protests not in the Racing Area

In the racing area, when the protestor has hailed 'protest' loudly and displayed the protest flag correctly, the protestee has been adequately informed and nothing else is required under rule 61.1. When the protest involves an incident that is not in the racing area, the protestor must inform the protestee that she is that she is protesting as soon as reasonably possible. This might be the next time they come close on the race course. If the boats had not come close to each other on the water, it would be as soon as reasonably possible after coming ashore.

K.8.9 Validity Involving Injury or Damage

For protests by the protest committee made under rule 60.3(a)(1), the tests for a valid protest include evidence of injury or serious damage. The protest committee only needs to decide that either injury or serious damage occurred during the incident, and not how the injury or damage occurred. The protest committee must be certain about this, and getting the evidence may involve a walk to the boat park to view damage to a boat or to meet an injured competitor. If the protest committee

decides the protest is valid and later finds out that, for example, the damage was not serious, or the competitor was not injured, the protest committee will have heard an invalid protest.

K.8.10 Decisions on Validity

Decide the validity of the protest. If it seems clear from the testimony that the protest is valid, the chairman may glance at the rest of the protest committee to see if anyone would like to discuss any issue. If there seems to be no issue, the chairman can simply state that the protest committee is satisfied that the protest is valid. If someone on the panel would like to discuss the question, ask the parties to leave the room during the deliberation.

If the protest committee decides that the requirements for the protest have not been met, the protest is invalid and the hearing is closed. The protest committee has no discretion under the rules to hear an invalid protest.

K.9 Hearing Procedure: Taking Evidence and Finding Facts

After the protest is found to be valid, the protest committee takes the evidence of each party and witness by following the sequence shown in RRS M3.2. Judges should individually develop a picture of how the incident transpired as each party or witness presents their side of the story.

An experienced judge will mentally develop a list of rules that apply and when the rules apply. Questions by judges should be limited to only the questions needed to determine whether any boat broke any of the rules in the judge's list. 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 long before a boat altered course.

K.10 Hearing Procedure: Witnesses

Rule 63.6 requires the protest committee to take the evidence from the parties and their witnesses. The answer by the protest committee chairman will always be "Yes" to the question "May I call my crew as a witness?" However, an able chairman can manage witnesses by keeping witness' testimony to the point. To reduce leading questions, always allow the opposing party to question the witness before the party who called the witness.

Under rule 63.6, a member of the protest committee who saw the incident shall state that fact in the presence of the parties, and may give evidence. If that member knows something that is relevant but was not revealed by the testimony from the parties and witnesses, he should volunteer to get that evidence before the protest committee deliberates. Care must be taken to not introduce new evidence from any source without the parties present.

When witnesses are called to give evidence, 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 starts.

Appendix M of the Racing Rules gives the normal routine order of conducting a case, calling witnesses, etc. Appendix M is advisory and, as the preamble states, the recommended procedures may be changed if needed.

K.11 The Influence of Race Memory on Recall of Evidence

Human perception begins with expectation based on prior knowledge, and not on

sensations of what was there to see or hear. 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. 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.

K.12 Cautions in Evaluating Evidence

Protest committees can make judgements about the credibility of evidence based on style and presentation of evidence. Witnesses who express their opinions confidently are often given more weight than someone who is less forceful and less believable. The PC should support the parties in making as specific and informative statements as possible.

You should be aware of speech patterns that could lead juries to erroneous conclusions:

- Use of hedge words, such as “kind of”, “I think”, “If I’m not mistaken”, “it seems”; use of rising intonation in a declarative statement, suggesting that the speaker is seeking approval for the answer, e.g. in response to the question of “how fast”, the response “5 knots?”;
- Repetition indicating insecurity;
- Intensifiers, such as “very close”, instead of “close”;
- High degree of direct quotation, indicating deference to authority; and
- Use of empty adjectives, such as “charming”, “cute”, “interesting”.

Do not confuse confident witnesses with accurate ones because their confidence is based on more information than simply the information that determines its accuracy. Their confidence may not be at all related to the accuracy of their recall.

K.13 Hearsay Evidence

The term “hearsay evidence” is a technical legal term brought over from legal proceedings. It means evidence which is given by a person who has no direct knowledge; he has simply heard or received it from another party. For example, in support of his claim that there was a collision, a party to the protest might say “John Smith, bow # 32, told me that he saw the collision.”

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

The difficulty with hearsay evidence is that it can be hard to challenge or examine its validity or credibility. It can therefore affect the fairness of the hearing if not treated appropriately.

Rule 63.6 requires a protest committee to take any evidence of a party. It is common that sometimes a party will make a statement or produce a document that is hearsay i.e. the maker of the statement is not going to give live evidence. In these cases, the protest committee is entitled to give that evidence little or no weight and should advise the parties of that it will give “appropriate weight” to the

evidence.

Different types of hearsay may be given more or less weight. For example, hearsay evidence such as 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 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.

All of the evidence on which the protest committee relies must be shared with the parties. It must also be subject to questioning by the parties and the protest committee. If necessary the protest committee must reconvene or reopen a hearing to achieve this.

K.14 Photographic 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.

The following points may be of assistance to juries when video or photographic evidence is used.

- When a video recording is to be shown to the protest committee, it is the party presenting the evidence that should arrange the necessary equipment and ensure an operator (preferably the person who made the recording) is available to operate it.
- 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 cases.
- 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 single-lens 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 oriented 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 it takes only about 30 seconds to run and re-wind a typical incident, view it as many times as needed to extract all the information it can give. Also, be sure that each party has an equal opportunity to point out what he believes the clip shows and does not show.
- Hold the equipment in place until the end of the hearing. The recording should be made available during deliberation for review to settle questions as to just what fact or facts, if any, it establishes. 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 fortuitous 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.

K.15 Written Evidence

Written evidence from a witness or a party who cannot attend a hearing violates the principle that a witness' testimony can be cross examined or questioned by the other parties and protest committee members. Written evidence in the form of scores, mark roundings, or class interpretations does not carry that limitation.

K.16 Use of tracking information in hearings

K.16.1 Terms and Acronyms Used in this Section

2D

The graphical display of objects drawn in two dimensions. For sailboat race tracking, this is generally a simple overhead view of the race course.

3D

The graphical display of objects drawn in three dimensions, showing the length, width and depth of objects. For sailboat tracking, 3D graphics allows the viewer to follow the race from different perspectives. For example, the spectator can follow behind a boat or view the race from the perspective of a crew on deck.



GNSS

Global Navigation Satellite System (GNSS), which uses orbiting satellites to broadcast signals to receivers on earth. The receivers then calculate their locations as geographic positions at specific times. Galileo (EU), GLONASS (Russia) and GPS (USA) all provide worldwide coverage.

Raw data

The position data from trackers without any data manipulation by tracking software other than to change the file format.

K.16.2 Introduction

Commercial tracking systems are often used in sail boat racing to create publicity and promote the event. Regatta organizers contract with a tracking service provider to place individual trackers on the racing boats and marks of the course to allow spectators to view the race. The positional information obtained is graphically enhanced to make the display of the tracking information interesting and understandable to a broad range of users.

Coming 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 hearing of a protest or request for redress. Race officers will sometimes compare the tracking information with their finishing sheets to locate a missing boat. For these reasons, judges need to understand the limitations of the tracking system to know what information can be reliably used.

K.16.3 How do tracking systems work?

While the core technology in use by the different tracking service provider 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.

K.16.4 What is the position accuracy?

There are many different factors effecting the accuracy of the position. Typically, the absolute accuracy of the position fix for trackers is 2 to 8 meters, 95% of the time, but it could be better or much worse. The predicted accuracy is not readily available to the race officials. The relative accuracy between two receivers of the same manufacturer (between trackers of the same model and year on two boats) is usually better than the absolute accuracy.

K.16.5 Are the marks of the course tracked?

Most of the time, the race committee will install trackers on the marks of the course. However, if the mark tracker is lost or stops working, or the race course is defined by government navigational buoys, the mark location(s) will be manually entered in the tracking program. In each of these cases, the tracking information at a rounding mark is useless for the protest committee. In fact, the tracking system administrator will often 'adjust' the position of the mark to a location where the boats look like they are rounding a mark of the course. If this is done the information displayed is unreliable.

K.16.6 Can the tracking system show overlaps and collisions?

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 appeared to be over 20 meters long.

The locations of the trackers on boats can be misleading. For big boat regattas, the trackers are often attached to the stern rail. In that location, when the helm is turned hard to port, the tracker moves to starboard. At dinghy events, the tracker is sometimes kept in the jacket pocket of the crew. If the crew is on a trapeze and the boat tacks, the tracker suddenly moves athwart ships, whereas the boat did not.

The tracks showed 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 eliminating 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 sailed track.

K.16.7 Other considerations in a hearing.

Competitors are entitled to present evidence that they consider relevant, and 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. There are no sensors on the boat that detect when a sail is set or dropped even though that is shown in the 3D viewer. There is no wind information transmitted from the tracker. While you can clearly see a boat cross head to wind in the viewer, all that 'information' is computer generated images.

A competitor might present evidence in the form of raw data obtained from a GNSS system (such as a boat's own GPS), or obtained raw data from the event tracking service provider. Such information does not have the same disadvantages as the derived information in the 2D and 3D displays, but the inherent accuracy of the system should still be considered.

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.

1. Before the first race, the jury 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.
2. Review the tracker application as it will be seen by the competitors. 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. The more 'stuff' you can remove, the closer you will get to the real data coming from the boat. Even (or especially) the depiction of the three-length zone is misleading. Try to find out from the tracking service provider what the accuracy of the tracking units are and whether any averaging (or smoothing) is applied to the information.
3. Ask the race committee if trackers will be installed on the RC boats and where they will be located. Determine if the marks will have trackers.
4. It is the responsibility of the party to provide the equipment to display tracking data (See RRS M7, first bullet).

5. During a hearing, get the verbal testimony from the parties first, before the presentation of the tracking clips. Let the parties question each other's verbal testimony. Make sure the protest committee understands the facts from the verbal testimony. Tracking data is always easier to assess when it is presented in support of the description of the incident by the parties.
6. Do not look at tracking data during the protest committee deliberations if the tracking data was not presented during the hearing. Tracking information is similar to information from a witness. If the protest committee wants to review 'new' tracking information, recall the parties and review the tracking with them. They have a right to be present throughout the presentation of all the evidence [RRS 63.3(a)].

K.17 Leading Questions

A leading question is a question in the form of a statement inviting agreement, and should be discouraged by the chairman. However, when a questioner finds it difficult to ask any questions without them being leading questions, the chairman may decide to allow some leading questions rather than disrupt the questioner's line of questioning.

Straightforward leading questions:

"You did see 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?"

Presuppositions:

A question with a presupposition leads the witness to view the presupposition to be accurate. For example: *"Had the boats reached the zone when the overlap was established?"* This question presupposes the overlap. Witnesses are likely to accept the presupposed overlap to be true, or to remember it as an established fact and condone it if asked about it later in the hearing. A better question would be, *"Position the two boats relative to each other when the lead boat got to the zone"*.

A question that contains a false presupposition can influence a witness to testify to the presence of a non-existent object corresponding to that presupposition.

Multiple choice questions:

Multiple choice questions should not be allowed, because they influence the response. The question, *"How many lengths, 1, 2, or 3?"* will lead to a smaller number than the question, *"How many lengths, 1, 5, or 10?"* A better question would just be *"How many lengths?"*

Language that supports a position:

The question asked can lead to different answers, based on the wording chosen. 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 choice of verbs can lead the witness. The question, *"How fast were the boats travelling when blue 'smashed' into yellow?"* yields a higher estimate of speed than the same sentence using the verbs, 'collided', 'bumped', 'made contact' or 'hit'. A better question using language from the rule would be *"What was the speed of the boats when contact occurred?"*

Questions about the existence of an object or event that use the definite article, “the” are more likely to yield a “yes” answer than questions that use the indefinite article, “a”. “Did you hear the hail?” implies that the hail was made, and the party or witness is likely to condone it, even if it is false. A better question would be, “*Tell us anything that you heard*”.

K.18 Deliberations

Once all the evidence is taken, it is the protest committee’s responsibility to find the facts and make a decision. Often the entire panel has privately reached the same facts and conclusion. The chairman can save considerable time if he or she asks the members for their decision. If everyone has come to the same conclusion, then writing the facts and conclusions goes very quickly. Finding that the protest committee does not see the situation the same way allows the committee to quickly refocus on the differences. This decision-making process must be conducted in private.

Another method of proceeding is for the chairman or preferably his appointee, commonly known as the scribe, to write during the hearing the points he considers are the facts of what has happened and if clear, also the conclusions and applicable rules. This can speed up the decision-making process. The scribe is normally an experienced International Judge. 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, if not included in the scribe’s original draft. Before reaching a final agreement, read out the facts found and decision, giving the protest committee members one last chance to propose a change.

When the case is complex with a wide range of opinions among the protest committee members, it is preferable for the chairman to start by asking each protest committee member for an overview, and then address the points of difference.

K.19 Hearing Procedure: Finding the Facts

In almost all cases the differences of opinion are settled by the quality of the evidence. The racing rules do not give the onus of proof to one boat or the other. 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, then decide the facts of the incident.

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 testimony. 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. Varying testimony is common and does not necessarily mean that someone is lying. It may reflect different perspectives or feelings at the time of or after the incident. When all the evidence is reviewed and a distance is determined, that distance will become a “fact” the decision is based upon, even if that distance is neither one meter nor three meters.

Allow witnesses to show the incident with model boats from their own angle. Do not set the wind direction for them, because this requires them to mentally rotate the incident to a new angle if they saw it at a different angle. Not all people are

good at mental rotation of objects in space, and this could interfere with their recall of the incident.

Assign colors of boat models to the boats involved in the protest and keep the colors consistent through all presentations in the hearing. This will assist the parties and judges in understanding the demonstrations of the incident. This will be especially helpful to any judge who might have difficulty in seeing the incident from different angles if one presentation has the wind blowing at the presenter, and another has the wind blowing away from the presenter. The ability to mentally rotate the event in space is not related to the person's ability to perform as a judge.

One way to determine whether something is a fact or not is to use the "home video rule—if the action can be seen in a video, it is fact." "Boat A altered her course when she was one boat length away" is a fact. "Boat B intended to luff," is not a fact. "Boat D was half a meter to windward of Boat C," or, "the boats were more than eight meters apart," are facts.

Listen carefully to the evidence, be aware of the parties' body language, take notes and, most important, establish facts. A recommended way of doing this is to establish:

- what rules might apply to the incident;
- what are the boats' obligations under those rules: to keep clear or to give room or mark room?
- write facts that determine whether the boats met those obligations.

K.20 Resolving Controversial Issues

When all but one member is in general agreement, the dissenter should be given an opportunity to state his point of view, and try to persuade the other members. Only after having been given an opportunity to persuade the others, should his opinion be overruled.

Try to obtain agreement among the protest committee. Establish the most likely scenario by returning to the last point of certainty, assess the weight of the conflicting evidence, and, 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.

The chairman has a casting vote (that is, when there is an even number of votes either way including the chairman's vote, then the chairman has an extra vote). When a casting vote is required to decide a case, it is usually worth spending some more time discussing the case.

K.21 Protest Committee Member with a Minority Opinion

There are various levels of disagreement with the decision of a protest committee, which can be handled differently:

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 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 jury'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 or she was a member of the jury. Criticism of a jury decision may not always be misconduct (or "inadequate conduct" in terms of Regulation 32), but the manner, time and place in which the criticism is expressed will determine whether it is misconduct.

There is nothing wrong with discussing (and criticizing) a decision with other judges in private for the purpose of education, or for the purpose of persuading a protest committee to reconsider the decision under RRS 66. However, any discussion with competitors, coaches or the public of a difference of opinions within the protest committee will almost never be appropriate conduct and can only serve to inflame a situation and damage relationships with other officials. If a judge does not wish to associate himself or herself 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 the dissenting member(s) request it to be done.

K.22 Onus of Satisfying the Protest Committee

For protest hearings, the standard of proof is the "balance of probability", unless a rule specifies a different burden of proof.

There is one rule, 18.2(e), that permits 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.

When making its decision, rule 18.2(e) is relevant only when the protest committee is in doubt. In this case, the decision might use such words as: '*The protest committee is not satisfied that A, astern established an inside overlap before B ahead reached the zone,*' and cite rule 18.2(e). When the protest committee is satisfied by the evidence that A astern failed to obtain an overlap, then the words used might be: '*A astern failed to establish an inside overlap [etc.],*' and rule 18.2(e) would not be cited in the decision.

K.23 Recording the Facts and Decision; Rule 14

When there is contact between two boats, a rule has been broken. Therefore, the protest committee must, under rules 63.6 and 64.1, find the relevant facts, make a decision and penalize one or more boats.

In cases where the contact caused damage, it is essential for the protest committee to decide whether the boats fulfilled their responsibilities under rule 14. In every case involving contact, a rule other than rule 14 was broken. However, rule 14 specifically addresses the obligation to avoid contact between boats. Take care to record the necessary facts to indicate whether either the right-of-way or give-way boat broke rule 14, and whether any penalty applies.

K.24 Announcing the Decision

The protest committee will recall the parties to the protest to announce the decision. Observers and members of the press may be included. The chairman or scribe will read the facts found, the decision, the rules that apply and any penalties imposed. When appropriate, an interpreter will translate the decision for a party.

The decision will be to dismiss the protest, to conclude that no rule was broken 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 was compelled to break a rule by the actions of another boat breaking a rule;
- a right-of-way boat, or a boat entitled to room or mark-room, broke rule 14 but caused no damage; or
- rule 36, Races Restarted or Resailed, applies,

Disqualification under these rules may not be excludable (DNE):

- sometimes rule 2;
- rule 30.4;
- 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 this scoring changes.

When a party to the protest requires 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 often exacerbate the bad feeling.

Alternatively, two protest committee members may be appointed to informally explain a decision.

K.25 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 satisfy itself that neither of the exceptions in 60.2(a) nor 60.4(a) applies. If either does, 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.

When the race committee or the technical committee protests a boat and no protest committee has been appointed, the organizing authority or the race committee shall appoint a protest committee to hear the protest.

A representative of the race committee or the technical committee acts in the same way as a protesting boat would do in a normal boat-to-boat protest. The race

officer or the representative from technical committee gives evidence, is given the opportunity to ask questions, answers questions, calls witnesses, and leaves the room while the protest committee makes its decision.

K.26 Protests Concerning Class Rules

Protests concerning class rules can be initiated by a boat under rule 60.1, by the race committee under rule 60.2, by the protest committee under rule 60.3, or by the technical committee under rule 60.4. 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.

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 resolve questions about measurement procedures.

After listening to all of the available evidence, if the protest committee decides there is no reasonable doubt about the interpretation of the measurement rule, then it must decide the case. If the protest committee is still in doubt about the interpretation of a class rule, then rule 64.3(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 a 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.

K.26.1 Basic Rules

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 64.3 deals with the procedures for deciding a protest brought under rule 78.

K.26.2 Class Rules

Class rules provide details of how a boat must measure and/or rate. They usually include administrative provisions, the owner's responsibilities, and prohibitions while racing, in addition to the details about the measurement of the boat.

Although the rule and measurement procedures appear complex, a protest committee can usually understand them with a little effort and some informed assistance from an expert witness, usually the technical committee or class rule administrator.

Class association measurement and championship rules govern a class. However, these rules do not empower a class association to disqualify or otherwise penalize boats during an event, except when channeled through the protest committee.

K.26.3 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.

K.26.4 Technical Committee Responsibility

A technical committee appointed under rule 89.2(c) for an event to conduct inspections and measurement checks is not part of the race committee. A person not so appointed has no official status at an event, but may be called as an expert witness.

Before a race or regatta, when the technical committee concludes that a boat does not comply with the rules, he may suggest to the owner or any other person in charge that the defect be corrected. If it is not corrected, the technical committee may protest the boat under rule 60.4. The same principle applies when, after a race, the technical committee concludes that a boat does not comply with the class rules.

When a boat protests another boat for infringing a class rule, she must produce sufficient evidence to convince the protest committee that there may have been a breach. If she fails to do so, the protest would not be valid, since it would not satisfy the requirements of rule 61.2(b) by describing the incident. For example, a protest alleging that a boat must have an illegal hull, with no evidence of the way in which the hull has broken the class rules, must be ruled as invalid, since the protest does not 'describe the incident' (i.e. describe the manner in which the boat has broken the rule). It is not uncommon for sailing instructions to require that any costs incurred for haul out and measurement are paid for by the 'losing' party.

K.26.5 Acceptance of a Protest Concerning Class Rules

The protest committee must first determine whether the protest is valid; the requirements of rule 61 must be met. Rule 61.2(d). A protest stating only that, "the boat doesn't measure", or that, "she is too fast for her rating", should normally be rejected unless the protestor provides this information before or during the hearing. Unless the allegation is reasonably specific in describing the rules broken or the nature of the alleged breach, the protest committee should find the protest invalid.

K.26.6 Protest Committee's Responsibility in a Protest Concerning Class Rules

A class rule or measurement rating protest is processed like any other protest by the protest committee. The notification requirements, contents and time limit of rule 61 applies and the hearing procedures under rule 63 applies. Rule 63.6 requires that the protest committee take evidence from the parties and such other evidence as it thinks necessary. The rules expect the protest committee to obtain the evidence it needs to decide the protest. Unless it is unable to interpret or apply the rules, it must decide the protest without referring the question to a qualified authority.

K.26.7 Expert Witnesses and Evidence

In some cases, the protest committee will not be able to resolve a protest concerning class rules without calling one or more expert witnesses. It is helpful to have a judge on the protest committee who is familiar with the class rules and procedures. The protest committee chairman should have the names and contact information of class expert witnesses. The technical committee for the class is also helpful. 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.

K.26.8 Re-measurement

When the technical committee is available, and the protest alleges complex breaches, the protest committee may wish to 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.

Nothing in the rules gives the owner of one boat an absolute 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, the organizing authority. The losing party pays for re-measurement and any measurement costs unless the protest committee decides otherwise.

Provided an appeal has not been denied (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.

K.26.9 Qualified Authority

If after hearing the available opinions of the expert witnesses described in paragraph K.25.6, the protest committee is in doubt about the meaning of a class rule, rule 64.3 requires the protest committee to refer the questions to the authority responsible for interpreting the rule. This may be the class association whose rules name the class technical chairman or measurement chairman.

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.

In all cases the protest committee should ensure that there is no conflict of

interest of the person or committee answering the question.

K.27 Protests by the Protest Committee

A protest initiated by the protest committee under rule 60.3 has the same validity requirements as those initiated by the race committee. The protest committee must ensure that the validity requirements are met before proceeding with the hearing.

The chairman should ensure that the boat's representative is aware that although one or more members of the protest committee will present the evidence, it is the protest committee as a body that has initiated the hearing under rule 60.3. We recommend that members of the protest committee present their evidence from their normal positions seated around or behind the protest room table.

A witness who is a member of the protest committee participates in the deliberations and decision of the protest committee. The members giving evidence are not *interested parties*. 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.

In cases where the chairman or the protest committee member or members who is the witnesses feels uncomfortable, the witness would leave the room when the protest committee begins its deliberations. Be aware that dismissing protest committee witnesses while the remaining members make the decision tends to portray protest committee members as individuals who are intent on protesting individual boats, and having a personal interest in the success of their protests. The practice of dismissing protest committee witnesses becomes embarrassing when all members of the protest committee witness an incident.

However, should the protest committee be convinced that the protestee feels genuinely and strongly that it would be unjust for the one or two protest committee witnesses to remain, then the protest committee witness should be dismissed for the decision. Rule N3.2 provides that the protest committee remains properly constituted as long as 3 members remain and at least 2 members are International Judges.

K.28 Doping

Drug testing can be initiated only with written permission from the national authority or the World Sailing.

Competitors cannot protest alleged infringements of rule 5; hearings in relation to drug abuse can be initiated only after a competitor has refused to be tested or failed a drug test.

Since the testing of samples takes several weeks, the process of imposing penalties, when World Sailing Regulation 21 applies, will fall outside the protest committee's jurisdiction. Rule 63.1 does not apply.

K.29 Redress

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.

Redress may not be granted without a hearing (rule 63.1).

K.29.1 Who May Request Redress?

a. A boat (rule 60.1(b))

The introduction to the RRS, Terminology, states that a “boat” means a 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.

b. 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.

Example: The race committee becomes aware that it incorrectly recalled a particular boat and she returned from course side and restarted. It may request a hearing for redress for that boat.

c. 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.

Example: During the hearing of a protest the protest committee may become aware of, or receive a report, that a boat may be entitled to redress. *The protest committee may call a hearing to consider granting redress to that boat.*

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).

d. 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.

K.29.2 Parties to a Redress Hearing

The definition of *party* to a hearing includes a boat requesting redress or for which redress is requested by a Race Committee under rule 60.2(b) or a 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.

In requests for redress under rule 62.1(a) the Race Committee or Technical Committee or the Organizing Authority may be a party to the hearing.

After deciding to grant redress and considering what redress is to be granted the protest committee may conclude that to arrive at a fair decision that other boats are also entitled to redress and that redress should be granted to them. If the “fair decision” requires more investigation and if those boats were not previously notified of the hearing or did not attend, 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 include one representative from each boat.

K.29.3 The Hearing

The hearing of requests for redress falls into four parts;

- I. Validity
- II. Compliance
- III. The incident
- IV. Redress given

Validity is considered first and if the request is invalid the parties hearing 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.

K.29.4 Validity

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 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.

A boat may not protest the organizing authority or the race committee or the protest committee or the technical committee; any such protest should be accepted as a request for redress provided it complies with the requirement of rule 61.2, so far as they are relevant.

Under rule 62.2 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. The time of the incident will need to be determined by the protest committee and this will depend on the circumstances of each particular case. If the incident occurred on the race course, the protest time limit would normally apply. 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 time of the incident could be the first reasonable opportunity the party had of seeing. However, if the results were not posted within a reasonable time, the time of the incident could be considered to be even later still. If the results were posted only on the internet the them.

Requests for redress by the Race Committee or Technical Committee or Protest Committee on behalf of boats must be delivered within the protest time limit or within two hours of receiving the relevant information (rule 62.2).

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

K.29.5 Compliance

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 (either in a race or series) has through no fault of her own been 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 or of a vessel not racing that was required to keep clear;
- c. Giving help (except to herself or her crew) in compliance to rule 1.1; or
- d. An action of a boat, or a member of her crew, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.2(c).

The protest committee should take evidence from the representative of the party requesting redress, his witnesses if any, the other parties and their witnesses, and any witnesses the protest committee may decide to call.

At the end of this part of the hearing a decision should then be made and advised to the party requesting redress whether his request has been granted and then move on to taking evidence on what redress, if any, will be granted.

K.29.6 Score or Place

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 from 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.

K.29.7 Significantly

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. It would be the responsibility of the party requesting the redress to establish that the boat's score had been made “significantly” worse.

Example:

The worsening of a score or place by one point could be significant if it decides the outcome of a series. Whereas, if the worsening of a score or place by 25 points

means a boat comes 37th in a series instead of 36th, it is probably not significant. However, if a boat was scored the extra 25 points in a race that it would have won, this may make it significant, as the boat may have missed out on a race prize.

K.29.8 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 its score, no matter how small a part it was responsible for, it shall not be entitled to redress.

Example:

- The race committee starts a race at its scheduled time but a competitor leaves the marina late and misses the start. This is the fault of the competitor and not that of the race committee.

K.29.9 Improper Action or Omission

An improper action is doing something that is not permitted by the *rules* of the event (racing rules, notice of race or sailing instructions and any others). An omission is not doing something that the *rules* specify will be done. If a race committee or protest committee or the technical committee does or does not do something over which it has discretion or is not mandatory, it is neither an improper action, nor an omission for which redress can be given.

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 advice, it 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.

Examples:

- 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 as the course was not in the sailing instructions.
- If the race committee signaled course 2 and subsequently the first boat could not finish the course within the time limit and the course was not shortened, this would not be improper action or omission. This course is permitted by the sailing instructions and shortening the course is not mandatory; it was not an improper action or omission.

K.29.10 Physical Damage and Injury

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. World Sailing Case 135 provides questions for the protest committee to consider to conclude whether a boat sustaining damage or injury is entitled to redress.

Physical damage is where the value of part or the whole of the boat is diminished or it is rendered less functional. Refer to World Sailing Case 19.

The following are not physical damage:

- capsize
- rigs or lifelines entangled
- loss of places
- crew overboard

Injury in the racing rules refers only to bodily injury to a person according to Case 110. Injury would be any 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.

World Sailing Case 142 indicates that when a boat requests redress because of injury or physical damage caused by the action of a boat that was breaking a rule of Part 2, she need not protest the boat that caused the damage or injury. She need only request redress. The other boat might have taken an appropriate penalty or have acknowledged their infringement in the incident.

If the boat requesting redress did not protest the other boat, the protest committee may protest her if it discovers that the incident caused injury or serious damage as per RRS 60.3(a).1.

To determine if the damage is serious damage under the *rules*, refer to World Sailing Case 141. Redress would be awarded if the serious damage adversely impacted the boat's sailing performance in a significant way.

K.29.11 Giving help

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

K.29.12 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 disciplinary action has been taken under rule 69.1(b) may be granted redress. Rule 62.1(d)

K.29.13 Redress Given

When the protest committee is satisfied that the request meets these requirements, it must make as fair an arrangement as possible; it has no power to decide *not* to make an arrangement when the requirements have been met. As the dictionary definition of "redress" is "to put right again" and the redress under this rule is based on a boat's score having been made worse the only redress that can be given is to put the boat or boats scores right again. Rule 64.2 states this may be to adjust the scoring (see rule A10 for some examples) or the finishing times of boats, to abandon the race, to let the results stand or to make some other arrangement. In this instance, the reference to some other arrangement solely refers to some other arrangement under which the boat's score or scores are adjusted.

When it appears during the hearing that the requirements of rule 62 will be met it is often helpful to ask the parties what redress they believe would be appropriate.

Although the protest committee is under no obligation to take these opinions into consideration, it is often enlightening.

When only one boat, or very few, have requested redress and their requests are found to have fulfilled the requirements of rule 62, the most equitable decision is rarely to abandon a race. Abandonment should be an option of last resort. If the fairest arrangement would be to abandon the race the protest committee must first take evidence from *appropriate sources* which could include all boats that have entered the race.

It is useful and enlightening, and often a requirement in order to fulfil its obligation under rule 64.2, for the protest committee to obtain evidence from other boats not involved in the request for redress.

When deciding what redress best fulfils the protest committee's obligation to make, "as fair an arrangement as possible for all boats affected", refer to the scoring adjustments in Appendix A10.

Mark rounding positions and boat timings may prove helpful. Sometimes the fairest arrangement is to do nothing.

K.29.14 Guidelines to types of redress that may be given

Average points: This is often used when a boat entitled to redress has been unable to finish the race in question. It is suitable only for boats competing in a series of races in which there are at least five races and in the interests of fairness the number of races for which average points are granted would rarely exceed twenty per cent and never exceed 50% of the number of races sailed in the series. Usually all races other than those or which redress is being granted are used for calculating the average points, however, in longer series consideration could be given to excluding a boat worse score from the average calculation. 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. In his way, competitors know the exact progress 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 would rarely be used if the incident was early in the race and should never 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 can't 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 as an option of last resort where 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 it is important that 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.

K.29.15 Pre-Race Requests for Redress

Any requests for redress in respect of rule 76, Exclusion of Boats or Competitors, should be heard at the first reasonable opportunity before a race or series commences. Any such claim could only relate to an alleged improper action or omission by the Organizing Authority or Race Committee.

As the only other action taken by the Organizing Authority or RC at this stage is to publish the Notice of Race and Sailing Instructions, the grounds could only be based on the possibility that these documents were either incomplete, contradictory or did not comply with the *rules*. Therefore, these requests for redress are more likened to requests to the Organizing Authority for clarification or interpretation of their documents. In cases like this, the Organizing Authority often ask the Protest Committee for their advice; but they are not bound to comply with this advice.

If the Organizing Authority asked the Protest Committee to conduct a hearing in respect of these requests and they agreed to be bound by the Protest Committee decisions, there is no reason why this should not be done. As long as the Protest Committee's decision complies with the *rules*, competitors could not object or protest against this procedure as the Organizing Authority is the ultimate body that sets the parameters and conditions for the race or series.

K.29.16 Requests for redress for alleged race committee error in scoring a boat OCS, ZFP or UFD or BFD

Boats sometimes challenge the race committee's decision to score them OCS, ZFP, UFD or BFD by requesting redress under RRS 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. Replaying the video on a small video camera screen would usually be unacceptable. In finding the facts, the protest committee will be governed by the weight of evidence using balance of probabilities as the standard of proof. See World Sailing Case 136.

K.29.17 Addendum Q (Medal Races)

In races conducted using Addendum Q a boat's entitlement to obtain redress is changed. Race officials and the protest committee should download the latest version of Addendum Q from the World Sailing website.

K.29.18 Appendix B (Windsurfing Competition Rules)

Protest committees need to use Appendix B7 which modifies the protest and redress rules applicable to windsurfing competitions.

K.29.19 Appendix F (Kiteboarding Competition Rules)

Protest committees need to use Appendix F5 which modifies the protest and redress rules applicable to kiteboarding competitions.

K.30 Hearings Involving Support Persons

Introduction

Support Persons include a range of people who provide support to competitors and their boats at regattas:

Any person who

- (a) 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
- (b) Is the parent or guardian of a competitor.

Support persons are bound by the *rules*. This is agreed by each competitor and boat owner on their behalf. In addition, the *support person* agrees to accept the RRS, by providing support, or as the parent or guardian who permits their child to enter a race.

K 30.1 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 that applies to them. Most commonly, the allegation is of a breach of a rule in the SIs or NoR, 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 RRS 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.

The *support person* is a *party* to the hearing. In addition, by definition, all boats associated with the *support person* are also *parties* to the hearing. The Request for Hearing form should identify all boats associated with the *support person* as parties to the hearing. Present the *support person* with a copy of the Request for Hearing 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.

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 prudent for one 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.

The *support person* and all associated boats 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 the hearing, follow the procedures for protest hearings. 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 usual protest procedure is that validity requirements do not apply.

K 30.1 Penalizing a Support Person

The protest committee will decide if the *support person* broke a rule that applies to him or her. If the allegation is found to be true on balance of probabilities, and is found as a fact, the protest committee has a range of penalties that may be given to the *support person*. It 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 within the venue or outside of the venue. 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. It may also take other action within its jurisdiction provided by the *Rules*.

The World Sailing Discretionary Penalties for Support Persons and Boats Policy (DPI) provides protest 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 giving the penalty.

K 30.3 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 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 the protest committee decides to issue the warning, as is normally done, they will include the warning in the written decision for the hearing.

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

“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.”

It is prudent for the protest committee to 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, they 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 by changing their scores in a single race, up to and including DSQ. The boats may be penalized, even if they did not attend the hearings.

K 30.4 Appeals 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 the right of appeal has been denied. The protest committee would provide a copy of their decision in writing to any *parties* who request. This would include the *support person* and boats he or she supports.

K30.5 Allegations of a *Support Person's* Misconduct

The protest committee may also call a hearing for a *support person* who is alleged to have committed misconduct in breach of RRS 69.1. In this case, the protest committee would follow the procedures in RRS 69.2. The World Sailing Misconduct Guidance 2017 is also a good resource for protest committees who investigate and conduct hearings about misconduct. Chapter N of this manual addressing Rule 69 provides further details of protest committees' procedures and responsibilities.

If the allegation against the *support person* is misconduct, the boats that he or she supports are also *parties* to the hearing. While they are not alleged to have committed misconduct themselves, they are subject to penalties if conditions are met.

K.31 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), according to the definition of Party, this is a boat requesting redress or 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 absolute obligation on the protest committee to reopen. A protest committee should 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 testimony 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 the interpretation of a rule.

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. The criteria provided by this Case states:

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 at the time of the original hearing

Significant evidence means 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 which leads 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 under the rules 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 unless the witness and his testimony were unknown to the party. 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 want to reopen the hearing.

Photographic and video graphic evidence that is claimed to be new can and 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 shorter.

If the request is timely, the protest committee must decide, from the reasons given by the requesting party, if it has or may have made a significant error or if there is significant new evidence. The initial presentation by the requesting party should be limited to the reasons for reopening, not to any new evidence. The rules are silent on the subject, but if the other parties are available it is a good idea to have them present during this initial fact-finding.

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, a majority of the members of the original protest committee should, if possible, be members of the original protest committee.

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.

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 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 had decided a protest without a party present, but later found 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 R5, the reopening proceeds with the evidence and witnesses that the parties bring, and with any other evidence the protest committee considers necessary.

When a hearing is reopened, rule 66 advises that a majority of the members of the protest committee shall, if possible, be members of the original protest committee.

Section L
Arbitration

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L.1 Introduction

Protest arbitration is a simplified procedure for resolving a protest coming from an on-the-water incident between two boats involving one or more rules of Part 2 or rule 31. There are two components to the process. In the first component, before the protest hearing, the protestor and the protestee meet with the arbitrator, who is an experienced judge. The sailors each describe what happened on the water, and the arbitrator will then render an opinion about the validity of the protest, and which boat, if any, broke a rule. The second component involves Post-Race Penalties that a competitor may choose to take before a protest hearing on the incident. The process then permits the protestor to withdraw the protest. Otherwise, the protest goes to the protest committee for a hearing, in accordance with RRS 63.1.

Some race officials believe that we should be using the term, mediation, because arbitration is almost always binding on the parties. Whether dispute resolution is binding does not determine whether the process is mediation or arbitration. While there are similarities between mediation and arbitration, since both involve a knowledgeable, impartial third person, the difference between the processes is more fundamental.

In mediation, the facilitator helps the disputing parties arrive at a mutually acceptable resolution through a process of give and take. In mediation, the resolution is negotiable and determined by the parties.

In arbitration, the facilitator hears the testimony of both parties and offers an opinion on the rules and the penalties that apply. In arbitration, the resolution is fixed by the rules and either accepted or declined by the parties, which is the way it works in our sport.

Different mediation and arbitration systems have been in use in sailing. RRS Appendix T provides for both the opinion of a knowledgeable, impartial third person on the incident, and a Post-Race Penalty system.

L.2 The Arbitrator

The judge who will arbitrate protests should be highly experienced with a good knowledge of the rules. The arbitrator must think and make decisions quickly and must command the respect of the sailors. An excellent judge who would contemplate extensively may not make the best arbitrator and will usually be more valuable in

deciding the complex protests that are not quickly resolved through arbitration.

Appendix T advises that arbitration may not be appropriate for all events, as it requires an additional knowledgeable person to act as the arbitrator. The judge who does arbitration should have a thorough understanding of Appendix T, the rules of Part 2, RRS 31, and their applications.

If the arbitrator is member of the jury, he may participate on the protest committee that will decide the protest if it goes to a hearing, except if a party objects based on a conflict of interest. It is important to keep a strong protest committee available for hearings, for example with international juries of five judges or protest committee of at least three judges. The arbitrator's presence at the hearing as a member of the panel would help to keep the information presented in the hearing consistent with the information presented in the arbitration meeting.

L.3 The Penalty

RRS Appendix T must be invoked by the notice of race or the sailing instructions.

Arbitration and the Post-Race Penalty system can only work if the Post-Race Penalty is less than the disqualification that a boat would receive in a subsequent protest hearing. The penalty, if taken by a boat, holds the same status under rule 64.1(b) as the penalty she could have taken on the water. The penalty for arbitration should be more severe than any penalty that is available to the boat on the water at the time of the incident, but significantly less severe than a Did Not Finish.

The penalty in Appendix T is 30% of the score for DNF, rounded to the nearest whole number (0.5 round upwards). However, the OA may want to change the penalty, modifying Appendix T1(b) in the sailing instructions by changing the percentage level or providing for a Post-Race Penalty that is a points penalty. A more severe penalty often results in a competitor refusing to take it and instead deciding to take a chance on avoiding a DSQ in the protest room. Note that, mathematically, the worse the boat's finishing position in the race, the less advantage she will have in accepting a post-race penalty. A less severe penalty cheapens the penalty that a competitor promptly accepts on the water. A boat shall not be scored worse than the points for DNF. As in 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.

Under Appendix T, the 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 RRS T1(a) and 44.1(b).

For example:

- (a) A boat may take a Post-Race penalty even if it was not protested and it would not go to an arbitration meeting.

- (b) Having a Post-Race Penalty available after racing allows a boat to take a penalty instead of retiring (RET), when she realizes she broke one or more rules of Part 2 or rule 31, after coming ashore.

- (c) The protestor may not deny the protestee access to the lesser penalty by refusing to attend the arbitration. The protestee may take the penalty in or out of arbitration.

L.4 Principles of Arbitration

The arbitrator's role 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 arbitrator, all of the safeguards built into RRS Part 5 Section A Protests and Redress and Part 5 Section B hearings and decisions remain in place. Whether or not the opinion of the arbitrator is accepted, the protest remains and must be heard by the protest committee. See rule 63.1, the requirements for a hearing. Only if the protestor requests to withdraw the protest may the arbitrator act on behalf of the protest committee to allow the withdrawal.

Arbitration takes place after a written protest has been delivered, but prior to the protest hearing. Hold the arbitration meeting in a quiet location, well away from other competitors and observers. Provided that both parties agree, a judge trainee may be allowed to observe the process. Otherwise, no observers are permitted. Testimony given during arbitration should not be overheard by any potential witnesses. Only the arbitrator, the protestor and the protestee are permitted to attend. No witnesses will be permitted. If a party believes the case requires a witness, the protest goes to a protest hearing.

Arbitration is appropriate when:

- the incident involves only two boats. A protest involving three or more boats is usually too complex for the arbitrator to handle in less than 15 minutes.
- 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 arbitration meeting should be closed and the protest forwarded to the protest committee.
- rule 44.1(b) does not apply.

The arbitrator conducts the arbitration meeting with the knowledge that the protestor might not ask to withdraw the protest, and so it may still be heard by the protest committee. The arbitrator never enters into a discussion on the interpretation of a rule or answers questions regarding any conclusions until after the protest is withdrawn.

The arbitrator's task is to offer an opinion as to the likely outcome of the protest if it went to a protest hearing.

The first 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 RRS 61.1(a), the arbitrator 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 ends.

If the protest is clearly valid or clearly invalid after the protestor's initial statement, then the arbitrator'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 arbitration 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 decision of the arbitrator.
- A statement by the protestor that a hail was made and a flag was flown, 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 arbitrator will consider the evidence on the balance of probabilities and give an opinion as to what the protest committee is likely to decide. When the arbitrator is in doubt, the protest is not suitable for arbitration and it proceeds to a hearing with the protest committee.

The second step occurs if the arbitrator's opinion is that the protest is valid. The arbitrator should then ask if there was any damage or injury as a result of the incident. If it is possible that RRS 44.1(b) applies, then RRS T1(a) and RRS 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.

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

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

- A. The protest is invalid.
- B. One or both boats broke one or more rules. The arbitrator applies the principles of exoneration to a boat that has been compelled by the other boat to break a rule.
- C. No boat would be penalized for breaking a rule.
- D. The protest is not suitable for arbitration. The protest might be too complicated to decide without witnesses, it may involve a rule not suited to arbitration, or the Post-Race Penalty is not appropriate. The protest then proceeds to a hearing unless the protestor requests to withdraw her protest, and the arbitrator allows the withdrawal.

A good way for the arbitrator to give his opinion is by saying "if this goes to a protest hearing, the protest committee will likely decide that . . ."

The entire process should take no longer than 10 to 15 minutes. If the arbitrator does not have an opinion within that time, the issue is too complex for arbitration, and the arbitration meeting should be closed. The protest then proceeds to the protest committee for a hearing.

If any appropriate penalties are taken, the arbitrator then asks if the protestor wants to

withdraw the protest. Under RRS T4(b), the arbitrator may act on behalf of the protest committee in accordance with rule 63.1 to allow the withdrawal. However, the protestor is under no obligation to request that the protest be withdrawn.

If the protest is not withdrawn, it must be heard by the protest committee. Sometimes a protestor may refuse to withdraw the protest in order that the protestee will be scored DSQ in the protest hearing. The arbitrator should explain that if a boat accepts an appropriate penalty, rule 64.1(b) applies. The boat that took the penalty then could not be penalized further unless it is proven that the Post-Race penalty was not appropriate, normally because rule 44.1(b) applied.

Once the protest is withdrawn, the arbitrator may discuss any aspect of the case with the parties to the hearing. Successful arbitration is often followed with a discussion of a number of possible scenarios, if time allows. If time is limited, the arbitrator can arrange to meet the competitors at a later time.

Testimony given during arbitration remains confidential and the arbitrator must not discuss any aspect of the arbitration with the protest committee before the hearing. The judge who held the arbitration meeting shall not be called as a witness during any subsequent protest hearing as the earlier testimony obtained by the arbitrator is not first hand. The arbitrator may be called as a witness if there is a subsequent hearing under rule 69 against one of the parties for lying in the protest hearing.

L.5 The Procedures

When a protest is delivered to the protest desk, the judge or protest committee secretary accepting protests logs the time and asks the protestor to stand by. A judge or arbitrator reviews the protests as they are received to decide if the protest is suitable for arbitration. They also review the Post-Race penalty forms. At large events it is preferable to have more than one arbitrator to enable the process to flow smoothly. If the protest is suitable for arbitration, the protestor is asked to find the representative of the other boat and the arbitration meeting is scheduled to be held as soon as possible. When the protestee arrives, the protestee is given a copy of the protest before the arbitration meeting begins.

The voluntary nature of arbitration makes rule 63.3(b), to proceed in the absence of a party, inapplicable. If one of the parties does not come to the arbitration meeting, arbitration does not proceed, and the protest is scheduled for a hearing. The arbitrator should have available the notice of race, the sailing instructions and any amendments to them, a current rule book, a watch to keep track of the time and boat models. When a boat accepts a Post-Race Penalty, it may be recorded on a pre-printed 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 withdraw the protest.

The arbitrator may, with good reason, accept a request to withdraw a protest before arbitration begins.

The arbitrator's opinion and the decisions of the parties to the protest made at arbitration are not subject to appeal. If the protest is withdrawn, there is no protest remaining and nothing to appeal.

L.6 Conclusion

With Appendix T, protest arbitration can be easily understood by sailors and consistently applied by judges around the world.

Section M

Damage and Injury

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M.1 Introduction

These important words are used in conjunction with a number of rules. Yet, despite their importance; there is little case law to guide a protest committee as to their application.

- Damage
 - Rule 14(b) exonerate a right-of-way boat or one entitled to room or mark-room for contact that does not cause damage or injury.
 - Rule 64.3 when a deviation in excess of a class rule tolerance was caused by damage, and did not improve the performance of the boat, the boat shall not be penalized.
- Injury or serious damage
 - Preamble to Part 2, and rule 44.1 taking a penalty for a part 2 infringement.
- Injury or physical damage
 - Rule 62.1(b) granting redress.
- Injury or serious damage
 - Rule 60.3(a)(1) protest brought by a protest committee.

M.2 Damage

There is no definition of exactly what constitutes damage; however, World Sailing Case 19 provides two examples to enable judges to ask questions to establish *damage*.

- Was the current market value of any part of the boat, or of the boat as a whole, diminished?
- Was an item or equipment made less functional?

M.3 Serious Damage

This is not possible to define but a protest committee should ask:

- was the performance of the boat or crew seriously impaired?
- Was the boat able to finish the race?
- Would a prudent sailor repair the damage before continuing in the series?
- Was the market value of the boat significantly diminished?

M.4 Physical Damage

An example of physical damage is:

- real damage to either boat or crew

Examples of what is not physical damage are

- capsize with no damage, causing a loss of places
- rigs or lifelines entangled

M.5 Serious Injury

An example of serious injury might be an injury that required medical attention beyond minor aid, but not necessarily hospitalization.

M.6 Other considerations when taking testimony.

Testimony concerning the extent of the damage is often not confirmed or supported by other evidence. Although mobile phone cameras have made things much better, a thorough protest committee would send two or more of its members to inspect the damage before deciding the protest or request for redress

Section N

Rule 2 and Rule 69

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N.1 Rule 2 Fair Sailing

Rule 2 is one of seven fundamental rules of sailing. The Case Book gives guidance as to what actions may be considered a breach of this rule and the principles of sportsmanship and fair play. A boat, a protest committee, technical committee or race committee may protest under this rule.

A boat may be penalized only when it is clearly established that this rule has been broken. The penalty is either disqualification or 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 (second sentence of rule 64.1). 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.

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.

N.2 Rule 69 Hearings

We recommend the reader to review the World Sailing Misconduct Guidance 2017. 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 2017-2020.

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

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 (as defined by World Sailing Regulation 35) have very different procedures under rule 69. 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.

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

Standards of ethical behavior among sailors throughout the world vary greatly, and it is not the responsibility of International or National 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 or her 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.

N.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 3.2). In addition, a parent or guardian who enters their child in a race thereby agrees to be bound by the rules (rule 3.1(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 or she did not know that providing support would bind the person.

A way to deal with this is to point out to the *support person* that, if that is so, the competitor broke rule 3.2 and must be disqualified. The limitation of a disqualification in a single race in rule 64.4(b) 4.4 (b) does not apply to the breach by the competitor of rule 3.2. In most cases that will cause the *support person* to accept that he or she is bound.

It is important that the protest committee considers this point as a preliminary issue and whether, on the facts it finds, 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 3.1 and 3.2), 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 3.2

N.2.3 The Time and Place of the 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 irrelevant. For example, a competitor who was involved in an assault during a fight in a public place unrelated to the venue of the regatta, but brings the sport into disrepute because the public associates the competitor with the event. He or she 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.

N.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 juniors or youths, make arrangements, if possible, that a parent, guardian or coach is present as a witness to the proceedings. Also refer to Section D, Judges and Junior Sailors.

N.2.5 Appointing an Investigator (Rule 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 or she 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 partaking 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 or she 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(e)(2) to present the allegation in the hearing. If appointed under this rule, the investigator will gain the status of a *Party*.

N.2.6 Informing the Person in Writing

Prepare the written statement of allegations that you will give to the person who is accused of the rule 69 violation. 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 competitor. Even if the competitor gives approval to proceed with the hearing immediately, wait. The competitor must be given a reasonable time to prepare a defense. Schedule the rule 69 hearing leaving enough time for the competitor to review the allegations, gather witnesses and find a person to provide support during the hearing. This is often only the following day.

The written notice in terms of rule 69.2 should state the alleged specific act or acts of misconduct. 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, state that “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 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, that the allegation of, “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 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, and ask whether he or she requires additional time to prepare and gather evidence in this regard. Record that this was done. This record should form part of the report made in terms of rule 69.2(j).

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

Only when there is evidence at hand 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 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 on television 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 is not directed to any individual.
- Breach of good sportsmanship: This includes cheating (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.

N.2.8 The 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 and to ensure that the competitor is given ample opportunity to answer the allegations. It is important that a written account is kept of the proceedings. The hearing must be held in accordance with rules 63.2, 63.3, 63.4, and 63.6.

The protest committee should consider making an electronic 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 Regulation 35 or proceedings before CAS.

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). 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.

Two standards of proof are defined and used in hearings as follows:

- **Balance of probabilities** is also known as ‘preponderance of the evidence’. With this standard of proof, the evidence must be assessed on the basis of whether a particular fact is more likely to have happened than not. There can be some evidence that supports the allegation and other evidence that is conflicting. The decision is based on the majority of the evidence. This is the standard protest committees work to when considering protests or requests for redress.
- **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 warns or penalizes a competitor or boat 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.

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

N.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, rather than for the penalty that might be given. Take into consideration any sincere and unprompted apology in relation to an incident that seems to be impulsive or spontaneous.

N.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 definition of libel is, '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 3, 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.

N.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 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 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.

N.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 quite 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.

N.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 be given. A warning may suffice after, for example, a minor act of misconduct followed by an apology for the misconduct. A warning or a penalty equal 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 action within its jurisdiction (provided that this is set out in the *rules*).

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).

N.2.14 Reporting the Details of the Hearing in the World Sailing Regatta Report

The Chairman's Regatta Report Form for an international jury (at ijreport.org) should record whether or not a penalty was imposed. Sufficient details should be included for a reader to understand why the decision was made. Names must be excluded.

N.2.15 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.

N.2.16 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 (such as his Member National Authority or World Sailing) who might impose a further penalty.

A warning is not a penalty. 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 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. 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 just because it does not wish to deal with a difficult misconduct issue.

N.2.17 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.

Section O

Sailor Classification

World Sailing Regulation 22

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O.1 Introduction

Under World Sailing Regulation 22, the World Sailing Sailor Classification Code provides an international system for the classification of sailors as amateurs or professionals. Classification is based on one or both of financial involvement in boat racing, whether direct or indirect, and the use in the sailor's work of knowledge or skill capable of performing the performance of a boat in a race. The Code classifies competitors into two Groups: Group 1 sailors take part in racing only as a pastime, while Group 3 sailors have been paid for work or services in sailing.

The Sailor Classification Code is not to be confused with the Para World Sailing Functional Classification System for sailors with disabilities for Para World Sailing Events.

Events and classes are not under an obligation to use a classification system. But should they do so, the World Sailing Code is the only system that shall be used.

If you are appointed to the protest committee of an event where classification limitations apply, you should familiarize yourself with the requirements of classification. A good place to start is the Guidance Notes for Officials which can be found on the World Sailing website under:

[http://www.sailing.org/tools/documents/ISAFSailorClassificationGuidanceNotesfor1April2010-\[13764\].pdf](http://www.sailing.org/tools/documents/ISAFSailorClassificationGuidanceNotesfor1April2010-[13764].pdf)

The World Sailing Sailor Classification Commission administers the system of classification on behalf of World Sailing. The Commission has a number of responsibilities, ranging from:

- deciding competitors' applications for classification;
- hearing appeals;
- liaising with classes and events; and
- providing guidance on the application of the Classification Code.

At some events where the Code is being used, arrangements are made for a Commission Member to be available in person or on the telephone.

This chapter discuss some of the situations that may affect judges at a classified

event. The Commission is available to provide assistance and guidance to officials at all times and can be contacted via the World Sailing Office at classification@sailing.org or, in urgent situations, via the Chairman of the Commission, whose details are in the World Sailing Yearbook. 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.

Classification problems can provoke strong reactions from competitors and the boat owners. Changes in classification can require a change in a crew list close to the regatta, with impacts 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, make immediate contact with the World Sailing Office and the Commission as they have experience of similar issues and will usually be able to help.

O.2 Notice of Race/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 classification.

For example, a boat may be limited to the number of Group 3 competitors who may be on board, or the helmsman might have to be Group 1. It is important that the requirements are drafted clearly and unambiguously. Model wording can be found in the Guidance Notes mentioned above and should be used wherever possible.

It is for each class or event to decide how they wish to use the classification system; World Sailing does not require that any class or event must do so. The only requirement is that, if classification is used, the World Sailing system is the only system that can be used.

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 classification 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 classification to be a Group 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 Group 1 or Group 3. Only World Sailing can make this decision.

O.3 Spot checks

For some events, a Commission Member may attend registration and conduct interviews with competitors. The Commission Member has the power to change the classification of a competitor at the event if there is a good reason to do so (e.g. if the classification is wrong).

The presence of a Commission Member should be stated in the Notice of Race and attendance at interviews should be made mandatory as a rule in the Notice of Race. The 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 Commission Member has reason to believe that a competitor's classification 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 and it is usual for the Commission Member to ask one of the Jury members to be this witness. If asked to do so (and if you agree), the role of the judge is just to take an independent note of the interview. At the end, the Commission Member will announce his or her decision to the competitor.

Competitors can appeal against a decision to re-classify them, but this must be done online and it is rare for this to take less than a month. Until then, the Code states that the decision of the Commission Member at the event is binding. The competitor cannot request redress as the Commission is not covered by RRS 62.1(a) and has no other redress procedure.

O.4 Protests

A boat may be protested after the Crew Deadline and before the Classification Protest Time Limit (or 24 hours after a changed Crew List is posted) if:

- information, which would have led to a higher classification, was not disclosed when a competitor applied for a classification; or
- a competitor has, since being classified, engaged in activities incompatible with his classification;

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 difficult and will need close liaison with the Commission. The protest committee will also need to consider the types of Group 3 activity (see World Sailing Regulation 22.2.2 for the list of activities) in the Code and how to best assess if a competitor falls into one of these categories.

The FAQs issued by the Commission can be very helpful in applying these to different situations. www.sailing.org/classification/

The Commission can give an indication of the types of questions and evidence that should be presented.

As with measurement protests, where the protest committee is in doubt as to the classification of a competitor, a protest committee can refer the facts found to the Commission to seek its opinion on them. The response of the Commission then binds the protest committee.

Under the Code, which changes RRS 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 Classification Commission, in which case the penalty is at the discretion of the protest committee (see section O.6 below for more details)).

The protest committee has no power to change a classification, only to determine whether it should be different. It must report its decision on a protest to the Commission, together with details of all the evidence heard by the committee (including any evidence given in private).

O.5 Protests about Crew Limitations

A protest under the RRS can, of course, be brought where a boat has simply not complied with the Notice of Race or Class Rules (for example by having more Group 3 sailors on board than permitted or having a crew member steer when not permitted to do so). In these circumstances the protest committee will apply the normal rules regarding time limits, validity, penalties etc. to the protest. The classification listed on the World Sailing website against the competitor is definitive in these cases.

O.6 Changes by the Commission

If the Commission changes a competitor's classification during an event (for example because of an interview) that change can be backdated to the start of the event by the Commission. If the 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.

O.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 classification, but for whatever reason there is no protest lodged, then it should report that information in confidence to the Commission via the World Sailing Office. This information can influence future decisions of the Commission.

Section P

Judging Oceanic and Offshore Races

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PREAMBLE

This chapter provides information and help for judges at offshore and oceanic races. For readability and understanding, it follows the plan of RRS Appendix N describing the duties of the International Jury. The chapter refers to the Protest Committee (PC), although it is often constituted as an International Jury. The chapter takes into account that Oceanic and Offshore racing requires procedures that may vary from the RRS, respecting as closely as possible the basic principle of RRS Part 5 Section B. This chapter does not change RRS Appendix N, but comments on some specific habits at offshore and oceanic races.

P.1 Protest Committee Composition and Organisation

P.1.1 Composition and Skills

The International Jury must be constituted as required by Appendix N. To contain cost, the organising authority may make various arrangements for the jury meetings, including conference calling.

The majority of members should have great experience as oceanic and offshore sailors, including offshore seamanship, sailing in extreme conditions, heavy weather, and in short-handed races. Knowledge of navigation calculations, tracking systems, electronic charts, GPS and, meteorological analyses is necessary to establish appropriate penalties and redress. If this skill is not within the Protest Committee, an independent expert can be called. The Race Committee, or the race director, may be also provide information and technical help.

A good knowledge of International Regulations to Prevent the Collision At Sea (IRPCAS), and the World Sailing Offshore Special Regulations (OSR) is also needed.

P.1.2 Organisation

A meeting of the full PC prior to the start and finish of the race is recommended. During the race, issues may be resolved remotely, by email, conference call, or other means. All judges must be available for contact throughout the race.

For continuity in a race that has various legs, it is preferable to keep at least the chairman and one other member of the PC 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.

P.1.3 Initial meeting

An initial meeting of the full PC is advisable, to organise the communications methods and response within the PC. 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 when discussing discretionary penalties or redress.

PC members are advised to be familiar with section H 8 of this Manual for media contact. Otherwise, at least, a full pre-race briefing with the Organising Authority, race management, Race Committee and, Technical Committee is necessary, to define and understand the roles and responsibilities of each committee.

PC 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 Manual for Race Officials, and Appendix E of OSR both provide guidance.

The PC may, in the interest of transparency, publish its Discretionary Penalty policy in advance

P.2 Responsibilities

P.2.1. As stated in RRS Appendix N1, *“the international jury is responsible for hearing and deciding all protests, requests for redress, and all other matters arising under the rules of Part 5. When asked by the organising authority or the race committee, it shall assist them on any matter directly affecting the fairness of the competition”.*

This last sentence is of major importance. The race management, the race committee, the technical committee and the protest committee should work as a team, each committee having its own responsibility, and collecting useful information from each other.

A good working relationship among all race officials is essential, especially if they are to work together for an extended period of time. At the same time, it is equally essential that the International Jury maintains its independence and impartiality.

P.2.2. Confidentiality

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.

P.2.3. Deciding any matters referred by the OA (RRS Appendix N2.3)

- before the race:
 - checking the Sailing Instructions for consistency with NoR 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.
 - establishing and publishing 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 the race, or to shorten it.
 - giving advice in relation to the RRS as consultants to the OA, Race Management, or the RC.
- after the race:
 - if applicable, financial penalties, misconduct, etc.

P.2.4. Specific rule changes in SIs

The SIs may make various changes to the racing rules. This list, while not exhaustive, shows many of the issues that typically are addressed in the SIs:

P.2.4.a) Examples related to Protest Procedures and Decisions of the PC

- Modifications to protest procedures in RRS Part 5 in accordance with RRS 86, to establish a different method for conducting hearings
- Check whether RRS 64.1 is changed in the SIs so that the PC may impose a discretionary penalty instead of a DSQ for breaches of specified rules. Typical examples are for rules 28, 29, 31
- Discretionary penalties involving navigation and breaches of Part 2 rules should be calculated at the hearing.
- various time limit for sailor to deliver a protest before the race, while racing, after the race
- various time limit for RC, TC, PC, modification of RRS 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.

P.2.4.b) Examples related to Outside Help, RRS 41

- organisers 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 Management how it is controlled, and if it is reliable.
- will the receiving of shore-based technical advice to on-board repairs be permitted or not?
- are technical stops permitted or not?
- will verbal outside help to resolve medical problems while racing be permitted?
- which sort of outside help is permitted.

P.2.4.c) Examples related to Safety

- attending safety briefings before the race
- for safety reason, changing RRS 30 for boats OCS
- changes to rule 44 for penalties for breaches of RRS Part 2 and RRS 31
- scheduled radio session imposed by the race management for safety

P.2.4.d) Examples related to Navigation

- specific prohibited zones, traffic separation schemes (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 (very often one hour before or more)
- virtual mark (see experimental appendix WP <http://www.sailing.org/documents/racingrules/experimental-rules.php>)
- whether or not an engine may be used to enter a port in case of emergency, repairs or medical treatment, subject to report to the RC.
- whether or not the boat is permitting to go into port
- whether or not the boat is permitted to be hauled out in port
- whether or not crew are permitted to go ashore or during technical repairs stops
- whether or not crew may be replaced for medical reasons during a race

P.2.4.e) Examples related to Media requirements in the NOR and Sis

- Attending press and/or opening and prize giving ceremonies, prologue races or complying with RRS 80.
- Radio or video session imposed by the race management for media purpose

P.3 Procedures

Even though there are specific hearing procedures for offshore and oceanic races, the PC must always protect each party's right to a defense, irrespective of 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. Both boats should agree on the time for the hearing.

P.3.1. PC operating before the start

The full PC should be present on site, if at all possible.

If any hearings need to be conducted before the start, the PC should be aware that there is no requirement for any party to check the noticeboard. 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.

P.3.2. PC operating 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 PC 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.

P.3.2.a) 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 PC on the water is helpful. Keep in mind that sailors, especially early in the race, may prefer to concentrate on racing and avoiding traffic rather than take time for a hearing via conference call or writing a complete statement. Depending on weather and their progress, they may be able to respond to email or other written communications later.

If there is no agreement on the facts of a Part 2 or IRPCAS dispute, it is often better to have a hearing after the finish. An exception could be if there is damage and a request for redress.

P.3.2.b) Open sea

Protests of a boat against one or more other boats are infrequent. Protests from the RC, TC and PC are more frequent.

Protests by the RC 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.)

A decision can be reached and communicated to all parties involved once a clear majority of PC members are in agreement. A copy shall be sent to all other committees for practical application and information.

P.3.2.c) After the finish

Protests are usually limited to those from the RC and TC, in relation to broken seals or lost equipment.

P.3.2.d) Range of penalties

In races of extended duration, disqualifying competitors for rules breaches is usually inappropriate. For example, there is no DNE in the Volvo 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.

The use of DPIs should be stated in the SIs, and may vary with the requirements of the OA 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. The PC should work with the RC, competitors and organisers to manage expectations.

The following types of discretionary penalties are common:

- Time penalties applied as a percentage of elapsed time (offshore races of relative short duration).
- Time penalties in “day / 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. These could also be Standard Penalties to be applied by the OA without a hearing. This needs to be specified in the SIs.

P.3.3. Requests for redress

This is one of the most difficult parts of the PC’s work at offshore and oceanic races, because giving redress may have a direct impact on results on a one leg regatta.

- request for redress for incidents during the starting sequence, resulting from a protest boat to boat,
- request by a boat resulting from an alleged improper action of the RC, PC, OA or TC. An example would be the situation where spectator boats hinder a boat, while the OA/is responsible for providing a safe zone, as defined in the SI.
- requests for redress for giving, or attempting to give, help to a person or vessel in danger.

The value of a redress awarded 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.



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