

# Judges Manual

January 2025

## **Preface**

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

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

We thank the members of International Judges Sub-Committee, the Working Party for the Manual and all International Judges who have contributed to this Manual.

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World Sailing International Judges Sub-Committee  
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### **Note of usage:**

For clarity and brevity, this Manual uses the feminine gender in the historical sense when referring to a boat, and gender-neutral language when referring to a person.

World Sailing Regulations, Codes and Policies are referenced by their current name only, since they are subject to change more frequently than this Manual could be updated.

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## A. Race Officials at Events – Terminology

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### A.1 Introduction

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

Second, judges are often called upon to assist in many other critical aspects of an event, 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.

In addition, judges are asked to make decisions concerning the fairness of the competition. To do these things well is a challenging and sometimes difficult task.

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

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

### A.2 Meaning of Terms

#### **Racing Rules of Sailing (the rules or RRS)**

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

#### **World Sailing Codes**

These World Sailing Regulations have the status of a rule:

- Advertising Code
- Anti-Doping Code
- Code of Ethics
- Eligibility Code
- Sailor Categorization Code



They are not included in the RRS because they can be changed at any time. The most recent versions are published on the World Sailing website at [www.sailing.org](http://www.sailing.org) and are announced through Member National Authorities.

### **Case Book (the Cases)**

World Sailing publishes *The Case Book* as authoritative interpretations of the racing 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. Judges are required to follow the RRS and Cases when interpreting the rules.

### **Question and Answer (Q&A)**

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

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

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

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

### **World Sailing**

World Sailing is the world governing body for the sport of sailing, recognized by the International Olympic Committee (IOC). Its mission is to make sailing more exciting and accessible for everyone to participate or watch and use our reach and influence to create a sustainable future for our sport and the waters of the world. It comprises MNAs, 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.

### **Member National Authority (MNA)**

The national authority has jurisdiction over the sport of Sailing in its country as recognized by the International Olympic Committee (IOC). It is organized on a national basis and capable of exercising its mandate wherever there is significant

sailing activity. It 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 RRS. These prescriptions are included as rules governing sailboat racing within its jurisdiction by the sailing instructions. They are rarely invoked for international events, although some national authorities prescribe that some of their prescriptions shall not be deleted.

Most national authorities appoint a committee to hear appeals by boats, race committees or technical committees against decisions of protest committees. Appeal procedures vary from country to country through their rules, policies and prescriptions. Members of their appeals committee might include qualified persons from other countries. A national authority might also delegate the appeal to the appeals committee in another country. The highest appeal authority is the national authority under whose jurisdiction the event is held. World Sailing does not hear appeals.

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

### **Organizing Authority (OA)**

The body that plans and runs the event is the organizing authority. It may be a club, a class association, a national authority, World Sailing itself, or a combination of any of these as specified in rule 89.1. The organizing authority appoints the race committee, protest committee, technical committee, umpires and classifiers.

### **Race Committee**

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

### **Protest Committee**

The protest committee hears protests, requests for redress and reopening, allegations of misconduct and reports that a support person may have broken a

rule. It may be independent of the race committee. It may, when meeting the requirements of Appendix N, qualify as an international jury.

### **International Jury**

An international jury is a protest committee that meets the requirements of rules 91(b) and Appendix N. It is completely independent of, and has no members from, the race committee or the technical 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 MNAs, the majority of whom shall be World Sailing International Judges. Provided that it conducts itself in accordance with the procedures described in Appendix N, rule 70.3 provides that there is no right to appeal its decisions.

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

### **Technical Committee**

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

If during a hearing the protest committee is in doubt about the meaning of a measurement rule, it shall refer the question, together with the relevant facts, to an authority responsible for interpreting the rule, and be bound by the authority's decision. The class rules authority is the body that provides final approval of the class rules, their changes and class rule interpretations.

### **Judge, National Judge, International Judge**

A judge is a member of a protest committee. The title "National Judge" is given to suitably qualified persons by a national authority that runs a program to train them. The title "International Judge" is given by World Sailing to persons who meet the criteria set out in the World Sailing document Race Official Roles, Qualifications and Competences.

## **Umpire, National Umpire, International Umpire**

Umpires decide the situations and rules on the water in real time during the event.

### **A.3 World Sailing Race Officials**

Training and certification of race officials for sailing and administrating the RRS are recognized as the core purposes of World Sailing.

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

World Sailing also has training and certification programs for measurers, umpires, race officers, technical delegates and classifiers.

World Sailing Regulation Race Officials describes the governance of race officials. Their programs are administered under the authority of the Race Officials Committee and through its subcommittee for each discipline. The International Judges program is administered through the International Judges Sub-committee.

The current World Sailing Regulations are published on the World Sailing website at [www.sailing.org](http://www.sailing.org). (Search “regulations”, click submit, and select “Documents”).

### **A.4 Applications for Appointment as International Judge**

The requirements for appointment as an International Judge, along with the application procedure are presented in World Sailing Regulation Race Officials and in the current World Sailing publication *Race Official Roles, Qualifications and Competences*, the application document for World Sailing International Race Officials.

The document *Race Official Roles, Qualifications and Competences* explains which events are Principal Events.

Resource papers for becoming an International Judge, and the first application package, and for renewal as an International Judge are published on the World Sailing website, in the area Race Officials, International Judge.

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

## A.5 References for First Appointment as an International Judge

First-time applications must be supported by references from the International Judge who is the chair of the protest committee to describe the judge's performance at an event. It is essential that the applicant request the chair to provide the reference through World Sailing prior to the event. The chair will complete the reference over the course of the event and submit it to World Sailing.

The International Judges Application Manual guides the application process. The *International Judges Reference Form Guidelines* document advises the protest committee chair on completing the IJ Reference Form. Both documents are available on the World Sailing website in the International Judge area.

### **Guidance for the Candidate and the Protest Committee Chair on References**

During the event the protest committee chair may select other senior IJs on the jury to assist in the applicant's performances assessment. The chair may discuss daily with other judges involved in the assessment process and the applicant to help identifying areas for further development to permit them to learn and improve during the event. After the event the chair completes the reference, discusses the assessment with the applicant, and submits it to World Sailing at [raceofficials@sailing.org](mailto:raceofficials@sailing.org) according to the timeline. The applicant is entitled to a copy of the form, which may be requested directly from the chair.

## B. Qualities and Skills of an International Judge

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### B.1 Ethical Behavior

As participants in the sport of sailing, World Sailing Race Officials are required to meet the highest ethical standards as defined by the World Sailing Code of Ethics.

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 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 event;
- be polite, courteous, open-minded, and patient with colleagues, competitors, officials, team officials, coaches, support persons and hosts;
- respect cultural differences in colleagues, competitors, officials, team officials, coaches, support persons, organizing authorities and host countries;
- 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;
- 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 and vaping in the protest committee room, other buildings, and areas on the event site where this 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 intoxicated during an event.

Judges who do not comply with the requirements of this code of behavior risk the termination of their appointment.

## B.2 Conflict of Interest

In the context of race officials serving at an event, a conflict of interest exists as stated in the Definition Conflict of Interest in the rules.

World Sailing has published documents that Race Officials should consult to determine if they have a conflict of interest with regard to serving at a regatta. They are available on the World Sailing website (search “conflict of interest”, click submit, and select “Documents”).

## B.3 Fitness to Serve

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

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

Function at the event	Necessary skills
	<ul style="list-style-type: none"> <li>• concentration to follow the race and record any issue that might affect the race or result in a hearing</li> </ul>
Judging rule 42 under Appendix P	<ul style="list-style-type: none"> <li>• see above “Going afloat”</li> <li>• a thorough understanding of rule 42, class-specific common kinetics, and Appendix P procedures</li> <li>• knowledge of class-specific changes to rule 42</li> <li>• boat positioning for judging kinetics while minimizing the inconvenience to boats racing</li> <li>• ability to provide a firm but friendly explanation of a penalty to the sailor, without argument</li> </ul>
Going Afloat with Fast Fleets	<ul style="list-style-type: none"> <li>• see above “Going afloat”</li> <li>• ability to withstand fast trips throughout the course, in any conditions</li> <li>• continuous attention for fast-approaching boats and boats that could gybe or tack onto a collision course with you</li> </ul>
Windsurfers/Kiteboards	<ul style="list-style-type: none"> <li>• see above “Going afloat”</li> <li>• knowledge of rule changes in relevant Appendix (B/F)</li> <li>• knowledge of specialized routes for driving the course</li> </ul>
Oceanic / Long-distance Races	<ul style="list-style-type: none"> <li>• thorough understanding of IRPCAS and WS offshore Special Regulations</li> <li>• knowledge of navigation calculations, tracking systems, etc.</li> <li>• knowledge of modified protest procedures</li> <li>• knowledge of discretionary penalty system (time, stop, stay)</li> </ul>
Direct Judging and Umpiring	<ul style="list-style-type: none"> <li>• see above “Going afloat”</li> <li>• a thorough understanding of the fleet umpiring rules and procedures that are in effect</li> <li>• boat positioning for umpiring medal races and for direct judging of fleet racing</li> <li>• making rapid decisions on breaches of Part 2 of the rules</li> <li>• see above “Judging rule 42 under Appendix P”, if appropriate</li> </ul>
Umpiring radio sailing	<ul style="list-style-type: none"> <li>• a thorough understanding of Appendix E and its procedures</li> </ul>



Function at the event	Necessary skills
	<ul style="list-style-type: none"> <li>• making rapid decisions on breaches of Part 2 of the rules</li> <li>• physical fitness necessary to stand and move along the pier for long days of competition</li> <li>• spending long days outdoors in any conditions</li> </ul>

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

Level of My Abilities			
Requirements of the Event	Not Yet / Not Now	Developing	Competent
Hearings			
Going Afloat			
rule 42 Appendix P			
Fast Fleets			
Windsurfers			
Kiteboards			
Oceanic/long-distance			
Direct Judging/umpiring			
Radio sailing			

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

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

## B.4 Allegation of Inadequate Conduct or Competence

World Sailing Regulation, Race Official Performance provides for reports alleging inadequate conduct or competence of a World Sailing Race Official to be submitted in accordance with procedures set out in Policy. Reports could also be made under the Code of Ethics. Reports could also be made under the Code of Ethics and the Safeguarding Policy Against Harassment and Abuse.

## C. Protest Committee

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### C.1 Introduction

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

### C.2 Conflict of Interest

A conflict of interest exists when a World Sailing Race Official has, or reasonably appears to have, a personal or financial interest which could affect the official's ability to be impartial. Before accepting an invitation to an event, each judge must consult the "Guidelines for Assessing a Conflict of Interest for Race Officials" as published on the World Sailing website and act in accordance with these guidelines. (Search "conflict of interest", click submit, and select "Documents").

That may include declining the invitation.

Rule 63.3(c) does not permit a person with a conflict of interest to be a member of a protest committee at World Sailing major events or at other events as prescribed by the national authority of the venue. In addition, a World Sailing Race Official who is aware of a conflict of interest must decline an invitation to serve at an event at which an international jury is appointed.

During the event rule 63.3 guides judges to determine whether they might have a conflict of interest related to a protest or request for redress, and to declare it as soon as they are aware of it.

## C.3 Composition

Usually, the organizing authority appoints the members of the protest committee. In events 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. While the protest committee chair may be asked to send out the invitations to recruit members of the protest committee, the invitations are sent on behalf of the organizing authority or race committee.

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

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

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

If Appendix P is used for on-the-water judging of rule 42 Propulsion, the majority of the protest committee members should be experienced in this specialist type of judging. This is especially important when observers who are not trained judges are appointed in this role.

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

## C.4 No Appeals Juries and International Juries

The rules give parties the right to appeal a protest committee's decisions or its procedures. However, the rules also set out conditions under which the right of appeal may be denied. Most frequently, this is done through the appointment of an international jury that conforms with Appendix N. In addition, rule 70.3 makes three other provisions for permitting the denial of appeals. In these three cases, care

must be taken to obtain the necessary permissions and in the selection of the members of the protest committee to comply with all requirements of the rule.

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

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

The “local” judge, who is often known to event organizers, is often 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 chair and the local judge is the vice-chair. The local judge could offer to help recruit a qualified judge from a different National Authority to act as chair, then with the chair, recruit the remaining members of the protest committee.

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

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

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

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

Some national authorities under their prescriptions require approval for the appointment of an international jury. When approval is required, the organizing authority is usually required to submit details of the event with the names of the proposed chair and members of the international jury.

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

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

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

## C.7 Responsibilities

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

## C.8 Additional Responsibilities of International Juries

The main duties of an international jury are the same as for a protest committee. However, in practice, the higher the event level the more pressure on the judges, organizers, and competitors. Since there is no right of appeal from a protest committee formed by an international jury, the reputation of sailing rests upon the event'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 may be asked to decide questions of eligibility, measurement, boat certificates, and to authorize the substitution of competitors, boats, sails and equipment (see rule N2). Members of the international jury need to be familiar with the requirements in Appendix N.

## C.9 Procedures

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

## C.10 International Jury Panels

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

If a party is dissatisfied with the decision of a panel, except concerning the facts found, they are entitled to a hearing with a full international jury. The request may be made orally or in writing. The Chair would appoint the five-member international

jury from among the members. All parties may attend and bring evidence to the hearing.

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

## C.11 Off-site Protest Committee Members

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

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

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

## C.12 Off-site parties and witnesses

Rule 63.1 grants a party the right to be present throughout the hearing. It also permits the protest committee to proceed with the hearing if a party does not attend.

Best practice is to have all the parties and witnesses physically present during a hearing. However, there are some exceptional cases where the protest committee could offer them to attend the hearing by adopting a remote hearing procedure. Some examples are similar to those for off-site protest committees. In general, if the protest committee decides that its members can be present through a remote system, they could allow the same for parties and witnesses.

## C.13 Recommendations for Remote Hearings

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

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

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

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

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

In some situations, a video conference remote hearing might not be possible, for example, during oceanic races. Only in this case should remote hearings be



processed through emails. This process should be specified in the notice of race or sailing instructions as detailed in the chapter of this Manual, Judging Oceanic and Offshore Races.

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### D.1 Before the Event

#### D.1.1 Pre-event Responsibilities of the Chair

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

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

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

Specific pre-event tasks of the chair and vice-chair include:

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

- establishing a messaging system, such as a WhatsApp group between members of the protest committee (and other officials, if appropriate).

### D.1.2 Deciding on the Extent of the Responsibilities of the International Jury

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

An international jury is independent of, and includes no member of, the race committee or technical committee. A prudent protest committee can suggest improvements and ideas about courses and other race committee matters to the principal race officer but should not attempt to influence the race committee's decisions. This avoids a conflict of interest when judging a request for redress involving an action of the race committee.

### D.1.3 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 organizing authority sets out the conditions under which they are prepared to run the event.

It is therefore important that the notice of race contains the information necessary to enable a competitor to decide whether to invest the time, effort and money to compete in the event. Competitors need information on variations from the racing rules, advertising, eligibility (crew weight restrictions, nationality, measurement or rating certificates, etc.), type of courses, alternative penalties, scoring, and prizes, together with the other requirements of rule J1. Use Appendix J and the notice of race guide published on the World Sailing website to review the notice of race and ensure that all the required information is covered using the standard wording as much as possible.

If an event management system with an online official notice board is used for competitors to access documents or to submit requests (hearing, scoring, crew or equipment substitution, etc.), the notice of race should mention the requirements to access the platform (e.g., a smartphone with internet connection). Specific platform details can be specified later.

However, even after a thorough effort, changes to the notice of race may be necessary. Examples could include the harbor blocked by a vessel or available radio frequencies changed by government authority. In most cases competitors will understand and accept the change; but changes must be kept to a minimum. Changes that could have made a competitor decide not to attend may lead to redress claims.

If there is conflict between the notice of race, the sailing instructions or any of the other documents that govern the event, good practice is to amend the notice of race and/or sailing instructions, or both, as soon as the conflict is discovered.

The chair and vice-chair 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 chair, who reviews them before submitting them to the race committee. All members of the protest committee should review the final document so that any changes can be suggested to the race committee before the event starts. However, last-minute changes should be limited to only those required to sail the event.

#### D.1.4 Allocating Tasks to Protest Committee Members

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

These tasks will vary according to the type of event, and the size of the protest committee. At most events it is useful to establish a shared document repository (e.g. Dropbox or Google Drive) with all the applicable rules, notice templates, a spreadsheet with protest committee member tasks, and information about any online systems that the protest committee will be expected to use at the event. The protest committee chair should take account of the experience of each of the committee members, any requirement to conduct international judge reference assessments and local language considerations. It is good practice to ask committee members for their task preferences and, if possible, take these into account when allocating tasks.

#### D.1.5 Typical tasks for many events

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

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

**Liaison with the race committee.** This task usually involves attending a daily meeting and communicating the intentions of the race committee back to the

protest committee. Agree on which committee will post the protest time limits after racing each day. It may also involve the diplomatic communication of any issues that the protest committee decides should be drawn to the attention of the race committee. This task is sometimes allocated to a member who is also a qualified race officer.

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

**Questions and answers.** This task is to lead a subset of the protest committee in receiving written questions to the protest committee and preparing answers to be published on the official notice board.

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

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

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

**Rule 42 infringement schedules.** When Appendix P applies, this task is to gather the infringements, post them as required by the sailing instructions, and communicate any scoring changes to the scorer.

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

**Notice board.** This task is to ensure that the event notice boards and websites are displaying the correct information in accordance with the rules, and that any changes to the scores from the protest committee are in the results.

**Systems lead.** This task is assigned to a member who has experience with and is most familiar with the event management system being used at the event. This includes any event management software, event websites, document repositories (such as Dropbox, Drive etc.) and communications systems (such as Telegram, WhatsApp etc.). The task is to establish how these systems are intended to be

used, ensuring they are set up correctly and assisting or training other protest committee members accordingly.

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

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

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

**Social, lunch and water.** This task is to ensure that judges have lunches and waters to take afloat or have ashore, making arrangements for evening meals, and keeping the protest committee informed on any functions they are expected to attend.

**Track good ideas for future events.** This task is to note all comments, changes to the SIs, changes to practices of the protest committee, and other procedures that happened during the event. Work with the chair to compile a post-event report.

**Post-event report.** The chair or their delegate compiles the post-event report including relevant ideas gathered throughout the event, to submit to the organizing authority.

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

## D.2 At the Event

### D.2.1 Arrival

The protest committee chair will arrange with the organizing authority the arrival schedule for the judges, based on the event schedule. The more members who arrive during pre-racing activities, the better. At the latest, all members should be

in attendance the day before racing commences, or that morning if racing begins in the afternoon. This allows for the competitors, event staff, race management and judges to get to know each other. It also enables the protest committee to be available to respond to questions about measurement or equipment inspection or the sailing instructions and other race documentation. If it is not practical for all members to arrive early, there should be at least a majority of the panel present including either the chair or vice chair.

### D.2.2 Facilities and Equipment

The facilities and equipment to be used by the protest committee at the event will need to be set up and checked. For example:

- A suitable reception point, or protest desk is set up.
- Suitable hearing room(s) have sufficient chairs, tables, lighting, protest boat models, TV screen for the display of videos.
- The official notice board is located where designated in the sailing instructions and is properly identified. When the official notice board is online, the provision of TV screens displaying the notice board in competitor areas.
- Access to a printer, a dedicated photocopier, and fast internet.
- Communication channels where needed have been agreed between the chair, race committee, scorer, web master etc.
- All notices required to be on the official notice board in good time are posted. e.g. (national authority prescriptions, denial of right of appeal etc, class approval of any changes to class rules etc.)
- Access codes for the internet, and event management systems are available.
- Hearing request forms and scoring enquiry forms are available at the protest desk.
- Jury boats, flags, radios, safety equipment are available. Mooring, keys and refuelling procedures are identified.

### D.2.3 The First Meeting of the Protest Committee

The purpose of the first meeting of the protest committee is to start to make the members into an integrated team. This first step in team building relies on giving each individual opportunity to voice their opinion with respect to any decisions and processes that are adopted for the event.

One important task is a last-minute check of the sailing instructions. However, at this late stage it is important to limit any proposed changes to those that are essential. Any changes thought necessary to the sailing instructions must be made by the race committee. Diplomacy during this first interaction is very important. A cooperative first experience between the race committee and the protest committee will often lead to respect between the two bodies over the event.

The task list with allocated areas of responsibility for each judge can serve as the agenda for pre-race meetings where each jury member should lead discussion of

their allocated area, and where any concerns can be addressed before going afloat. Members who attend other meetings must report back each day, so that any necessary actions can be taken.

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

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

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

The protest committee should also discuss its operational policies. Discuss when to protest a boat, deciding discretionary penalties (if invoked by the sailing instructions) and consistency in decisions about redress by different jury panels.

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

#### D.2.4 Pre-Race Meeting with Race Committee Chair, Principal Race Officer and Other Officials

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

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

#### D.2.5 Briefing of Competitors

Many events feature a competitors' briefing. Its main purpose is to introduce the key individuals of the race committee, technical committee and protest committee



to the competitors. This will allow a competitor to know who to speak to for help solving a problem during the event.

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

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

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

Remind youth or less experienced competitors of the importance of taking a penalty promptly for breaking a rule, whether or not the boat is protested. Also remind them of the penalties in rule 44 for breaking a rule of Part 2 or hitting a mark. Stress 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 event procedure question. Great care must be taken in responding. While the protest committee wants to help competitors by answering their questions quickly, questions are often more complicated than they first appear. If the answer is not obvious, it is best to ask the competitor to submit the question in writing, so the protest committee can give it proper attention, and answer in writing. It is also helpful to emphasize that no answer to a question becomes official until both the question and answer are posted on the official notice board.

## D.2.6 Communicating with Support Persons

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

The organizing authority will often arrange a meeting of support persons before racing begins and, if possible, each morning during the event. The protest

committee chair or their representative should attend these meetings, if possible. Such meetings provide an informal interface between the competitors, the race management team and the protest committee, but in no way do they replace official communications to competitors posted on the official notice board.

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

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

### D.2.7 Communicating with the Media

The media play an important part in any event. Journalists and others involved in communicating with the 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 chair is usually the person who communicates with the media to represent the protest committee.

### D.2.8 Appointing an Investigator, rule 69 allegations

An investigator ideally should be appointed before the event, just in case an allegation is made under rule 69. The investigator must be free of any *conflict of interest*, so great care is needed in making the appointment. If necessary, it could be one of the judges, as the minimum requirement for the panel for the hearing is only three members. If so, factors such as the issue leading to the report, age, gender, language and country of the participants, and balance of the remaining protest committee could influence the decision. An investigator who presents the case in a hearing becomes a *party* as per the Definitions and cannot then take part in panel discussions or in making any decisions. Refer to the section on rules 2 and 69 in this Manual and to the World Sailing Misconduct Guidance document available on the World Sailing website. (Search “misconduct”, click submit, and select “Documents”.)

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### E.1 Hearing Management

At most events a protest desk is established for receiving hearing requests, scheduling hearings and handling enquiries from competitors and support people. This desk is overseen by an assigned jury member, together with a jury secretary, if appointed.

A secretary may be appointed to assist with the administrative tasks of the protest committee. The person is most frequently referred to as the jury secretary, and that term is used throughout this section. This person could be a local judge in training. A person with strong organizational skills who speaks the local language and has some understanding of the jury processes is also an asset to the committee.

Many events now use event management systems which have a section for jury hearings and notices. All protest committee members and the jury secretary need to be familiar with the capabilities of the system and be able to use it.

Ideally the protest desk should be situated next to the jury room(s), easily accessible by competitors, and taking into consideration that at some events they might come in wet. Those who manage the protest desk should check that:

- The hearing room has a table and sufficient chairs, lighting and internet access.
- The official notice board is located where designated in the sailing instructions and is properly identified, with space for notices from the protest committee.
- There is access to a printer, a dedicated photocopier, and fast internet with a WIFI code.
- The communication between the chair, race committee, scorers, and others has been agreed and is operating.

- A messaging system, such as a WhatsApp group between members of the protest committee (and other officials, if appropriate), is established and working.
- Any letter regarding denial of right of appeal or constitution of the international jury, if applicable, is displayed on the official notice board.
- Hearing request forms, scoring enquiry forms and penalty acceptance forms are available at the protest desk.
- Each hearing room has a folder containing a paper copy of the notice of race, sailing instructions, any amendment, any other relevant document like Standard Penalties, Equipment, Safety, Media Regulations, Hearing Checklist and Observer Form. Check this folder daily to see that it remains up to date.

The protest committee might set up an event folder using Dropbox or Drive. It could include all relevant rules and documents, an inventory of arrivals and departures of the protest committee members and their dietary requirements and food restrictions. It could also include a folder to save the case files for after the event.

Unless these can be found on an online notice board, the protest desk should be able to provide the protest committee with the daily protest time limit(s) and the daily list of alternative penalties taken, if prescribed in sailing instructions.

## E.2 Daily Administration

Each day, each member of the protest committee needs to be informed of any changes to the sailing instructions or other rules. The section of the official notice board for notices from the protest committee must be kept up to date.

Although most applications for crew substitutions and haul-out requests are processed by the race committee, sailing instructions might specify that these require approval of the protest committee.

Check the results to confirm that score changes from the protest committee have been included.

## E.3 Receiving Hearing Request Forms

The protest committee should have fully established the procedures to be followed when hearing requests are received on paper, online, or both.

The protest desk must always accept, and never reject any request for a hearing, whatever form it takes, and even if it is received after the protest time limit. Only the protest committee may decide on the validity of the request in a hearing.

When a hearing request is received on paper, it should be given a number, date, time, the protest time limit, and the initials of the person who received it. Record this information on the request form and in the log of requests received. If an online

system is used and a paper form submitted is then entered into that system, the case number will be allocated by that system, so that number should be written on the paper when the online case is published.

Hearing requests received through an online event management system will automatically be date-stamped and time-stamped. Check whether the system has assigned it a case number, and if not, then add it.

Check on the alternative penalty list whether either party to the hearing took a penalty and if so, add this paper to the hearing request.

Check the scoring enquiries of that day to see if any match a hearing request. If so, add it to the hearing request.

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

## E.4 Recording and Copying the Hearing Request Form

### E.4.1 Events using paper hearing requests

The papers for each hearing should be kept in a Case envelope, either a transparent folder or a paper envelope with the protest details written on its front. Using a transparent folder is quicker as it eliminates the need to transcribe the information to a cover sheet and the possibility of making transcription errors.

Copies of each request form are made for each member of the hearing panel, and one for each of the parties. Keep the original on file.

Post the hearing schedule on the official notice board as soon as possible to inform all parties of the hearing request. Include the class, race number, the protestor and protestee or the requester and committee named in the redress request. The time and place of the hearing may be added and updated as the schedule develops, and the hearings are completed.

### E.4.2 Events using an event management system with online hearing requests

Electronic event management systems have a wide range of capabilities that may be in use. It is important to be fully aware of how your system works for receiving hearing requests, publishing them on the official notice board, and notifying the parties of the hearing request and the time and place of the hearing.

Hearing requests may be completed online. Some systems permit attachments like video evidence to be uploaded along with the hearing request. Hearing requests completed online are automatically date-stamped and time-stamped. The system might assign a case number, while other systems will need the case

number to be assigned manually. The system might publish the hearing request automatically, or it might request approval for publication online.

Check the online official notice board frequently to confirm that what is intended to be published is in fact published properly. If possible, have a TV screen displaying the online official notice board, visible to the judge at the protest desk and competitors waiting for hearings.

Some systems notify the parties to the hearing of the hearing request as soon as they are received. They also notify the parties of the time and place of the hearing. They also make the hearing request available to each party.

Even if the event has an online system to submit hearing requests, it is normal to receive some hearing requests on paper. Process these requests like any other paper request, stamping with the time of receipt. Enter the details (class, race number, protestor or requester and protestee or requestee, time of receipt) in the on-line system so that it gets the next case number in the sequence. Scan the hearing request form and attach it as a document to the hearing request in the event management system.

## E.5 Protests Considered for Arbitration

The chapter on Arbitration in this Manual explains the procedures when a protest is considered for arbitration. When a protest between boats is delivered to the protest desk, it will be processed and passed to the arbitrating judge, who will determine if the protest meets the requirements for arbitration. If so, the arbitrator will follow the procedures for Arbitration (Appendix T). The notice of hearing should be posted on the official notice board right away. This ensures that the arbitration and hearing, if necessary, may proceed as soon as possible.

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

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

## E.6 Accepting a Penalty in an Incident

Whether or not she was protested, a boat may report within the protest time limit that she has broken a rule which is subject to a discretionary penalty. In this case, no hearing is required. The protest committee will take the evidence it considers appropriate and decide the appropriate penalty.

When a protest has been delivered, a party may accept a penalty prior to a hearing. A judge will ask whether the incident resulted in any damage to any boat or injury

to a competitor. If there was no injury or serious damage, the boat may take any alternative penalty available in the sailing instructions or retire from the race. If there was serious damage or injury, the only penalty available is to retire from the race. The judge will ask the boat's representative to write and sign an acceptance of the penalty.

In all cases of acknowledgment, the protest must be presented to the protest committee. If possible, alert the protestor and verify if they wish to withdraw the protest.

## E.7 Withdrawing a Hearing Request

A hearing request may be withdrawn before a hearing, with the permission of the protest committee. When Appendix T Arbitration applies, the arbitrating judge may act on behalf of the protest committee to allow the withdrawal. Otherwise, the protest committee must decide the request. The sailing instructions may change rule 63.2 to permit the protest committee to delegate this task to one member.

## E.8 Scheduling Hearings

Hearings should be scheduled on the official notice board as soon as possible. Postings could begin before the protest time limit. Hearing requests that are submitted later could be posted after the time limit for posting notifications of hearings.

Inform the race committee and technical committee promptly of any requests for redress. This allows them as much time as possible to investigate the requests before the hearing. When a request for redress is actually a scoring enquiry, schedule the hearing, and consult with the race committee to arrange a meeting between the race officer and the boat's representative prior to the hearing.

Inform the parties as soon as possible of their scheduled hearing time. If the first hearing is scheduled before the end of protest time, the protest committee will confirm whether the parties have had enough time to prepare. The first few hearings are best scheduled at 20-minute intervals, and then at half-hour intervals for each hearing panel. Thus, if the first one or two requests are invalid, there is little delay. Should the first hearings take much longer, the remaining hearings can be rescheduled.

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



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

Some event management systems send messages to parties to hearings via email, or txt, or chat systems (WhatsApp, Telegram etc.) to inform them of the requests and of the hearing schedule and any changes. This can markedly improve communication with competitors if it is working and if email addresses, phone numbers etc. are correct.

While not a requirement in the rules, it is good practice for the protest desk to have all competitors' contact information included in the registration information. When there is doubt about whether a party knows about a hearing request, attempt to call them, or to broadcast a message on the event general information chat group.

The objective is to keep the protest committee working until all hearings are complete. Keep the competitors waiting for as short a time as possible. If hearings get behind schedule, post an amended schedule so that parties to the hearings may get changed or go for a meal.

## E.9 The Hearing

When the protest committee is ready to proceed, call in the parties, usually one from each boat, and interpreters if necessary.

Before the hearing begins, the chair will ask if the parties intend to call witnesses and whether they are standing by outside the room. Check that they cannot hear the proceedings before they come in to give their evidence.

If observers are allowed, remind them of the rules for observers and have them record their names.

Check whether any party took a penalty in the incident. Ask also whether any party wishes to withdraw the hearing request.

For paper-based events, after each hearing, record the decision, and file the original protest form, protest committee members' notes, and any other papers received during the hearing. The protest desk should communicate results of hearings and score changes to the scorer immediately after each hearing. Post the result of the hearing on the official notice board.

For events with event management systems decisions are usually automatically posted online, and scoring changes automatically communicated to the scorer. Consider how much detail is given, given the large audience for posted decisions. Often there are options for short and full decisions.

On the last day of the event, there is a 30-minute time limit after a hearing decision was posted to request a reopening or redress based on a protest committee's



decision from a hearing. Post the hearing decisions and the individual time limits for reopening and redress promptly on the official notice board, stamped with the date and time of posting.

The protest desk should ensure that a full written decision is made available for any party to the hearing who requests the decision. For events using paper, the decision would be available the next day, except on the last day of the event. When an event management system is in use, full decisions are usually published automatically online. If only short decisions are published, the full decision could be e-mailed to the party, upon request.

## E.10 After the Last Race

The protest desk, in consultation with the chair, 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. Alternatively, the case files could be scanned and submitted electronically.

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## F.1 General Principles, Jurisdiction

There are four different types of defined hearings within the rules - a protest hearing, a redress hearing, a hearing to consider whether a support person has broken a rule, and a misconduct hearing. This chapter discusses the rules and procedures for initiating, conducting and deciding these hearings as presented in RRS Part 5. Misconduct under rules 2 and 69 is covered in Chapter G, Rule 2 and Rule 69.

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

Rule 6 lists World Sailing Regulations that competitors, boat owners and support persons shall comply with. These have the status of a *rule*. Check each Regulation or Code before proceeding with any protest for breaches.

Appendix M, Recommendations for Protest Committees provides standard procedures and considerations for hearings.

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

There are other types of hearings that are not so specifically defined. Under rule N2, an international jury may be asked to decide a matter that directly affects the fairness of the competition. For example, the organizing authority asks the protest committee to decide a question on eligibility or measurement that is not a result of a protest or request for redress. Such a request may require obtaining evidence from competitors, officials or other participants in a hearing.

### F.1.1 Preparation Before the Hearing

Many different room configurations for hearings work well, depending upon the available space and furniture. Most often the protest committee sits on the side of the table facing the door with the protest committee chair in the middle. Protest committee members may be identified by name tags or name plates.

Parties should sit opposite the committee. A witness giving evidence should sit between the parties.

No alcohol, smoking or vaping should be allowed in the hearing room. All mobile telephones and recording devices must be switched off. A policy for non-alcoholic drinks or coffee is usually established at the initial protest committee meeting.

Protest committee members should dress appropriately for the event and its venue. The organizing authority may provide the members with event clothing. If so, it may be appropriate to wear it in hearings to give the impression that the protest committee operates as part of the team. However, it also may be a problem when the protest committee and the race committee are both wearing the same event clothing, for example at a redress hearing for a boat claiming an improper act or improper omission of the race committee or organizing authority.

The protest committee should review the hearing request form before the hearing to understand the issues involved and to gather relevant documents. Any member having a conflict of interest should declare it and be replaced on the hearing panel, if necessary.

Before starting the hearing, make sure that each party was given access to the protest, request for redress, or report to be considered at the hearing, they had reasonable time to prepare, and they are ready to proceed. A request for more time to prepare should be considered on its own merit. If the material has been available for 30 minutes since the end of protest time, and all the postings were timely, the chair might give the party only ten minutes. If the protest committee is asking to start the hearing before the scheduled time, the chair might give more time to prepare a defense. Also ask the parties to have their witnesses standing by outside the hearing room.

In the hearing, use a checklist throughout the process to be sure to follow proper procedure. The Hearing Checklist can be found in the Document Library of the International Judge section of the World Sailing website.

### F.1.2 Hearing More Than One Request Concurrently

The protest committee may combine hearings which arise from the same or very closely connected incidents into one hearing. Examples are a protest and a counter-protest, or several protests that appear to relate to the same incident, or multiple requests for redress related to the same issue. If the protest committee has doubts about whether protests or redress requests are about the same incident, assume that they are, and start the hearing with all the parties. Provided that at least one is valid, the hearing may proceed with the named parties.

### F.1.3 Rights of Parties rule 63.1

The parties to the protest are allowed to have a representative present during the hearing and to ask questions of any person giving evidence. A party to a hearing is a defined term. Depending on the hearing, it may be a protestor, a protestee, a boat requesting redress or for which redress is requested, a race committee, a technical committee, a person against whom an allegation of a breach of rule 69

is made, a person presenting an allegation of misconduct, or a support person and any boat that person supports. The protest committee is never a party.

When the protest claims a breach of a rule of Parts 2, 3, or 4 the representatives of boats shall have been on board at the time of the incident, unless there is a good reason for the protest committee to decide otherwise.

When a party requests to postpone because the time of the hearing is inconvenient, the protest committee must decide to what extent, if any, to accommodate the competitor.

When a party is absent and the required notice of the time and place of the hearing was properly posted, the hearing should normally proceed without that party's representative unless there are special circumstances for their absence. If that party then arrives during the hearing, investigate whether the party was unavoidably late. If so, it is advisable for the protest committee to restart the hearing. If that party arrived late for no good reason, the protest committee will allow that party to join the hearing at the current stage. The evidence they missed need not be repeated. The protest committee is not required to revisit the question of validity of the protest or request for redress unless evidence presented later causes them to do so. The party who arrived late is allowed to give evidence and call witnesses, no matter how late in the proceedings they arrive.

When neither party attends the protest hearing, the committee should first consider whether there was an error in the posting of the time or place of the hearing. If the parties were properly notified, the protest committee may act without the parties. When this occurs, the protest committee should be ready to reopen the hearing on request, if good grounds are provided for the non-attendance.

#### F.1.4 Interpreters

Ensure that parties who are not fluent in English are able to comprehend and communicate in English. Protest committee members should speak slowly and clearly to assist the party in understanding what is being said.

If a party speaks enough English to state their difficulty understanding English, start the hearing without an interpreter but be prepared to allow an interpreter to be present. Ideally a member of the protest committee would serve as the interpreter. If a coach or team member is the only available interpreter, the chair must ensure that the interpreter does not provide an unfair advantage to the party. Remind the interpreter of their role as an interpreter, and not to clarify a question or to give advice.

#### F.1.5 Withdrawing a Protest or Request for Redress rule 63.2(a)

Once a hearing request has been received, the party's request to withdraw the protest or the request for redress must be approved as a decision of the protest committee. The protest committee should determine why the party is asking for it to be withdrawn. Permission to withdraw a protest would not be given if the

protestor is being coerced or may themselves be in breach of rule 2 Fair Sailing.

## F.2 Protests rule 60

### F.2.1 Protest Contents rule 60.3(a)

The protest must be delivered in writing by the method identified in the sailing instructions. It must identify the protestor and the protestee. In almost all cases, this will be by sail number or the boat's name. If the protest misidentifies the boat, for example intends sail number 51 but writes 15, then the protest against 51 is unlikely to be upheld since 51 was not involved in the incident. If the protestor then decides to protest 15 after the protest time limit, there would not be good reason to extend the time limit.

There must be adequate information for the protestee to identify the incident and understand the allegation. When the incident is not identified, the protest will be found invalid.

### F.2.2 Validity of the Protest rule 60.4

The protest committee must address the validity of a protest before the hearing can continue. If the evidence is that the protest is valid, then a simple nod of agreement by the judges to the chair is enough to announce that the protest is valid. If there is conflicting evidence, ask the parties and any observers to leave the room while the protest committee deliberates. The protest committee's decision is based upon the probabilities.

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

### F.2.3 Protests by Boats in the Racing Area rule 60.2

There is currently no World Sailing Case to interpret the word "reasonable" in the requirement to hail "Protest at the first reasonable opportunity". Judges must use common sense to interpret the requirement. The rule does not use the term "immediate", but it does not take long to make a hail. When the protestee states that a hail was not heard, a crew member may be asked to provide evidence as a witness. The protest committee may not decide, "the rule requires a hail – it does not require that it be heard".

It is not sufficient to simply obtain the protestor's opinion that the protest is valid. This may require that the protest committee investigate deeper if the protestor states that they hailed "protest" immediately. Give both parties the opportunity to give evidence on the validity requirements.

When required, a red flag must be conspicuously displayed at the first reasonable opportunity after the incident and until the boat is no longer racing. A protest flag must be seen primarily to be a flag (World Sailing Case 72). No protest flag is required from boats less than six metres unless specifically stated in the notice of

race or sailing instructions as allowed by rule 86.

The protest committee will weigh the evidence and decide on the balance of probabilities, whether these requirements for validity were met.

There are exceptions to the requirement of the protesting boat to hail or display a flag at the time of the incident. One is if the protestee is not within hailing distance at the time of the incident. Another is if the incident was an error in sailing the course. The protestor still has the obligation to inform the other boat of their intention to protest at the first reasonable opportunity. A further exception is if at the time of the incident it is obvious to the protesting boat that a member of either crew is in danger, or that injury or serious damage resulted. In this case, the boat shall attempt to inform the other boat within the protest time limit of her intention to protest.

#### F.2.4 Validity Involving Injury or Damage

If a protest is invalid, but the incident may have resulted in injury or serious damage, the protest committee may deliver a protest and proceed with the hearing. The protest committee may need to view damage to a boat or gather evidence about an injured competitor. If the protest committee later finds that the damage was not serious, or the competitor was not injured, then the protest committee should reopen the hearing of its protest and correct its error by deciding the protest was invalid.

#### F.2.5 Validity of Protests for Incidents not in the Racing Area

When the protest involves an incident that is not in the racing area, the only requirement for the protestor is to inform the protestee of their intention to protest at the first reasonable opportunity.

#### F.2.6 Time Limits to Deliver Protests

Rule 60.3 sets two different time limits for delivering a protest to the race office:

- for protests about an incident observed in the racing area, the time limit is two hours after the last boat in the race finishes;
- for protests about incidents not in the racing area, the time limit is two hours after the relevant information is available to the protestor.

The sailing instructions may state a different protest time limit instead.

A protest shall be delivered to the race office (or by such other method as stated in the sailing instructions). A protest is delivered when it is received by any official acting on behalf of the race committee or protest committee or when the on-line platform receives it. If the protest is delivered after the protest time limit, the protest committee must accept it. For paper protest forms record the time of receipt on the first page.

If the protest is delivered late, the protest committee takes evidence at the hearing on the reason for it being delivered after the protest time limit. When there is a good reason, the protest committee shall extend the time limit and



record its action.

### F.2.7 Protests by the Race Committee, Technical Committee or Protest Committee

A protest initiated by the race committee, technical committee or protest committee must meet all validity requirements.

A committee is required to inform the boat of their intention to protest after the race within the protest time limit. It may do so orally or by posting a notice on the official notice board.

It must meet requirements for contents, being in writing and identify the protestor, the protestee and the incident. However, a committee protest based on information from a request for redress or an invalid protest or a report from a person with a conflict of interest is invalid. The protest must be delivered to the race office within the time limit set for an incident observed in the racing area, or for other incidents.

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

Protests concerning class rules may be initiated by a boat, the race committee, the protest committee, or the technical committee. The class association, national authority or an independent measurer do not have the right to protest.

The technical committee may protest based on measurement problems during pre-event inspection or during a post-race equipment inspection.

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

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

Rule 63.4(d) requires a member of the protest committee who saw the incident, to state that fact to the parties attending the hearing. That member may give evidence as a witness. The evidence should be restricted to what was observed and not about any conclusions as to whether a rule was broken.

Protest committee members who give evidence may participate in the deliberations and the decision, since they have no conflict of interest. They are a part of an independent body, with nothing to gain or lose from the decision. They



may not give any new evidence after the parties have been dismissed.

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

## F.3 Redress rule 61

### F.3.1 Who May Request Redress?

A boat may request redress for itself or for another boat.

The race committee and the technical committee may request redress for a boat or boats.

The protest committee may call a hearing to consider redress for a boat or boats. It may be 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.

### F.3.2 Parties to a Redress Hearing

The definition of party includes a boat requesting redress or for which redress is requested by the race committee, or the technical committee or considered by the protest committee. In such cases, all boats for which redress is being considered are allowed to have a representative present throughout the hearing.

Such a large hearing requires careful management. Find a space large enough to allow all parties to be represented. This may mean gathering outside in a quiet corner of the boat park. The protest committee chair will explain that all parties who wish to give evidence will get a chance to speak. Ask the parties not to restate evidence that has already been presented. With this request, the result is often that the first few parties will explain their reasons for requesting redress, then most other parties will respond, "I have the same evidence and opinion."

After deciding to give redress and the redress to give, the protest committee may conclude that other boats are also entitled to redress, even if they were not parties to the request for redress. If more investigation is needed and time permits, the hearing could be adjourned, and a new hearing started, after notifying all boats which could be entitled to redress. As all parties to the redress hearing must be notified of the time and place of the hearing, proper notification must be posted on the official notice board. In this situation, it may also be beneficial to phone, e-mail or SMS all the parties, particularly if the time for posting protest notices has expired. The hearing then must restart from the beginning as the new parties to the hearing are entitled to hear all the evidence.

### F.3.3 Pre-Race Requests for Redress

Any request for redress submitted before racing begins should be heard at the first reasonable opportunity. Any such claim could only relate to an alleged improper action or improper omission by the organizing authority or race committee. Examples might be issues raised in the notice of race or sailing

instructions, measurement procedures, eligibility or exclusion of a competitor.

#### F.3.4 Validity of a Request for Redress rule 61.2

A valid request for redress must be in writing and state the reason for making it.

No protest flag is required, and there is no obligation for the boat requesting redress to inform the race committee.

Any protest by a boat against the organizing authority, the race committee, the protest committee or the technical committee may be accepted as a request for redress, provided it complies with the requirements of rule 61.2.

Rule 61.2(b) sets three different time limits for delivering requests for redress to the race office:

- if it is based on an incident in the racing area, within the protest time limit or two hours after the incident (whichever is later);
- if it is based on a protest committee decision on the last scheduled day of racing, no later than 30 minutes after the decision was posted;
- for all other requests as soon as possible after the relevant information is available.

The time of the incident depends on the circumstances of each request. In the case of a scoring error, or where a boat has been scored OCS or similar, the time of the incident would usually be when the results were posted, as this is when the relevant information is available.

When a request for redress is received outside the time limit, the protest committee must extend the time limit if it decides that there is a good reason to do so.

### F.4 Conduct of Hearings rule 63

#### F.4.1 Starting the Hearing

The hearing is now ready to start. Hearings should be conducted in a formal but friendly way, so that the parties feel they had their evidence seriously considered. The protest committee should be polite but always in control.

It is good practice for the chair to remind the parties that this is the deadline to take a Post-Race Penalty if Appendix T is in effect. The chair then officially declares the hearing started.

Appendix M, Recommendations for Protest Committees provides standard procedures and considerations for hearings.

Validity is considered first. If the request is invalid, rule 63.4(a) requires that the hearing shall be closed.

#### F.4.2 Observers

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

hearings to observers. Open hearings can greatly enhance the respect for and understanding of the hearing system.

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

Observers may include persons not connected with the hearing, such as other competitors, parents, coaches, club members and the press or media.

Advise observers that they may not give evidence as a witness. They must remain silent and not record or photograph any part of the hearing. They must leave the room while the protest committee deliberates.

#### F.4.3 Conflict of Interest rule 63.3

A judge who is a protest committee member shall declare any possible conflict of interest to the parties when they are introduced. Nationality, club membership, or past protest hearing results do not fit within the definition of conflict of interest.

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

If a judge has declared a conflict of interest, and, knowing the conflict, both parties consent, the member may remain on the protest committee.

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

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

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

If the protest committee concludes:

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

then the judge would remain on the protest committee.

If the protest committee decides

- (1) the conflict of interest is significant and
- (2) a party to the protest does not consent,

then the judge would not remain on the protest committee for that hearing.

When a request for redress alleges an improper action or improper omission of a committee, a member of that committee should not be a member of the protest committee for that hearing.

Furthermore, for World Sailing major events, or for other events as prescribed by the national authority of the venue rule 63.3(c) does not apply and a person whose connection meets the definition conflict of interest

shall not be a member of the protest committee.

#### F.4.4 Taking Evidence rule 63.4

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

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

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

#### F.4.5 Witnesses rule 63.4(b)

The protest committee is required to take the evidence from the parties present at the hearing, their witnesses, and any other evidence it considers necessary.

A party to a hearing has an obligation to prepare for the hearing, to locate witnesses, to collect evidence in advance of the hearing, and to request a postponement if it is needed. If a witness or other evidence is known to exist but cannot be available in time for the hearing, it is the responsibility of the party to ask for additional time. The scribe will record any such request.

When witnesses are called, a member of the protest committee or the protest committee secretary should escort the witness into the room. This eliminates any coaching of the witnesses after the hearing has started. If a party asks if more witnesses are needed, the chair should respond, "it is up to you to decide if the witness can provide relevant additional evidence". Rule 63.4(b) permits the protest committee to exclude evidence which is irrelevant or unduly repetitive.

Allow witnesses to show the incident with model boats from their own angle, even if this is more difficult for protest committee members. Not all people are good at

mental rotation of objects in space, and the requirement to rotate their presentation could interfere with their recall of the incident.

Ask the parties and witnesses to keep the assigned colors of models to their boats involved in the protest to help to identify the boats correctly throughout the hearing. Before each witness enters the room, scramble the boat models and place the same color boats in front of the assigned party.

Protest committee members who saw the incident shall declare this fact while the parties are present. Members who know something that is relevant but was not revealed by the evidence from the parties and witnesses, may give that evidence in the presence of the parties. Never introduce new evidence from any source without the parties present.

#### F.4.6 When A Third Boat May Have Broken a Rule, rule 63.2(d)

Sometimes in a protest hearing, after hearing the evidence, it becomes clear that a witness or another boat might have broken a rule and should be included as a party in the hearing. At that moment, the chair will stop the hearing, and the protest committee will immediately deliver a protest to the other boat.

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

#### F.4.7 Leading Questions

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

*You saw me steering a straight course, didn't you?*

*Do you agree that as I was sailing toward the mark, I had a half boat length overlap?*

*Had the boats reached the zone when the overlap was established?*

This question accepts the overlap to be true. A better question would be: "position the two boats relative to each other when the lead boat got to the zone."

Avoid multiple choice questions. Not, *how many lengths, 1, 2, or 3?* but simply, *how many lengths?*

The question, *how far apart?* will lead witnesses to respond with a greater number than the question, *how close?*

A better question is, *Position the two boats relative to each other and estimate the distance between them.*

The chair should discourage leading questions, then advise parties how to rephrase the question.

#### F.4.8 Hearsay and Written Evidence rule 63.4(b)

The term “hearsay evidence” is a technical legal term meaning evidence which is given by a person who has no direct knowledge but has simply heard or received it from another party. Hearsay evidence can be in the form of a witness telling what someone told them, or written reports or statements where the author is not called as a witness, or audio or video or tracking information that is not authenticated.

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

Hearsay evidence is admissible. However, the protest committee must give appropriate weight, which may be little or no weight at all. Different types of hearsay may be given more or less weight. For example, mark rounding sheets, where the race committee member who recorded the information is not called should normally be given significant weight. Similarly, tracking information or photographs or video, without calling a witness to authenticate the information, can be given significant weight in the sense that the information is considered to be authentic. The reliability of the information and the weight to be given to it must be considered separately. A letter or an email from the technical committee or from a class association about facts that are generally within the author’s knowledge should be given significant weight, but not conclusive weight. On the other hand, hearsay evidence of the description of a racing incident should be given little or no weight.

#### F.4.9 Photographic and Video Evidence Appendix M8

Photographic and video recordings may be accepted as evidence at a hearing and can sometimes be useful. However, the protest committee should understand their limitations and problems. A limitation of video evidence is that the depth of field of any camera is poor and with a telephoto lens, it is non-existent. When, for example, the camera's view is at right angles to the courses of two overlapped boats, it is impossible to assess the distance between them. Conversely, when the camera is directly ahead or astern, it is impossible to see when an overlap begins or even if one exists, unless it is substantial.

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

Use the first viewing of the recording to become familiar with the scene. Where



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

Allow the recording to be viewed first without comment. Then give each party the opportunity to show the recording with their comments. Each party and the protest committee may ask questions about the recording and the parties' opinions of the recording.

Since a typical incident is brief, view it as many times as needed to be sure that each protest committee member has extracted all the information needed.

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

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

If the protest committee views video evidence prior to the hearing, the video must be shown during the hearing. All parties are allowed to have a representative present throughout the hearing of the evidence and given the opportunity to comment on and question the evidence.

#### **F.4.10      GPS and Internet Tracking Evidence**

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

##### **Single GPS location history (Snail Trail)**

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

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

inshore where the depth might be unsafe for sailing.

### **Internet Tracking & Application Display Information**

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

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

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

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

### **Frequently Asked Questions**

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

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

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



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

### **Other considerations in a hearing**

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

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

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

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

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

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

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

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

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

## **F.5 Facts, Conclusions and Decisions rule 63.5**

### **F.5.1 Evaluating Evidence**

Human perception begins with expectation based on prior knowledge. Persons with good race memory know where to look at the time of the incident and to recall incidents in detail, including nearby boats, positions and relative speeds of boats,

and the sequence of events. Competitors are usually good at judging distances between boats. However, people are not good at judging time durations. With good rules knowledge also, the witness will present evidence that is likely to fit within the requirements of the rule believed to apply. Persons who do not know the rules well may miss important details on boat positioning that are needed to find facts.

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

### F.5.2 Finding the Facts

The protest committee establishes the facts that support the conclusion and decision, even when the parties present widely differing evidence. Varying evidence is common and reflects different perspectives on the incident. If one party says the boats were one meter apart while the other says three meters apart, the protest committee must decide on the balance of probabilities which opinion is more credible. When all the evidence is reviewed, the distance that is determined will become a “fact” that the decision is based upon, even if that distance is neither one meter nor three meters.

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

### F.5.3 Deliberations

Often all members have individually reached the same facts and conclusion. The chair can save considerable time by asking each member for their conclusion. If everyone has come to the same conclusion, then writing the facts and conclusions goes very quickly. Finding that the members have not all reached the same conclusion allows the committee to quickly focus on the differences.

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

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

#### F.5.4 Resolving Differences Between Protest Committee Members' Opinions

Decisions of the protest committee are made by a majority vote of all members. Try to obtain agreement among the protest committee members. Establish the most likely scenario by weighing the evidence. If necessary, recall the parties to obtain any missing information or further clarification. Once any differences of opinions among the protest committee members have been resolved, use the procedure in the previous paragraph. A vote can be useful, especially if different views persist after a reasonable time for discussion. When there is an equal division of votes cast, the chair of the hearing may cast an additional vote (rule 63.5(b)).

When not all members agree, ask the dissenting judge to state their point of view and to try to persuade the other members. If a member maintains a strong minority opinion, it could be classified and resolved as level 1 or level 2:

level 1: Usually, after thorough discussion, a member of the protest committee who does not agree with the majority accepts the decision of the majority;

level 2: A member in the minority who feels strongly that they do not wish to be associated with the decision has the right to be named as a dissenting judge when the decision is announced and to have their name recorded on the form as dissenting.

Regardless of any personal disagreement with the protest committee's final decision, all members of the protest committee are duty-bound to uphold it. Judges must refrain from criticizing the decision of a protest committee in public, whether or not they were a member of the panel that took the decision.

Members may discuss and criticize a decision with other judges in private for the purpose of persuading a protest committee to reconsider the decision and reopen a hearing or for the purpose of education. However, any discussion with competitors, coaches or the public of a difference of opinions within the protest committee will never be appropriate conduct. It could only serve to inflame a situation and damage relationships with other officials. If a judge does not wish to associate 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 chair must include details of the case in the event report if any member requests to be named as dissenting.

#### F.5.5 Applying the Standard of Proof rule 63.5(a)

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

Rule 18.2(e) permits the boats and the protest committee, when there is a reasonable doubt, to presume facts about whether a boat obtained or broke an

overlap in time. However, the protest committee must not merely rely on this rule. It must actively try to resolve the doubt through questions to the parties and witnesses to elicit all available evidence to find facts. Then, if still in doubt, it may use rule 18.2(e) to resolve the protest.

#### F.5.6 Informing the Parties and Others rule 63.6

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

The chair may give the facts, conclusion and decision orally and tell the parties how they may receive a written copy of the decision later. The written decision must accurately record the information presented orally to the parties. Record the date and time that the parties were informed of the decision.

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

### F.6 Protest Decisions rule 60.5

The decision of a protest will be to dismiss the protest, or to uphold it when a boat broke a rule. The boat is disqualified unless some other penalty applies. The penalty is given unless a boat is exonerated for her breach, or the boat has taken an appropriate penalty, or rule 36 Races Restarted or Resailed applies.

#### F.6.1 Penalty When the Protest is Upheld

There are three rules for which the penalty for a breach is a disqualification that is not excludable (DNE):

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

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

When a party to the protest requests clarification of the decision or expresses dissatisfaction, keep the discussion brief. Offer to set a time for further discussion with the protest committee or two members to discuss the party's concern. Refusing any future discussion can increase the party's bad feelings.

If a dissatisfied party asks what recourse they have, advise them of their right to request a reopening of the hearing. They also have the right to appeal the decision of a protest committee if rule 70.3 has not denied the right of appeal.

## F.6.2 Protest Decisions Concerning Class Rules and Equipment rule 60.5(d)

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.

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. It is helpful to have a protest committee member who is familiar with the class rules and procedures.

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

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

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

A member of the technical committee may be called as a witness to give evidence on the technical details in the incident. Evidence concerning the accuracy of the measurement and the interpretation of the rule is presented by the competitor and the event technical committee. The World Sailing Equipment Rules of Sailing should be used to resolve questions about measurement procedures.

If the protest committee is in doubt about the interpretation of a class rule, then rule 63.5(d) 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. For a question concerning the rules of a handicap or rating system, it may be the technical chair of the organization who issues the handicap or the rating certificate in the waters the boat is lying in. This authority is not the event's technical committee, even if the technical committee member is also the chair of the class technical committee. Once the protest committee refers the question, it is bound by the authority's reply.

Rule 60.5(d) provides considerations before penalizing a boat for a breach of a

class rule. She is not penalized for deviations in excess of tolerances in the class rules that were caused by damage or normal wear and did not improve the performance of the boat. However, the boat shall not race again until the deviations have been corrected, if there is reasonable opportunity to do so.

If the boat is to be penalized, then any breach of the same rule in earlier races in the same event may have the same penalty imposed for all such races without further protest.

If the protest committee penalizes a boat under a class rule, it shall send the hearing decision to the relevant class rule authorities (rule 63.6(e)).

Provided that an appeal has not been denied by rule 70.3, a boat found to be in breach of 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 by rule 60.5(d)(4).

### F.6.3 Penalty Action by the Protest Committee rule 61.4(b)(5)

When the actions of a boat resulted in a penalty under rule 2 or a penalty or warning under rule 69, and they made another boat's score significantly worse, the other boat is entitled to redress. Once a penalty has been imposed the protest committee may consider calling a hearing to consider redress.

## F.7 Redress Decisions rule 61.4

### F.7.1 Requirements for Redress

The protest committee is required to conduct a hearing as required by rule 63.2 to decide whether to grant redress. When the request for redress is accepted as valid, the protest committee must now decide whether the request complies with the requirements of rule 61.4 to give redress.

A boat is entitled to redress if her score or place in a race or series has been made, or may be made, significantly worse through no fault of her own by one of five conditions:

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



### F.7.2 Score or Place Has Been Made, or May Be Made, Significantly Worse

A boat claims that something happened that affected their score, usually in the race concerned. That happening may have affected the series score as a result.

A boat's score is not made significantly worse if the race committee corrects their scoring error to the score the boat should have been given by the rules. This would not be an improper action by the race committee, as it is required to score all boats in accordance with their finishing place.

The possibility that a boat's score may be made significantly worse applies when a boat's score has not yet been affected, but the facts found determine that it will be affected eventually if the circumstances do not change. That possibility does not apply when the boat already has a finishing position or score, even if DNF, in the race concerned.

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

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

It is the responsibility of the party requesting the redress to establish that the boat's score had been made "significantly" worse. A broad interpretation of "significant", especially if other boats are not affected, is often the best.

### F.7.3 No Fault of her Own

A boat is entitled to redress if there is no fault of her own in her significantly worse score. A boat that is either fully or partially responsible, for the worsening of her score, no matter how small her part, is not entitled to redress.

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

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

### F.7.4 Improper Action or Improper Omission rule 61.4(b)(1)

A boat is entitled to redress when an improper action or improper omission of a committee or the organizing authority has made her score significantly worse through no fault of her own. The exception is the effect of a protest committee's

decision on a boat when she was a party to the hearing.

Race management policies, jury policies and advice to competitors are not rules that govern the competition under the definition rule. Actions by the race committee or protest committee that do not comply with those policies or that advice are not grounds for redress. World Sailing Case 129 provides an example of a race committee action that was not good race management practice but was not an improper action of the race committee.

In one example, if a race committee signals course 3 when only courses 1 and 2 are described in the sailing instructions, this would be an improper action because the course that was signaled was not in the sailing instructions.

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

Boats sometimes challenge the race committee's decision to score them OCS, ZFP, UFD, BFD, SCP, NSC or DNF by requesting redress. In these cases, the boat 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. In finding the facts, the protest committee will be governed by the weight of evidence using a balance of probabilities as the standard of proof. See World Sailing Case 136.

#### F.7.5 Physical Damage and Injury rule 61.4(b)(2), 61.4(b)(3)

There are three components to this rule:

- the boat has sustained injury or physical damage;
- because of the action of a boat that was breaking a relevant rule; and
- if the other boat broke a rule of Part 2, she took an appropriate penalty or was penalized.

Physical damage is where the value of part or the whole of the boat is diminished, or it is rendered less functional. Refer to World Sailing Case 19. Physical damage does not include capsize, rigs or lifelines entangled, crew overboard or loss of places.

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

World Sailing Case 135 advises that Rule 61.4(b)(2) does not require physical damage or injury to have been caused directly by the boat that was breaking a rule of Part 2. It is sufficient that any physical damage or injury was the probable consequence of the action of the boat breaking a rule.

The protest committee must also determine that the boat that was breaking a rule



of Part 2 took an appropriate penalty or was penalized. Check for a record that the boat retired or reported an appropriate penalty. If the boat requesting redress also protested the boat, hear the protest together with the request for redress.

#### F.7.6 Giving help rule 61.4(b)(4)

A boat that gives help when it is possible that another boat is in danger may be entitled to redress, even if her help was not asked for or it was later found that there was no danger. See World Sailing Case 20.

#### F.7.7 Action of a boat penalized under rule 2 or 69, rule 61.4(b)(5)

There are two components to this rule:

- there was an action by another boat or crew member or support person of that boat; and
- their action resulted in a penalty under rule 2 or a penalty or warning under rule 69.

In World Sailing Case 34, Boat A crossed the starting line early, then turned back toward the starting line until she met boat B. Without restarting, A turned and began to hinder B by covering her closely. The protest committee found that A who had been scored OCS broke rule 2 and changed her score to DNE. In this case, B could have requested redress and was entitled to receive it under this rule, since A's hindrance had made the boats last but one and last at the windward mark, and B ultimately finished in 22<sup>nd</sup> place.

#### F.7.8 Redress Decisions rule 61.4(c)

When the protest committee finds the requirements for redress are met, it must make as fair an arrangement as possible for all boats affected. Ask the parties what they believe would be the fairest arrangement for all boats affected, although the protest committee is under no obligation to give the requested redress.

When in doubt about the fact or probable results of any arrangement for the race or series, especially before abandoning the race, the protest committee shall take evidence from appropriate sources. This might include evidence from other boats not involved in the request and race committee records. Rule 61.4(c) offers examples of redress that may be given.

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

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

In major events, consider excluding the last race or the last day of the series from the average points calculation. This informs competitors of the exact scores of all boats going into the final race or final day so they can devise their tactics and strategies.

Points may be given based on the position of the boat in that race at the time of

the incident. This method is appropriate if the positions of the boats in the race have become well established, especially close to the finishing line.

If facts can reasonably establish the time lost by a boat in an incident, the boat's score could be adjusted by giving points equal to the finishing position the boat would have had if that time was deducted from its elapsed time for the race. World Sailing Case 110 advises that a boat is not entitled to redress for time or places lost during contact or an incident. Boats are eligible for redress only when the physical damage itself or the injury to a member of her crew is the reason a boat's score or place is made significantly worse.

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

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

A race should be abandoned only when no fair arrangement can be determined for all boats affected. Abandoning a race may be unfair to those boats that won or finished the race on their own merits.

There could be situations where a boat is entitled to redress, but the fairest arrangement for all boats is to let the results stand. An example is a boat that retires from the race when dismasted by a boat required to keep clear. In a single-race event, she is entitled to redress, but none can be given. See Case 116.

The protest committee may also give redress as part of its decision in a protest hearing if it decides a boat is entitled to redress, whether or not they asked for redress (rule 61.4(c)).

## F.8 Requests to Reopen a Hearing

### F.8.1 Reopening a Hearing rule 63.7

Any party to the hearing may request a reopening of the hearing. In cases where the race committee or the technical committee requested redress or the protest committee called a hearing to consider redress, parties are the boats for which redress is requested. All other boats are "affected" boats, but they are not parties to the hearing.

If a party requests a reopening, the protest committee must decide if the request to reopen is valid. The request must be delivered writing and identify the reason for making it. It must be delivered within the relevant time limit:

- (1) no later than 24 hours after being informed of the decision in the hearing they request to reopen.

But on the last schedule day of racing, the request shall be delivered

- (1) within the protest time limit if the requesting party was informed of the decision

on the previous day;

- (2) no later than 30 minutes after the party was informed of the decision on that day.

If the request is timely, the protest committee must decide from the reasons given by the requesting party, whether the party has met one of the conditions for reopening the hearing.

The initial presentation by the requesting party should be limited to the reasons for reopening. Any new evidence would be heard only to determine if it was “new”.

### F.8.2 Requirements for reopening a hearing

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

A protest committee may reopen a hearing when one of the requirements of rule 63.7 is met.

- (1) when a party was unavoidably absent.

All parties to a hearing have a right to have a representative present. Absence of the boat’s preferred representative without good reason for another eligible representative to be present is not good reason to reopen.

- (2) if the protest committee decides it may have made a significant error.

Errors by the protest committee include improper procedures or misapplication of a rule. The protest committee might decide that a key conclusion was not supported by the facts, or that it may have made a mistake in interpreting the applicable rules.

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.

- (3) if significant new evidence has become available within a reasonable time.

For a hearing to be reopened to consider new evidence, the evidence must be both new and significant. Rule M4.2 and World Sailing Case 115 provide an interpretation of the word “new” as used in rule 63.7:

Evidence is “new”

- if it was not reasonably possible for the party asking for the reopening to have discovered the evidence before the original hearing;
- if the protest committee is satisfied that before the original hearing the evidence was diligently but unsuccessfully sought by the party asking for the reopening; or

- if the protest committee learns from any source that the evidence was not available to the parties or to the committee at the time of the original hearing.

Significant evidence relates directly and substantially to the specific matter under consideration. The evidence is not cumulative, meaning repetitive, in that it proves what has already been established through similar evidence on the same issue which does not need further support. The evidence is not redundant, meaning unnecessary to the matter. Significant evidence must be relevant to the decision and lead to a reasonable possibility that, when viewed in the context of all the evidence, the outcome of the case will change.

A new witness presented after the hearing is closed is rarely considered “new evidence” unless the party made the protest committee aware of the witness before or during the original hearing, or the witness and their evidence were unknown to the party by the time of the original hearing. When a party does not search for witnesses or does not ask the protest committee for a postponement, any later request to reopen to hear a “new” witness will rarely be granted. However, if 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 63.7 and the protest committee will likely decide to reopen the hearing.

Photographic and video evidence that is claimed to be new should be previewed by some or all members to establish that the evidence is new, material and not cumulative. The chair will assign one or more members to view the evidence and report back to the protest committee. If the evidence is new and significant, 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 and to question any new witnesses.

(4) If required by the national authority.

The national authority’s decision in an appeal may be to reopen the hearing to provide additional facts or to order a new hearing using rule 71.3 or R5.

### F.8.3 Reopening Procedures

If the protest committee decides there is sufficient reason to reopen, it must notify the parties of its decision and of the time and place of the reopened hearing.

When a party was unavoidably absent, the hearing would begin anew, rehearing all evidence previously presented.

When the reopening is based only on new evidence, a majority of the members of the protest committee shall, if possible, be members of the original protest committee.

When the reopening is based on a significant error, the protest committee shall, if practicable, have at least one new member. However, to avoid the perceptions that the old protest committee is reviewing itself, consider replacing more

members, but not all.

When the reopening is ordered by the national authority, it may order that the new hearing be held by the same protest committee or by a new protest committee which they may appoint. It may limit the scope of the reopened hearing to such issues as it considers appropriate. The reopening proceeds with the evidence and witnesses that the parties bring, and with any other evidence the protest committee considers necessary.

At a reopened hearing, the procedural rules of Part 5 apply with all parties allowed to have a representative present. 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.

When the protest committee changes its decision, it shall inform the parties in accordance with rule 63.6(a). This can be done by posting the revised decision or by delivering copies of the decision to the parties to the hearing.

## F.9 Hearings Involving Support Persons

### F.9.1 Parties to a Hearing Involving Support Persons

A Support Person is defined as: Any person who

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

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

### F.9.2 Procedures for a Hearing Involving Support Persons rule 62

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

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

For the hearing, follow the procedures in rule 63. Check for a conflict of interest of any member of the protest committee. Take evidence from the parties, hear their witnesses and allow for questions to the parties and their witnesses. The

exception to the usual protest procedure is that validity requirements do not apply.

The support person is a party to the hearing. In addition, by definition, any boat that person supports is also a party to the hearing. The hearing request form should identify all boats associated with the support person as parties to the hearing. Present the support person with a copy of the hearing request form with the details of the alleged breach. Make copies available 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. The hearing for the support person may be included in the schedule of hearings for protest and redress.

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

The protest committee may present the allegation against the support person at the hearing, when based on their own observations. In this case, it is better for one member to serve as the presenter at the hearing and not participate in the protest committee's decision. Alternatively, the protest committee may appoint another person to present the allegation at the hearing. This approach ensures that the protest committee is independent of the person who presents the allegations at the hearing.

### F 9.3 Penalizing a Support Person rule 62.3

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

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



#### F.9.4 Penalizing a Boat for a Breach by Their Support Person rule 62.4

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 give their opinion as to whether a warning should be issued or not. The advantage of a warning to the boat is that the boat is put on notice that they are exposed to a penalty related to the conduct of their support person.

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

An example of such wording would be:

Support person Chris Black supports sail numbers 1572, 1539, 1600 and 1602

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

Post the decision along with the warning to the boats that person supports 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 breach by a support person under certain conditions in the rules. However, it will not automatically do so.

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

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

A second condition for penalizing boats for a breach of a support person is that the support person has committed a further breach after the protest committee has warned the boats 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 is met, then the protest committee may penalize boats that are party to the hearing. Rule 62.4(b) allows for other penalties than a DSQ. The boats may be penalized, even if they did not attend the hearings.

#### F.9.5 Appeal by a Support Person or Boats that Person Supports

All boats that the person supports are parties to the hearing and have the right to

appeal the decision of the protest committee unless the right of appeal has been denied. The protest committee would provide a copy of its decision in writing to any parties who request it.

#### F.9.6 Allegations of Misconduct by a Support Person

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

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



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### G.1 Fair Sailing and Misconduct

#### G.1.1 Rule 2 Fair Sailing

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

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

A boat may be penalized only when it is clearly established that rule 2 has been broken. This standard of proof is higher than the balance of probabilities. The penalty is a disqualification that is not excludable from a boat's series score (DNE).

A protest committee may disqualify a boat for a breach of rule 2 even though it is not mentioned in the protest. Rule 2 does not have the procedural and formal safeguards of rule 69. When the protest committee is considering that the competitor's action may also be a breach of rule 2, it should explain the potential breach of sportsmanship and give the boat an opportunity to address the issue before it makes a decision.

### G.1.2 Rule 69 Misconduct

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

**Breach of good sportsmanship:** this includes cheating by acting to gain an advantage by breaking rule 2, lying at a hearing, etc. Unlike protests where it is assumed that a breach of a rule 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.

World Sailing Case 138 provides examples of actions that should be considered as acts of misconduct. Some include:

- lying at a hearing;
- knowingly breaking a rule with the 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.

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

## G.2 Rule 69 Procedures

The World Sailing Misconduct Guidance document is a complete reference work for all race officials – in particular, judges and protest committees – based on the World Sailing Racing Rules of Sailing. It is published on the World Sailing website. (Search “misconduct”, click submit, and select “Documents”.)

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 event.

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

Standards of ethical behavior among sailors throughout the world vary greatly, and it is not the responsibility of judges to educate individuals about 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 rules 2 and 69. 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 individuals to commit acts of 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 break a racing rule. Protest committees should take action under rule 69 if a competitor deliberately breaks a rule for their 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 affect people's enjoyment of the sport.

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

Rule 69 applies to any competitor, crew member, boat owner and support person.

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

Parents or other support persons 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 they did not know that providing support would bind them. If this objection is raised, advise the support person that, if that were so, the competitor would break rule 4.2 and be subject to disqualification. This advice could cause support persons to accept that they are bound to comply with the rules.

Consider this point as a preliminary issue and whether, on the facts, the support person is bound by the rules. If the protest committee is convinced that the support

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

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

The act of misconduct must be associated with the event. It would therefore normally occur within the period immediately prior to the event, commencing with the person'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 person which happened before the beginning of the event, unless the misconduct relates to the event. For example, before an event, a competitor may threaten to do something at the event or do something to prevent another competitor to partake in an event, such as deliberately damaging another competitor's boat. Such an act, even though it happened before the event, will be sufficiently closely connected to the event to say that the person is a competitor.

The place where the act of misconduct occurred is not necessarily relevant. An example is a competitor who was involved in an assault during a fight in a public place unrelated to the venue of the event. This may still bring the sport into disrepute because the public associates the competitor with the event, so the competitor could be the subject of a rule 69 hearing. If that fight took place between the competitor and someone unrelated to the event, in private or in public, without the public knowing the competitor was competing in the event, it would probably not be appropriate for a protest committee to initiate a rule 69 hearing.

### G.2.4 Preparation by the Protest Committee

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

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

Read rule M6 again, and the World Sailing document 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, etc.

If the hearing involves a youth, arrange for a parent, guardian or coach to be present, if possible, as the youth's representative or advisor at the hearing. Also refer to the chapter in this Manual on Judges and Youth Sailors.

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

The protest committee may appoint an investigator when it does 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 its judgment is not influenced by information obtained during the investigation.

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

The investigator is expected to interview separately the parties, the person or persons who reported the incident, witnesses and any other person who might help with the case. The investigator must keep a record of all the evidence obtained from all sources. The record may be in writing or as audio recordings of the interviews.

Fairness and rule 69.2(d) dictate that all evidence, favorable and unfavorable, gathered by the investigator must be disclosed to the protest committee who will use it to decide whether or not to call a hearing. If a hearing is called, the findings of the investigator will also be given to the parties so they may prepare for the hearing.

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

**Note:** Major international events have different procedures set by the World Sailing Code of Ethics. The Code addresses the appointment and role of the investigator (known as the Event Disciplinary Investigation Officer). It also addresses reports from the protest committee to World Sailing. Since this Manual does not cover these procedures, it is important to refer to the Code of Ethics if managing allegations of misconduct at one of these events.

### G.2.6 Informing the Person in Writing

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

Prepare the written statement of allegations that you will give to the person against whom the allegation of the rule 69 violation is made. The written notice should be as detailed as possible, stating the alleged specific act or acts of misconduct under rule 69.2. It is not sufficient to state that the person committed an act of misconduct

by committing a breach of good manners, without saying what the misconduct is. The description of the misconduct should be specific. Include the time and place of the hearing.

For example, write, “immediately after the decision was announced, the competitor stated in a loud voice that the decision was wrong and called the members of the protest committee ‘idiots’ and said that they have ‘no clue what they are doing’.”. It is not sufficient to write, “the competitor said that the decision of a protest committee is wrong”.

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

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

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

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

A model of the notification letter can be found on the World Sailing document Misconduct Guidance Appendix K.

### G.3 The Rule 69 Hearing

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

It is especially important at a rule 69 hearing to maintain an atmosphere of formality. Ensure that the person is given ample opportunity to answer the allegations. Keep a written account of the proceedings. The hearing must be held in accordance with rule 63, as modified by rule 69.2(e).

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



If a recording is to be made, consent to the recording must be obtained from the competitor, boat owner or support person and any witnesses prior to commencement of the hearing. 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 recording of their statement shall not be made. If only the consent of the parties has been given, but not that of a witness, the hearing but not the testimony of the witness can be recorded. In some nations a recording made without a person's consent is a criminal offence and the power to do so is generally reserved exclusively for law enforcement agencies (prosecutors and police). Note that a protest committee is not a law enforcement agency. The protest committee has only the possibility of verbal or analogous written record of the statement, if the personal consent to the electronic record is not given.

A party is entitled to a copy of the recording if required for an appeal or further proceedings. In that case, the party must first agree that the recording will only be used for that purpose, and that its confidentiality will be respected. After expiration of the duration of the recording, and 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 person has broken rule 69.1(a). The following explanation of this standard of proof is based on World Sailing Case 122.

### G3.1 Comfortable Satisfaction

The standard of proof, comfortable satisfaction, is greater than the balance of probabilities. In a rule 69 hearing, the protest committee must answer “yes” to both of the following questions before it penalizes a competitor or boat owner or support person under rule 69.2(h) or 69.2(i):

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

The requirement that the protest committee must be comfortably satisfied does not mean that all members need 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) in doping cases.

### G.3.2 Mitigating and Aggravating Circumstances

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

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

### G.3.3 Party Fails to Attend

Rule 69.2(f) states that, if the person provides good reasons for being unable to attend the hearing, the protest committee shall reschedule it. However, if the person 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 person present. If the committee proceeds without the person present, and penalizes the person, it shall include in its report under rule 69.2(j), the facts and the reasons for it.

Under rule 69.2(k), if the protest committee chooses not to conduct the hearing without the person present, or if the hearing cannot be scheduled for a time and place when it would be reasonable for the person to attend, the protest committee shall collect all available information and, if the allegation seems justified, make a report to the national authority of the person, or for major international events in the World Sailing Code of Ethics, to World Sailing.

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

### G.3.4 Allegation not Upheld

When the protest committee finds that the allegation of misconduct is not found to be true, it should communicate this decision clearly. The news of a rule 69 hearing will have spread throughout the event, and it is important that the person's name is cleared publicly.

### G.3.5 Penalties

A finding of misconduct does not have to result in a penalty. A warning may suffice after, for example, a minor act of misconduct followed by an apology for the misconduct. A penalty equal to or less than one DNE shall not normally be reported to any national authority (see discussion of rule 69.2(j)(3) below). If a person is excluded from an event or venue the protest committee 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 event, since the protest committee has no power to penalize outside the event over which it has jurisdiction.

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

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

## G4 After the Hearing

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

### G.4.1 Appealing the Decision

The person 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 70.3.

### G.4.2 Reporting to the National Authority or World Sailing

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

When a penalty greater than one DNE is imposed, the case must be reported to the national authority of the person involved, or for major international events listed in the World Sailing Code of Ethics, to World Sailing. 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. 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 person.

Rule 69.2(j)(3) allows the protest committee to report its decision to a national authority in any other case it considers appropriate. This could include a case where the protest committee has imposed a penalty of one DNE or less. However, the protest committee should exercise this power very carefully and explain its reasons in the report which is also sent to the person. It would be unusual for a protest committee to make a discretionary report where it has not imposed a penalty that is within its powers. An example would be where one member of a large crew on a keel boat is the person committing misconduct and it would be inappropriate to penalize the boat and the whole crew for the misconduct of one person. There must be a reason for involving the national authority or World Sailing which cannot be addressed by the protest committee at the event. In particular,

the protest committee should not make a report without conducting a rule 69 hearing merely because it does not wish to deal with a difficult misconduct issue.

#### G.4.3 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. This might include recording the evidence as it is given to the protest committee. This will assist the disciplinary body to come to the best decision later.

#### G.4.4 Litigation

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

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

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

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

## H. Appendix T Arbitration

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### H.1 Introduction

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

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

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

Regardless of whether a Post-Race Penalty is taken, a protestor may ask to withdraw the protest. The judge who arbitrated may act on behalf of the protest committee to allow the withdrawal.

### H.2 The Arbitrator

The judge who will conduct an arbitration meeting should be highly experienced with a good knowledge of the rules. The individual must think and make decisions quickly and have the respect of the parties. The judge should have a thorough understanding of RRS Appendix T, validity, the rules of Part 2, rule 31, and rule 44.1(b). An excellent and thoughtful judge who needs time to reach a decision may not make the best judge to select to arbitrate and will usually be more valuable in hearings deciding the complex protests.

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

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

## H.3 The Post-Race Penalty

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

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

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

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

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

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

The Post-Race Penalty may be taken at any time after the race until the beginning of a protest hearing involving the incident: before, during or after the arbitration meeting. If the hearing is later re-opened, the Post-Race Penalty is no longer available. If the decision of the protest committee related to this incident is appealed to the National Authority, and the National Authority's decision is to re-open the hearing, the Post-Race Penalty is no longer available. That entitlement ended when the original hearing began. See Rule T1(a).

If the protest committee concludes that it is clearly established that a boat knowingly broke a rule, the boat broke rule 2. Since rule 2 is a rule in Part 1, the Post-Race Penalty is not available to her.

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

- A boat may take a penalty instead of retiring (RET) after coming ashore, when she realizes she broke one or more rules of Part 2 or rule 31.

- A boat that takes a Post-Race Penalty may not be penalized further unless a protest committee finds that there was injury or serious damage, or she gained a significant advantage from her breach.

## H.4 Principles of Arbitration

Arbitration takes place after a written protest has been delivered, but prior to the protest hearing. The judge's role at an arbitration meeting is to give an opinion as to what the protest committee is likely to decide. Even though the process is informal, and the boats are not bound by the opinion of the judge, all the safeguards built into the rules of Part 5 for procedures for protest hearings and decisions remain in place. Even if a party decides to take a Post-Race Penalty, the protest remains and rule 60.5(a) requires that it must be heard by the protest committee. If the protestor requests to withdraw the protest, the judge who arbitrated may then act on behalf of the protest committee to allow the withdrawal.

Arbitration is appropriate in the following circumstances:

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

## H.5 Arbitration Procedures

When a protest is delivered to the race office a judge reviews the protest to determine if the protest is suitable for arbitration. The hearing should be scheduled, and the arbitration meeting is held when the parties arrive. The scheduling of hearings can anticipate that some protests will be withdrawn during arbitration prior to a hearing. At large events, have more than one judge ready to arbitrate protests.

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

Hold the arbitration meeting in a quiet location, away from other competitors and observers. Standing, rather than sitting around a table, usually shortens the

duration of the meeting. Only the parties to the protest give testimony. Witnesses are not allowed. Evidence given during the arbitration meeting should not be overheard by any potential witnesses if it goes to a hearing. A judge trainee or judge assessor may be allowed to observe the meeting if the parties do not object.

The rules do not address whether observers are allowed at an arbitration meeting. They are usually discouraged. If they are permitted, e.g., a parent at a youth event, then they must acknowledge that they must only observe. Also, the intent of rule 63.4(e) is clear and an observer at an arbitration meeting may not be a witness at a subsequent protest hearing.

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

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

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

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

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

The next step is to give an opinion on the validity of the protest. This includes the possibility that the protest committee will find the protest is invalid. For example, if the protest form and the protestor's testimony clearly indicate that the protestor did not comply with the requirements of rules 60.2 and 60.3, the judge will advise the parties that the protest committee will likely find the protest invalid. The protestor then may request to withdraw the protest or proceed to the protest committee for a hearing. In either case, the arbitration meeting ends.

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

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

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

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

The judge will offer one of these opinions as set out in T3 as to what the protest committee is likely to decide:

- the protest is invalid;
- no boat will be penalized for breaking a rule; or
- one or both boats will be penalized for breaking a rule, identifying the boats and the penalties.

The judge applies the principles of exoneration to a boat that has been compelled by the other boat to break a rule.

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

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

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

A party that has been given the opinion that they are likely to be penalized for breaking a rule will sometimes consult with their coach or others after the arbitration meeting has ended and will often return to take a Post-Race Penalty before the start of a protest hearing. Remember that a boat may accept a Post-Race Penalty up to the start of the protest hearing.

Also, regardless of whether a Post-Race Penalty is taken, a protestor may ask to withdraw the protest and the judge who arbitrated may allow the withdrawal.

Once the protest is withdrawn, inform the protest committee that the protest will not go to a hearing, and inform the scorer that there is no score change from this protest. The judge may then discuss any aspect of the protested incident with the parties, if time allows. If time is limited, arrange to meet the parties later.

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

Sometimes a protestor may choose not to withdraw the protest, on the misunderstanding that the protestee would be scored DSQ in the protest hearing. The judge should explain that if a boat has taken an applicable penalty, such as the Post-Race Penalty, then rule 60.5(c) applies. Then the boat may not be penalized further unless the protest committee finds that the Post-Race Penalty was not applicable, normally because rule 44.1(b) or rule 2 applied.

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

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

## H.6 No Appeal

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

## H.7 Advantages and Disadvantages

Arbitration may not be appropriate for all events. Participants and class associations are best included in the decision to include Appendix T or parts of it for their event. An event may use only rule T1, Post-Race Penalties without the need for arbitration meetings.

The advantage of Appendix T Arbitration is that it can provide a faster way for the parties to a protest to come to a resolution by eliminating the need for a hearing. It allows a boat that broke a rule to take a lesser penalty than disqualification.

However, there are also disadvantages. The post-race penalty of 30% is an advantage only to the top 2/3 of finishers. Boats with worse finishes who take the post-race penalty of 30% can be scored no worse than the score for disqualification. Also, at high level events some boats will attend an arbitration hearing, but have no intention of resolving the matter, and are only present to learn the other party's evidence. Arbitration and a hearing take much longer than proceeding directly to the hearing.



# I. On the Water Judging Including Rule 42 and Appendix P

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## I.1 Introduction

This chapter covers the activities of judges when they are on the water observing racing including when Appendix P applies, and they are judging rule 42.

## I.2 Monitoring Rules Compliance – General

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

Positioning the judge boat in high performance classes, foiling classes, and kite classes requires an in-depth knowledge of the class in order to stay clear of boats or boards and to be in the best positions to observe the racing. For that reason, judges who do not have experience with the class should be paired with a judge who has that class knowledge.

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

A Basic Principle of our sport is that the competitors, not judges, have the lead responsibility for enforcing the rules on themselves and their fellow competitors. Therefore, not every incident observed by the judges on the water leads to a protest. Judges will not usually protest for a breach of a rule of Part 2 unless they observe an apparent breach of rule 2 sportsmanship and fair play.

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 the Race Committee

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

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

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

It is preferable that an experienced judge drives the boats, without additional persons on board. The chair of the protest committee would make this arrangement with the organizing authority prior to the event, especially when judges will use loaned boats. The other judge handles the flags.

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

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

## I.5 Appendix P — Special Procedures for Rule 42

Appendix P provides procedures for penalizing boats for breaking rule 42 on the water. It also specifies the types of penalty involved. This system evolved when it became clear that for Olympic class and other centerboard class events, the self-policing of rule 42 did not work. On-the-water judging with immediate penalties for infringements was needed. This procedure was first used at the 1992 Olympic Games.

The on-the-water judging of rule 42 under Appendix P is now fully developed. It is accepted by competitors and coaches who now expect judges to be on the water, to discourage infringements and to act on behalf of the other competitors when infringements are observed. Note that boats still may protest each other for illegal propulsion.

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

## I.6 The Competitor Briefing

At youth events, remind competitors that judges will be monitoring rule 42 in the racing area and that they will give a penalty if they see any competitor clearly breaching rule 42.

It is important to convey that the judges are on the water to protect the honest sailors who do not break the rule. They do this by preventing illegal propulsion, and penalizing when necessary. Conveying the message in this way to parents who attend the briefings tells them that judges are the friends and not the enemies of their sailors.

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

## I.7 Rule 42 – Propulsion

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

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

Some classes have changed rule 42 in their class rules, which affects judging on the water.

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

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

The interpretations of rule 42 and guidelines for judging rule 42 for various classes are published on the World Sailing website. (Search “rule 42”, click submit, and select “Documents”.)

## I.8 Deciding Whether to Penalize

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

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

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

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

One of the first indications that a boat 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 competitor. Judges must observe both the actions and the effects of those actions before they can conclude that a boat has broken rule 42.

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

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

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

### **Possible Pumping**

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

### **Possible rocking**

- Is the crew causing the boat to roll?
- Is the crew increasing background rolling?
- Is crew-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 crew's forward body movement stopping abruptly?

Upwind:

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

## **Possible Sculling**

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

## **Repeated Tacks or Gybes**

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

## **General**

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

## **I.9 Rule 42 - Judging Procedures**

Judges must be thoroughly familiar with rule 42, the interpretations of rule 42 and Appendix P, Special Procedures for Rule 42. This Appendix outlines the penalties and procedures for on-the-water judging of rule 42. Before going afloat each day, judges should re-read rule 42 and the interpretations, and any change in the class rule to refresh their knowledge.

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

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

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

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

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

### I.9.1 Signaling the Penalty

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

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

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

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

If the judges must delay their signaling to move into position safely, they may add to the hail a very brief description of the infringement so that the crew knows why the penalty was given. Examples include, "Sculling just before the start", or "Body pumping at the mark".

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



## I.9.2 Recording the Penalty

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

When observing a boat taking a Two-Turns Penalty, note the tack they were on when they started and finished their turns. Watch carefully whether the penalized boat takes its complete Two-Turns penalty with two tacks and two gybes. For some classes, such as skiffs, boards and kites, the sailing instructions change rule 44 by specifying a One-Turn Penalty.

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

If the penalty is signaled just before or after a boat finishes, the judges should record boats that finish in front of and behind the penalized boat in both the penalized boat's original finish, and her second finish after performing her penalty turns. Ashore, judges should check the results to make sure that the boat is scored in its correct finishing position. If the boat fails to finish correctly after doing her penalty turns, they must communicate this to the race committee so that they may score her DNF. The judges are responsible for making sure that the boat complies with the definition of finishing after the penalty is signaled.

If a boat continues to race or performs the penalty turns improperly, after racing 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 to an action that was improper due to a failure to take into account a race committee signal or a class rule.

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



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

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

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

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

### I.9.3 Explaining the Penalty to the Competitor

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

Judges should be available to answer questions about penalties, either afloat between races, or ashore after racing.

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

Give as many details as possible about the boat's actions. Describe what first attracted your attention. Describe how the competitor's actions affected the boat. Explain the rule breach and the relevant World Sailing Interpretation.

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

Judges usually wait for the competitors to initiate the discussion. They should be more proactive by initiating a meeting when they believe a competitor may not understand how their actions break rule 42. This is particularly appropriate at youth or low-level adult events, with inexperienced competitors, or when a competitor has received a second penalty for the same action. By explaining the rule infringement, the judges can help the competitor to avoid additional penalties.

Appendix P limits redress to an improper action taken by a judge under rule P1.2 due to a failure to take into account a race committee signal or a class rule. If a boat wants to seek redress alleging that the rule 42 penalty was an improper action of the jury, remind them of this limitation to redress.

## I.10 Judge Boat Positioning

Being in the right position at the right time is crucial to judging rule 42. The objective is to place jury boats in positions where they are in the line of sight of boats racing and close to potential problems. This requires:

- knowledge of fleet racing tactics to anticipate the boats' movements;
- knowledge of the characteristics of the specific boat designs to know what types of prohibited kinetics are most effective for that boat type;
- considering 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.

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

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

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

Jury boats should try to cross boats at right angles maintaining a predictable course when close to them. 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, boats will often make dramatic course changes to take best advantage of the waves. If you find yourself too close to the boats, your best option may be to stop and let the boat sail around you. The driver can raise both hands up high as a signal to the boat that the jury boat has stopped.

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

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

### I.10.1 Pre-Start

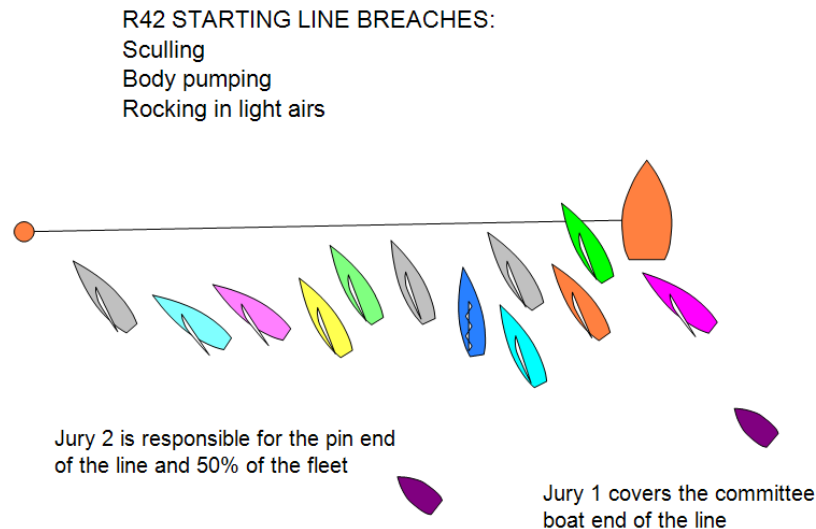
Rule 42 takes effect at the preparatory signal. Generally, rule 42 violations are rare until about a minute before the start. In light air, a boat that is having trouble reaching the starting area might use illegal kinetics after the preparatory signal, including a tow from their coach boat, to get to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

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

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

## I.10.2 Start

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



### Common infractions

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

### Positioning of boats

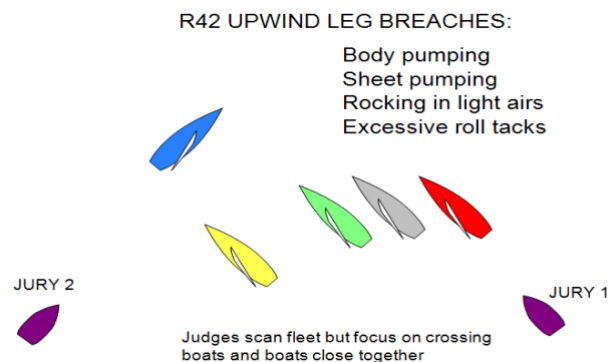
The judge working as the course chief will assign positions of jury boats behind the fleet. Usually, the jury boats will spread from right to left. Their positioning will depend on the distribution of boats, and not the actual starting line. When assigned to take the pin end at the left end, one jury boat will cover the boats closest to the pin end of the line.

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

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

### I.10.3 Upwind

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

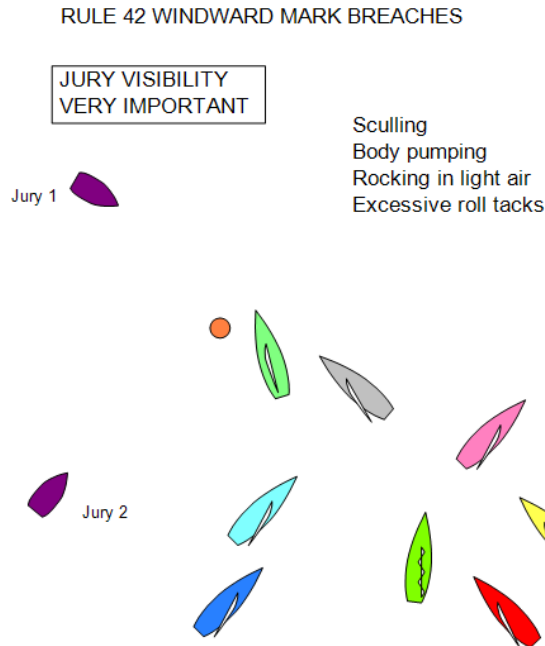
In stronger wind:

- 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.

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

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

At the first windward mark the jury boats 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.



#### I.10.4 Reaches

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

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

On reaches, one boat will often begin to surf by pumping illegally and start gaining on other boats. Seeing this, the judges should penalize the boat as soon as they are sure of the breach. If they wait too long, they may lose control of the fleet, and many boats will start breaking rule 42 to keep up. If this does happen, the judges should keep penalizing until the fleet starts complying with the rules.

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

In stronger winds, it is often difficult to differentiate between rapid trimming and pumping. The rules permit trimming that is in response to changes in wind, gusts

or waves, even if rapid. However, they do not permit repeated trimming that is not connected to wind or waves. A competitor may not constantly pump their sails.

### **Common infractions**

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

### **Positioning of jury boats**

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

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

## **I.10.5 Runs**

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

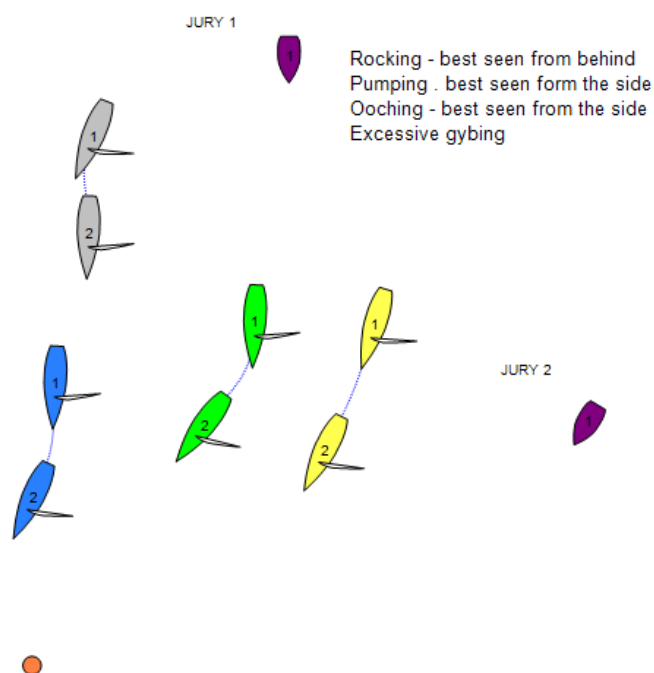
The best way to identify boats that may be rocking illegally is to keep a wide view. Your eyes will naturally pick out boats that are rolling more than those around them. Watch those boats to identify what is causing the extra rolling. You should penalize body motion or repeated trimming not related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

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

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



## R42 DOWNWIND BREACHES



### Common infractions

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

### Positioning of jury boats

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

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

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

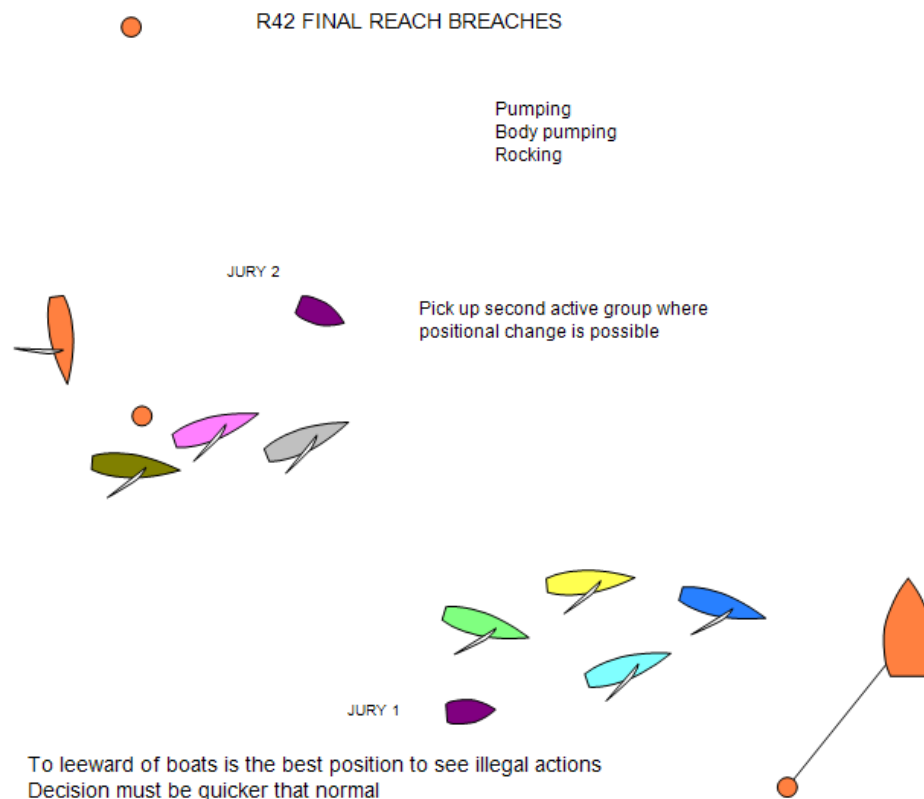


## I.10.6 Finish

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

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

Be aware that the penalty for the boat'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 boat may wait for a clear opportunity to notify the race committee that they are retiring.



### Common infractions

- Pumping to pass one or two boats just as the boats are finishing.
- In light air on beats or runs to a finish, roll tacks or gybes that are forceful and either repeated and unrelated to wind changes or tactics, or that result in the boat going faster than it would have without tacking or gybing.
- Often, if two boats are close coming into the finish, a boat will try one big roll and a pump, or both, to pull ahead just at the finish. In these situations, the

judge needs to be ready to react quickly, but correctly. One roll or one pump does not break a rule, unless it clearly propels the boat and breaks rule 42.1.

### **Positioning of jury boats**

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

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

## J. Judges and Youth Sailors

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### J.1 Introduction

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

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

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

When a young sailor is exposed to harm, injury, harassment, bullying or a similar negative experience, the enjoyment of sailing is compromised, with the potential for the sailor dropping out of the sport.

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

Judges should be aware of any policies that a class may have about protest procedures. For example, a class may prohibit a boat from talking to a support person before protesting or prescribe a time limit for protest hearings involving younger age categories.

## J.2 Definition of Youth Sailors

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

Youth sailors are generally aged from about 8 to 18 years old, although some classes include competitors aged 19. Local legislation applies, particularly in matters of child protection.

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

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

## J.3 Behavioral Expectations at Youth Events

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

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

## J.4 Visibility of Judges

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

When judges are ashore and are not required for official duties, they should make themselves available to the sailors. Visit the boat park in pairs, and be available for conversations with sailors, coaches or parents. More than one judge should participate in each discussion with sailors to avoid any perception of bias, conflict of interest and misunderstanding.

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

## J.5 Event Briefings

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

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

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

## J.6 Communication with Youth Sailors and Their Support Persons

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

## J.7 Hearings

In hearings, youth sailors should be respected as individuals and not patronized. The hearing should be formal, and the judges should be firm, respectful, and helpful to all competitors. Youth sailors may not have had previous experience in a hearing. Ask at the start of the hearing if this is their first hearing. If it is, the chair

should inform the parties and their coaches and witnesses of the process that will be followed, both initially and as the hearing proceeds.

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

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

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

## J.8 Observers at Hearings

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

## J.9 Use of the Protest Flag

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

## J.10 Rule 42 and Appendix P

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

At some youth events, the sailing instructions modify Appendix P 2.1 so that the Two-Turns Penalty is used for all Appendix P penalties. A better approach is to also modify P2.2 so that it applies to subsequent penalties. Rule 42 compliance should be judged at a consistently high standard. This assists the sailors in understanding what actions are prohibited by rule 42 and allows them to learn from their mistakes.

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

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

## J.11 Support Persons and Support Boats

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

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

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

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

## J.12 Child Protection and Rule 69 Misconduct

The World Sailing document Misconduct Guidance advises on child protection issues and the use of rule 69 with minors. 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 chair should seek guidance from local authorities in such matters. The risk 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.

Procedures for reporting harassment, abuse or exploitation are in the World Sailing Safeguarding Policy Against Harassment and Abuse.

## K. Judging Oceanic and Offshore Racing

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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 outline of Appendix N describing the duties of the international jury. The chapter takes into account that oceanic and offshore racing requires procedures that change the RRS (in accordance with rule 86), respecting as closely as possible the basic principle of Racing Rules of Sailing Part 5 Section B. This chapter also comments on some specific procedures at offshore and oceanic races.

### K.1 Protest Committee Composition and Organization

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

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

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

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



Protest committee members must handle information relating to emergencies, serious accidents or any dangers relating to competitors sensitively. The confidentiality of the information must be safeguarded. The Safety Management chapter and the section on safety in the Organization & Race Management of Offshore Events chapter in the World Sailing Race Management Manual provide guidance.

## K.2 Responsibilities of the Protest Committee

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

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

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

### BEFORE THE RACE:

- check the sailing instructions for consistency with the notice of race and class rules, relevance of any national prescriptions, and changes to racing rules;
- establish and publish any discretionary penalties, or how navigational penalties may be calculated.

### DURING THE RACE:

- extensive consultation may be required at various stages of the race, for safety reasons such as relocating ice gates, or to extend or shorten the race.
- giving advice in relation to the rules as consultants to the organizing authority, race committee or technical committee.

### AFTER THE RACE:

- if applicable, financial penalties, misconduct, etc.

## K.3 Specific Rule Changes in Sailing Instructions

The notice of race or sailing instructions may make various changes to the racing rules. This list, while not exhaustive, shows many examples of the rules that typically are changed in the sailing instructions, in these categories:

### RELATED TO PROTEST PROCEDURES AND DECISIONS OF THE PC

- modifications to protest procedures in Part 5 of the rules in accordance with rule 86, to establish a different method for conducting hearings;
- changing rule 60.5 so that the protest committee may impose a discretionary penalty instead of a disqualification for breaches of specified rules. Typical examples are for rules 28, 29, 30 and 31;
- discretionary penalties involving navigation and breaches of Part 2 rules should be calculated at the hearing;
- various time limits for boats to deliver a protest before the race, while racing, and after the race;
- various time limits for protests by the race committee, technical committee, protest committee, modifying rules 60.2 and 60.3;
- circumstances in which a boat may be eligible for redress if she is stopped or delayed during the race due to actions of a governmental or official body.

#### RELATED TO OUTSIDE HELP, RULE 41

- organizers will frequently prohibit the use of routing and provide or limit access to a common set of weather forecast files to all participants in the race. Check with the race committee how it is controlled, and if it is reliable.
- may boats receive shore-based technical advice for on-board repairs?
- are technical stops permitted?
- will verbal outside help be permitted to resolve medical problems while racing?
- which sort of outside help is permitted?

#### RELATED TO SAFETY

- attending safety briefings before the race;
- for safety reasons, changing rule 30 for boats that are OCS;
- changes to rule 44 for penalties for breaches of Part 2 rules and rule 31;
- scheduled radio sessions imposed by race management for safety.

#### RELATED TO NAVIGATION

- specific prohibited zones, Traffic Separation System (TSS) in IRLCAS;
- specifications of where and when Part 2 rules apply, and where and when IRLCAS apply between boats racing, keeping in mind that IRLCAS always apply between vessels;
- protected (forbidden) zones for the starting sequence, and when they apply (often one hour or more before the start);
- virtual marks: see World Sailing Appendix WP Rules for Racing Around Waypoints on the World Sailing website. (Search “racing rules WP”, click “submit”, and select “Documents”);
- whether an engine may be used to enter a port in case of emergency, repairs or medical treatment, subject to report to the race committee;
- whether the boat is permitted to go into port;
- whether the boat is permitted to be hauled out in port;

- whether crew members are permitted to go ashore during technical repairs stops;
- whether crew may be replaced for medical reasons during a race.
- World Sailing Development Rule DR21-01 Alternative Starting Penalty. (Go to Our Sport, select “Racing Rules of Sailing”, then select “Test Rules and Additions to the Racing Rules of Sailing”.)

## RELATED TO MEDIA REQUIREMENTS IN THE NOTICE OF RACE AND SAILING INSTRUCTIONS

- attending press conferences, opening ceremonies, prize-giving ceremonies and prologue races;
- complying with advertising requirements;
- radio or video session imposed by race management for media purposes.

### K.4 Procedures for Hearings

Even though there are specific hearing procedures for offshore and oceanic races, the protest committee must always protect each party’s right to be heard, no matter what hearing procedure is followed. The scheduling of hearings conducted while racing, whether by email or other means, should accommodate sailors for fatigue or weather considerations. It is preferable that both boats agree on the time for the hearing.

#### BEFORE THE START

The full protest committee should be present on site, if possible. If any hearings need to be conducted before the start, the protest committee should be aware that there is no requirement for any party to check the notice board. Therefore, if a competitor or support person is called in for a hearing, the notice should be made in writing and delivered to the person whom it concerns. While this is true for all events, it is more likely to occur at an oceanic or offshore event, for example in the case of measurement issues, the OSR, etc.

#### DURING THE STARTING SEQUENCE

Protests involving the rules of Part 2 are likely to occur during the starting sequence or around the initial rounding mark. Having members of the protest committee on the water is helpful. Especially early in the race, competitors may prefer to concentrate on racing and avoiding traffic rather than take time for a hearing via conference call or to write a complete statement. They may be able to respond to email or other written communications later, depending on weather and their progress in the race.

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

## DURING THE RACE AND WHILE RACING

After the start, organizers frequently wish to have any protests or requests for redress resolved prior to boats finishing. The timing of conference calls for hearings and decisions must recognize that protest committee members may be in diverse locations and time zones. The chair should give enough time to members to answer e-mails and set a timeline for answers.

## AT OPEN SEA

Protests between boats are infrequent. Protests from the race committee, technical committee and protest committee are more frequent.

Protests by the race committee often relate to infringements of the IRPCAS, including rule 10 Part B relating to TSS. Keep in mind that some infringements of the IRPCAS may lead to an appearance in a national maritime high court.

When the protest has been decided, it may be communicated to all parties involved. A copy should be sent to all other committees for practical application and information.

## AFTER THE FINISH

Protests after finishing are most frequently from the race committee and technical committee, in relation to broken seals or lost equipment.

## K.5 Penalties

In races of extended duration, disqualifying boats for rules breaches is usually inappropriate. For example, the score, Disqualification that is not excludable (DNE) is not used in The Ocean Race, the Figaro or the Vendée Globe. The longer the race, the more reluctant organizers may be to see a boat disqualified. There is a tendency to rely more on discretionary penalties.

The use of discretionary penalties should be stated in the sailing instructions and may vary with the requirements of the organizing authority and the culture of the race. There is no consistent approach to discretionary penalties for offshore and ocean racing, but a few organizers have developed models for addressing penalties.

## COMMON DISCRETIONARY PENALTIES

- time penalties, applied as a percentage of elapsed time (offshore races of relative short duration;
- time penalties in days / hours / minutes added to the elapsed time;
- stop penalties, to pass at the same waypoint, after a specified duration;
- stay penalties, in port for a minimum period;

- financial penalties for breaches of media obligations, which could also be Standard Penalties to be applied by the organizing authority without a hearing.

## K.6 Requests for Redress

This is one of the most difficult parts of the protest committee's work at offshore and oceanic races because giving redress will have a direct impact on results. The most common requests for redress are for:

- incidents during the starting sequence, resulting from a protest between boats;
- an alleged improper action of the organizing authority, race committee, protest committee, or technical committee, such as if spectator boats hinder a boat, while the organizing authority is responsible for providing a safe zone as defined in the SI;
- for a boat giving or attempting to give help to a person or vessel in danger.

The value of the redress given is usually expressed as a reduction of the elapsed time, rather than as corrected time. In view of media attention, decisions on redress are best taken and published as soon as possible, and if possible, before the boats finish.

## L. Judging Radio Sailing

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### Abbreviations

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

### L.1 Introduction

Radio sailing differs from all other forms of sailing, as the crew handling the boat is not on board. Competitors and race officials stand side by side on the bank. As a result, radio sailing has developed specific rules set out in Appendix E, along with practices for judges and umpires.

No more than 24 boats may compete on the water at any one time. A system of heats is used allowing events to be run with up to 84 competitors. In many cases an incident must 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 Appendix A, Scoring. These changes introduce a significant difference in the points for retiring or being disqualified.

Most racing is run without umpires. However, radio sailing has developed the use of observers, who may be competitors not sailing in that heat. They hail and record contacts between boats, and between boats and marks. Unresolved incidents are reported to the race committee who may protest. These reports are made available to parties to any protest hearing before the hearing opens. A party to the hearing may then choose to retire. This procedure is set out in the IRSA System for Reducing the number of Protest Hearings (SYRPH).

A small number of events are umpired, including World and some Continental Championships for which an international jury would be appointed. When racing is umpired, observers work closely with the umpires. Observers will normally recognize boats rapidly and anticipate impending situations. They may also recognize slight contact more easily than an umpire. Therefore, the building of mutual respect is vital to establishing a good working relationship.

Umpiring for Radio Sailing has been developed over a period of 20 years. The basic principles are now clearly established, as development continues.

Procedures for umpiring are set out in the DR21 02 Test Rule for Umpired Radio Sailing, which can be found on the World Sailing website. (Search “radio sailing”, click submit, “Documents”).

These rules recognize that umpires cannot resolve all incidents. If there is no decision from an umpire, then the competitor still has the right to a hearing.

Umpiring is intended to modify normal procedures as little as possible. In this way, the Test Rule for Umpired Radio Sailing retains the use of competitor observers, who work closely with the umpires.

There are two further developments:

- An Accelerated Protest Procedure integrates SYRPH by providing pre-hearing procedures. Parties are given access to reports from umpires or observers and are offered the opportunity to retire before the hearing is opened.
- A World Sailing Call Book for Radio Sailing gives guidance on rules and situations specific to radio sailing.

### L.1.1 Additions to the Notice of Race

The Notice of Race should state that radio sailing is governed by Appendix E, as there are many rules which are changed for this type of racing. Also list other documents that may govern the event, including the Test Rule for Umpired Radio Sailing when racing is to be umpired, SYRPH and the Accelerated Protest Procedure. The Notice of Race should also identify the heat management system that will be used. IRSA has published a Notice of Race Guide.

### L.1.2 Additions to Sailing Instructions

Appendix E requires certain details to be specified in the sailing instructions, for example, whether there will be a defined control area, a defined launching area and how it may be used. The sailing instructions should also describe how observers will be appointed for each heat, and any penalties for not carrying out observer duties. IRSA has published a Sailing Instructions Guide.

## L.2 Umpiring

For a major event, seven judges should be appointed. Four judges umpire each heat. The three others hear any protests as a panel under rule N1.4(b). Judges rotate between umpiring heats and hearings. In this way a member of the protest committee may have seen part of the incident. Postponing racing to hold a hearing strains the relationship between competitors and umpires. By always having a panel available, only hearings that could affect the composition of the

next heat delay racing.

It is possible to umpire a race with fewer umpires. However, the more boats an umpire is required to follow, the more incidents will go unobserved. Umpire teams work well when each umpire handles up to 6 boats.

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.

Appendix E1.1 established that an observer does not have a conflict of interest solely by being a competitor. In rare cases, an observer may be perceived as having a conflict of interest that can usually be avoided when scheduling observers. However, as observer's actions are closely monitored by competitors in the heat, other observers, race committee, umpires, competitors not sailing in the heat, and spectators, any abuse would be noted almost immediately. As RS Call O2 makes clear:

“The role of observers is central to the organization of radio sailing events under the Racing Rules of Sailing. Falsely announcing that another boat has broken a rule, for which the accused boat would be expected to take a penalty, [or not calling contact when a boat has clearly done so,] is a clear breach of sportsmanship and fair play and also misconduct.”

If, for some reason, an event organizer is uncomfortable with appointing observers who are competitors they may appoint other persons to fulfill this function.

### L.3 Equipment

Little equipment is needed. Comfortable walking shoes are essential, as umpires may walk up to 15 km per day. Observers are provided with paper and a clipboard to make note of incidents. Judges should also have a means of recording incidents.

Signals are verbal, as the judges are very close to the competitors controlling their boats. Strong clear voice sounds must be made to ensure that all the competitors hear the umpires' hails. At some events, umpires are provided with microphones and hails are broadcast over the public-address system. At international events remember that many competitors will not have English as their primary language. Umpires should use a minimal number of standard hails. Sail numbers must be hailed, under rule E2.1(c) using single digits (e.g. 15 is one five, and not fifteen).

### L.4 Basic Principles of Radio Sailing Umpiring

A fundamental principle of umpiring radio sailing is that umpires, observers and witnesses operate in the same area as the competitors controlling the boats.



Their decisions are based on information that is also available to competitors. In addition, umpiring depends on clear communication between umpires, observers and competitors: hails of contact, protests, room to tack at an obstruction and penalties must be heard by all parties and officials. Experiments to allow umpires to operate at a distance from the competitors led to penalties being given for infringements that the competitor could not reasonably be expected to have seen. This approach rapidly resulted in the breakdown in the mutual confidence and respect between umpires and competitors. Further technological experiments to improve communications are ongoing.

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.

Umpires work to a pre-ordained plan to ensure that they concentrate on key points of the course. For example, all four umpires, with their observers, follow boats into and around the first windward mark.

An observer who hails “Contact” between boats that are not in the group being followed by their umpire partner must assume that the umpire has not seen the incident. The relevant umpire may request a report from the observer. The umpire will penalize a boat only 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, the umpire will either remain silent or hail “No Decision” to inform competitors. Following an observer’s or umpire’s 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. They assume that the state of a boat, or her relationship with another boat, has not changed until they are certain that it has.

Umpires move around the control area to find the best vantage point for observing their boats. This position 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.

The success of umpiring is largely dependent on decisions of the race committee in laying the course. Repeated testing, using range finders, has demonstrated that reading sail numbers becomes problematic for all participants at more than 70 metres. At this distance, judgement is still possible for distances, angles, lay lines, converging courses and depth perception for the distance between boats or a boat and the mark. Race committees can ensure that the competition remains fair, and that umpires and observers can operate

confidently by:

- laying marks at 70 metres or less from the control area;
- using courses that minimize congestion, especially at the first windward mark. The use of twin windward marks has become common. Some classes prefer rounding from the outside to pass back through the gate, and some the reverse. As the wind increases, move these marks further apart.

Umpiring minimizes time taken for protests, and umpire procedures are designed to reduce the chance of error. Umpires will, on occasion, make errors, for which they should promptly apologize. When there is contact and neither boat takes a penalty, the umpire decides who is at fault. Competitors will not always 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 heat.

Competitors may assist umpires when there is a protest in these ways:

- Indicate where the incident took place.
- Indicate why they are protesting.
- Acknowledge rapidly if they intend to take a penalty.
- Take penalties promptly.
- Indicate if they believe that an infringing boat has gained an advantage despite taking a penalty.

## L.5 Umpire positioning

Umpires, accompanied by their observers, follow the plan shown in the positioning framework as they follow boats around the course. Umpires must remain within the control area which limits the movements of competitors. This ensures that umpire decisions are taken from the same viewpoint as that of the competitors controlling their boats, without the aid of drones or magnifying devices. Currently, this is a fundamental principle held strongly by the majority of radio sailors, but it could change in the future.

Umpires have developed, and continue to develop, a framework for umpiring positioning which allows for:

- each umpire to follow a manageable group of boats.
- good coverage of key moments in the race.
- reducing the movement of umpires. (This is important when the control area may be 150 metres long and umpires need to run to keep up with boats, especially on the downwind legs).

The framework combines following groups of boats with observing specific zones. For instance, all four umpires cover the start, after which each umpire takes a small group of boats around the windward marks and down the first run. Two umpires then handle the passage through the gate whilst the other two follow the last boats down the run as they cross through the leaders on the beat.

The framework is described in a document “Radio Controlled Umpiring Positioning Framework” that is available to competitors so that they can more easily follow the umpires when appointed as observers. The document is presented on the final page of this chapter, with two diagrams, one representing the wind from the left of the bank and the other from the right.

## L.6 Unresolved incidents

Incidents that are not resolved immediately are dealt with after the heat. As an alternative to the standard protest procedure, which includes a 10-minute protest time limit, judges have developed an accelerated protest procedure which does not require the protestor to lodge a written protest. Instead, having hailed “protest” after the incident, the protestor informs an umpire of their intention to protest immediately after finishing or retiring. The umpire notes the essential details and hails all other parties to the protest. All competitors involved then recover their boats and report to the Jury Desk. The judges that are assigned to protests then apply pre-hearing procedures and open a protest hearing if necessary. In many cases, a competitor will choose to retire rather than proceed to a hearing.

## L.7 Summary

Umpired racing under the Test Rule for Umpired Radio Sailing works extremely well, with judges making on-the-water decisions on protests involving the rules of Part 2, and rules 31 and 42. At the same time, the system maintains the competitors’ right to protest and to have a hearing for alleged breaches of all other rules.

The Accelerated Protest Procedure ensures fast-track hearings for incidents in which a judge’s decision was not available, so that the result of each heat may be completed shortly afterwards. This procedure can be found on the Documents page of IRSA.

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

# Radio Controlled Umpiring: A Positioning Framework.

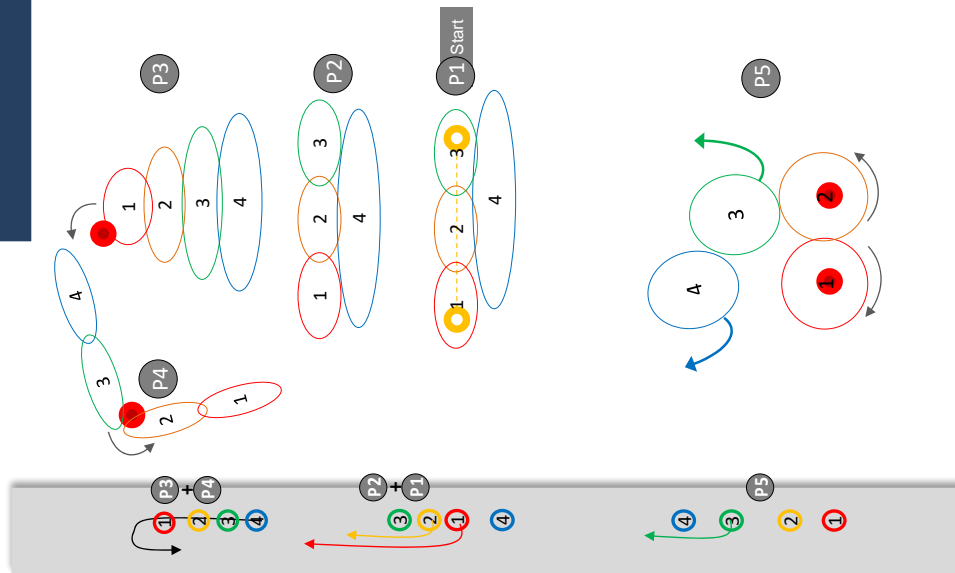
## Notes:

- Each umpire takes 1/4 fleet plus 1. With 20 boat heats, umpires watch groups of 6 boats (so umpires overlap).
- If only 3 umpires, delete U4 on 1<sup>st</sup> 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

## FIRST LAP



**Position 1: Prestart and start** U1 takes the boats nearest to the shore (near), U2 those in the middle (middle) and U3 those furthest (far). U4 is left with the boats that are further back from the line (back).  
At the start U1 will umpire the group of boats on the line nearest to the shore, U2 the group in the middle of the line and U3 the group on the line furthest from shore. U4 will take those boat in the second row at the start.

**Position 2: The first beat** As boats leave the starting line the umpires remain in the same configuration monitoring the progress of the fleet. While umpiring their areas U1 and U2 need to think about advancing their positions ahead of U3 in preparation to take over the first and second groups respectively in preparation for the first mark rounding. U4 takes the back group for Lap 1.

**Positions 3 and 4: Rounding the windward marks** Approaching Mark 1, U1 switches to the first group, U2 to the second and U3 to the third. U4 will remain with the last group.  
Umpires should be close enough so that U1 can tell U2 the last boat he is watching, likewise U2 tells U3.

As boats begin to round, all umpires advance to be level with Mark 1 to watch their boats round Mark 1 & 2, then promptly start walking downwind as their boats leave Mark 2. From P4 onwards, umpires should walk level with the leading boat of their group.

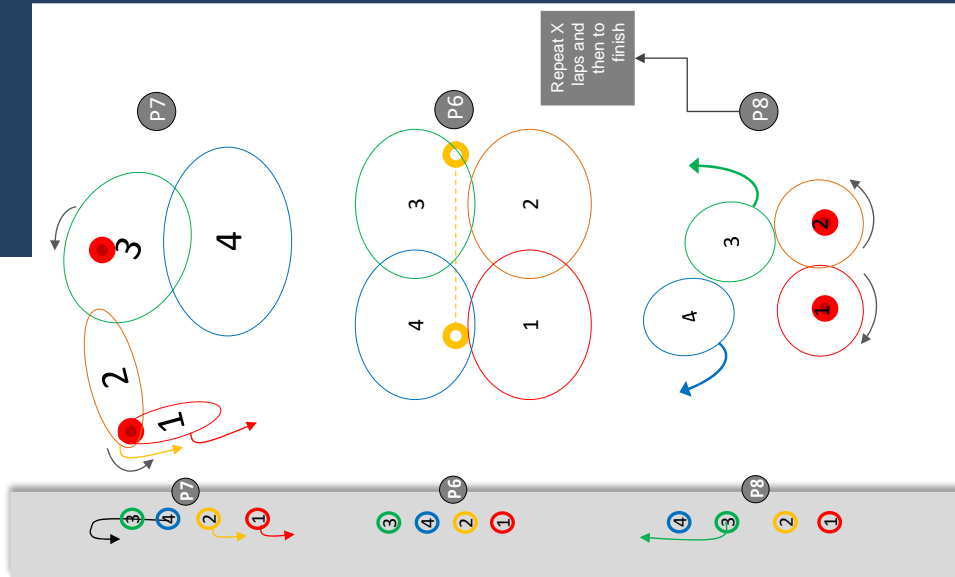
**Position 5: Approaching and rounding the gate** As the boats do the final approach to the gate, U1 & 2 watch all boats' approach and round the Gate. U1 will usually choose the starboard hand gate mark and U2 will pick the other one (umpires should collaborate when most boats choose one mark to make sure they can keep up with the fast pace rounding). U3 and U4 switch to take the leaders on the beat from when they pass through the rounding boats.

**Position 6: The second beat** As boats finish the rounding, U3 takes front far, U4 front near. U1 & U2 take the back, same side as at the leeward gate.

**Position 7: The second windward rounding** As boats approach to round the windward mark for the second time U3 & U4 watch the windward mark rounding. U1 watches the first group as they leave Mark 1 and round Mark 2. U2 does the same with the second group, and then U3 & U4 revert to following their groups around Marks 1 and 2. All follow their groups on the downwind leg.

**Position 8: Second leeward gate rounding and final beat** The second rounding of the leeward gate is a repetition of Position 5, but as they start the final beat if boats are well-spread, U4 takes the 1<sup>st</sup> group, U3 the 2<sup>nd</sup>, U2 the 3<sup>rd</sup> and U1 the 4<sup>th</sup> until each group finishes.

## REMAINDER OF RACE



# Radio Controlled Umpiring: A Positioning Framework.

## Notes:

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**Position 5: Approaching and rounding the gate** As the boats do the final approach to the gate, U1 & 2 watch all boats' approach and round the Gate. U1 will usually choose the starboard hand gate mark and U2 will pick the other one (umpires should collaborate when most boats choose one mark to make sure they can keep up with the fast pace rounding). U3 and U4 switch to take the leaders on the beat from when they pass through the rounding boats.

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## REMAINDER OF RACE

## M. Sailor Categorization

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### M.1 Introduction

This chapter discusses the involvement of the protest committee at events using competitor categorization. If you are appointed to the protest committee of an event where categorization limitations apply, familiarize yourself with the requirements of categorization in the Code. (On the World Sailing website, search “Code”, click “submit” and select “Documents”.)

The World Sailing Sailor Categorization Code provides an international system for the categorization of competitors as amateurs or professionals. The Code categorizes competitors into two Categories: Group 1 competitors take part in racing only as a pastime, while Group 3 competitors have been paid for work or services in sailing. The Sailor Categorization Commission is available to guide and assist officials and can be contacted via the World Sailing Office at [categorization@sailing.org](mailto:categorization@sailing.org).

Events and classes are not under any obligation to use a Categorization system, but should they do so, rule 79 requires that the World Sailing Code is the only system that shall be used.

The Categorization Authority administers the system of categorization on behalf of World Sailing. It reviews and confirms or corrects competitors’ categorization. It has the power to change the categorization of a competitor at the event if there is a good reason to do so (e.g. if the categorization is wrong). Changes in categorization may require a change in a crew list close to the event, with impact on a boat’s ability to train and compete.

Competitors may appeal against a decision to re-categorize them. Until the appeal has been decided, the decision of the Categorization Commission is binding. The competitor may not request redress, as the Categorization Authority is not covered by rule 61 and there is no other redress procedure.

### M.2 Notice of Race and Sailing Instructions

The notice of race should state crew limitation rules which mention sailor categorization when the class rules do not specify. For example, a boat may be limited to the number of Group 3 competitors who may be on board, or the helm might have to be Group 1. It is important that the requirements are drafted clearly,

without ambiguity. It is not permitted to have a rule which states that a certain type of individual is Group 1 or Group 3. Only World Sailing can make this decision.

## M.3 Protests

A boat may be protested after the crew deadline (a defined term within the Code) a boat may be protested on the grounds that:

- when Categorization for a competitor was applied for, information that should have led to a higher Categorization was not disclosed; or
- a competitor has, since being classified, engaged in activities incompatible with the Categorization.

and that the boat would then break the crew limitations in the notice of race, sailing instructions or class rules were the Categorization to be corrected.

A protest under the rules may be brought where a boat has simply not complied with the notice of race or class rules. An example is having more Group 3 competitors on board than permitted or having a crew member steer when this is not permitted. In these circumstances the protest committee will apply the normal rules regarding time limits, validity, penalties etc. to the protest. The categorization listed on the World Sailing website against the competitor is definitive in these cases.

The time limit for a boat to protest is the Categorization Protest Time Limit (a defined term in the Code), or, if later, 24 hours after the posting of a changed crew list. The sailing instructions may state a different time limit.

The protest committee will also need to consider the types of Group 3 activity, as listed in the Code, and how to best assess if a competitor falls into one of these categories. These types of protest are often complex and may require close liaison with the Categorization Authority. The FAQs issued by the Categorization Authority can be helpful in assessing the different situations.

As with measurement protests, where the protest committee is in doubt as to the categorization of a competitor, it may call a member of the Categorization Authority as a witness to the hearing. The member may attend by audio or video conference if not in attendance at the event. Alternatively, the protest committee may refer the facts found to the Categorization Authority to seek its opinion on them, in which case the response of the Categorization Authority then binds the protest committee.

Under the Code which changes rule 63.1(a)(4), 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.



## M.4 Penalties

The Code sets out the penalties for a boat when a protest is upheld. If the boat has not yet raced in the event, she will not be penalized; but if the boat has raced in the event, the penalty is disqualification from all races already completed, except when the protest arises as a result of a mandatory protest by the race committee acting on a report from the Categorization Authority, in which case the penalty is at the discretion of the protest committee. More details follow in the section on Changes by the Categorization Authority below.

The protest committee has no power to change a categorization, only to determine whether it should be different. It must report its decision on a protest to the Categorization Authority, together with a summary of any evidence given in private.

## M.5 Changes by the Categorization Authority

If the Categorization Authority changes a competitor's categorization during an event it may backdate that change to the commencement of the event. If the Categorization Authority believes a boat would then break the crew limitation rules, it shall report the matter to the race committee, which shall protest the boat. The penalty shall be at the discretion of the protest committee.

## M.6 Reports to the Protest Committee

If the protest committee receives complaints or information at an event that may cast doubt on a competitor's categorization, but no protest is involved, it should report that information in confidence to the Categorization Authority via the World Sailing Office.



## N. SLALOM WINDSURFING JURY GUIDELINES

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6

### N.1 Introduction

Slalom is a fast and powerful windsurfing discipline. The short races of 3 to 5 minutes can be run in compact areas close to the spectators. The races are at high speed, with short legs and close mark roundings. The format is elimination, which requires an efficient race committee and jury. In some events, 200 starts a day are no exception!

The need for easy rules governing the fast mark rounding became more and more important, since the existing rule 18 was impossible to judge at high-speed events. A 35-year process led in 2021 to the World Sailing Windsurfing Slalom Racing Rules.

The Windsurfing Slalom Racing Rules (WSRR) can be found on the World Sailing website in the Racing Rules section. Click on “Competition Rules Boards” and choose “DR 21-06 Windsurfing Slalom Rules”.

The Notice of Race shall include that the event will be governed by the rules as defined in the Windsurfing Slalom Racing Rules.

This chapter provides guidelines to help judges develop the skills needed to officiate at windsurfing slalom events.

### N.2 General

Protests are mostly from the first competitor who is not in the group to advance to the next round (4<sup>th</sup> – 5<sup>th</sup> position).

The first mark rounding is the most critical, as the competitors are close together. In the first round there is a big difference in the competitors’ levels.

In the semi-finals and especially in the final, the competitors' levels are more equal, and the mark roundings will be more critical.

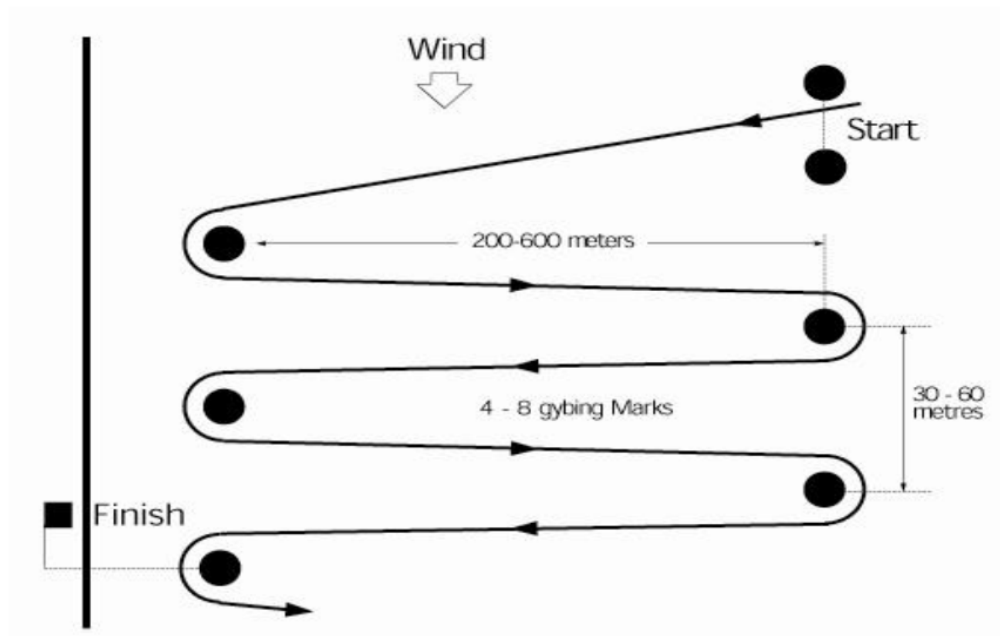
In addition to the standard criteria to apply rule 2, disqualifications are also possible for dangerous or reckless sailing (Windsurfing Slalom Racing rule 2).

It is important for the jury to focus on the 4<sup>th</sup> and 5<sup>th</sup> position (depending on the cut-off) at the mark rounding, and to make notes which can be used in case of a protest hearing.

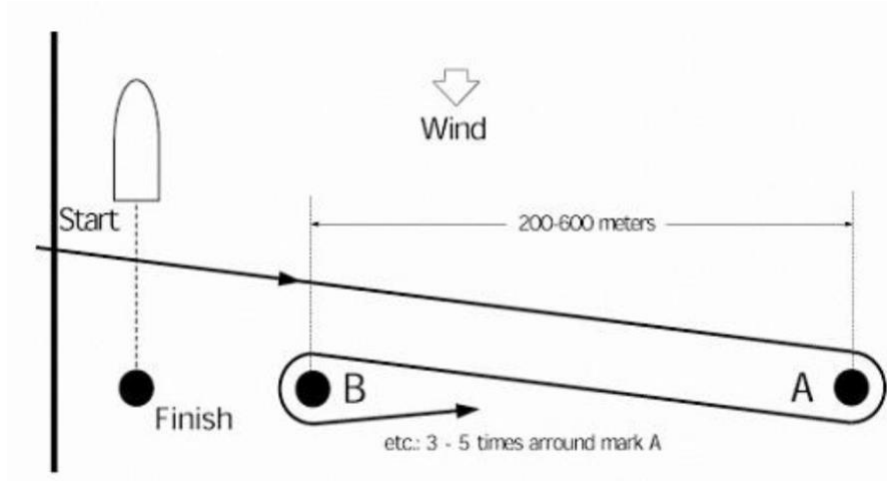
## N.3 Racing Format

### N.3.1 Courses

#### Downwind Slalom



**Figure of eight Slalom**



**Note:** The start can be from the beach or on the water near the marks A or B. If the wind is not cross shore starts should normally be on the water. The finish can be to windward or leeward of mark B, on the water or the beach.

### N.3.2 Sailing in Eliminations

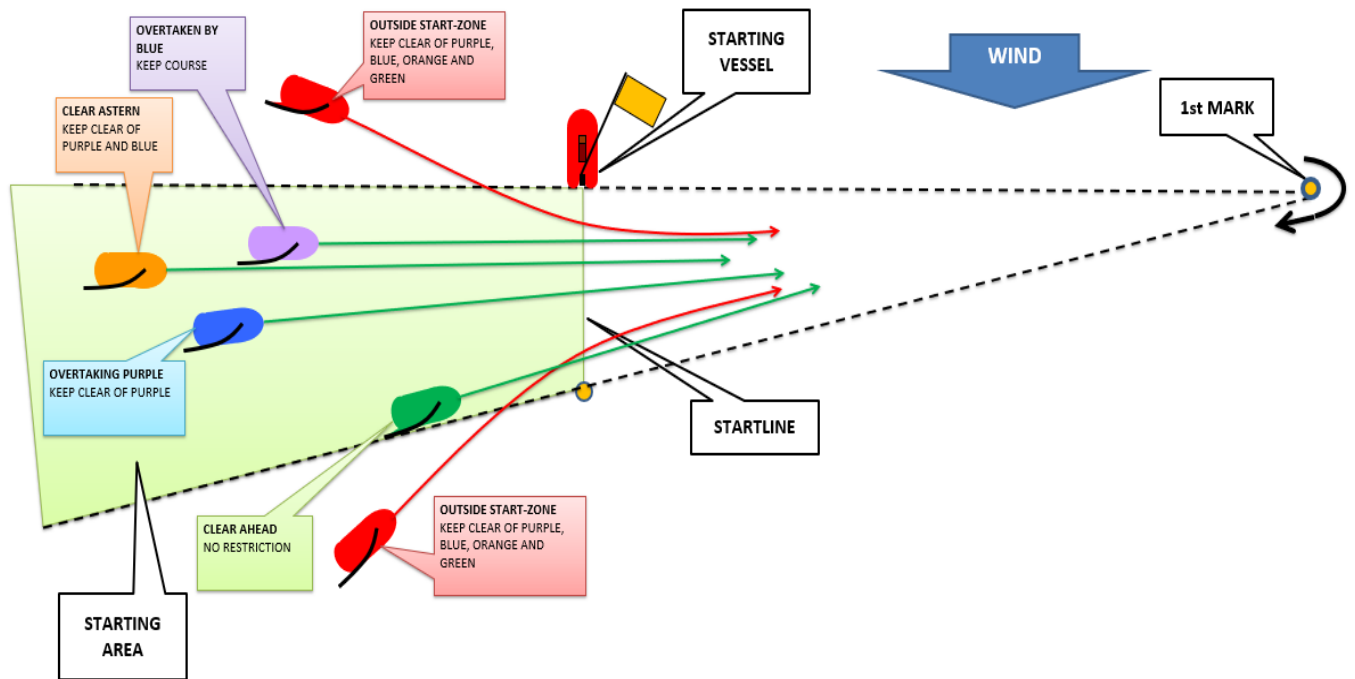
Direct elimination: top 50% advance:

- Example: 10 at the start -> 5 advance to next heat;
- The battle between 5<sup>th</sup> and 6<sup>th</sup> is the most important;
- If there are issues among 1, 2, 3 and 4, normally there is no protest because they all qualify;
- Similar for last 4 in the heat.

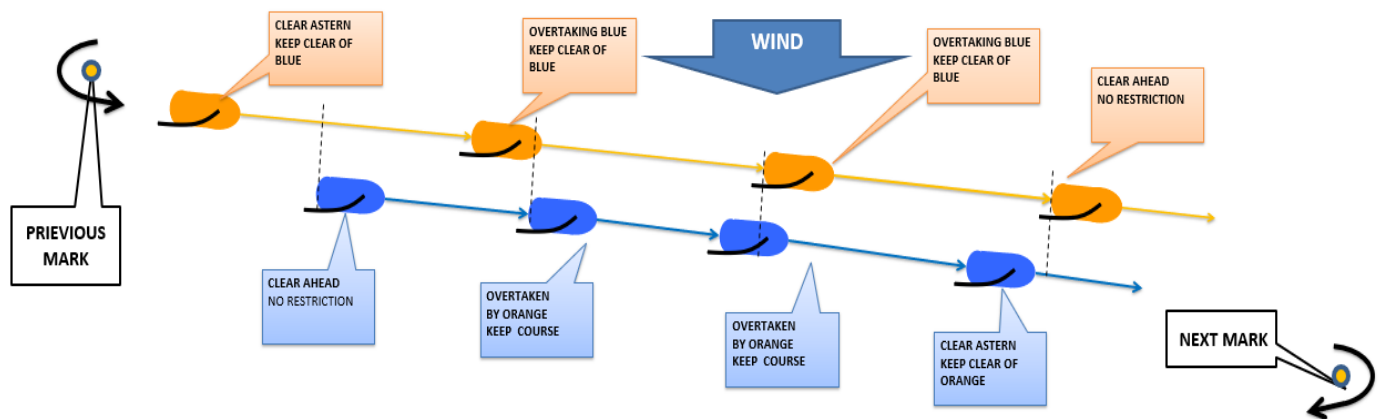
## N.4 Rules

There are some significant modifications to the slalom racing rules compared to the Racing Rules of Sailing. They can be found in the introduction of the WSRR.

## N.4.1 The Start Visually Explained

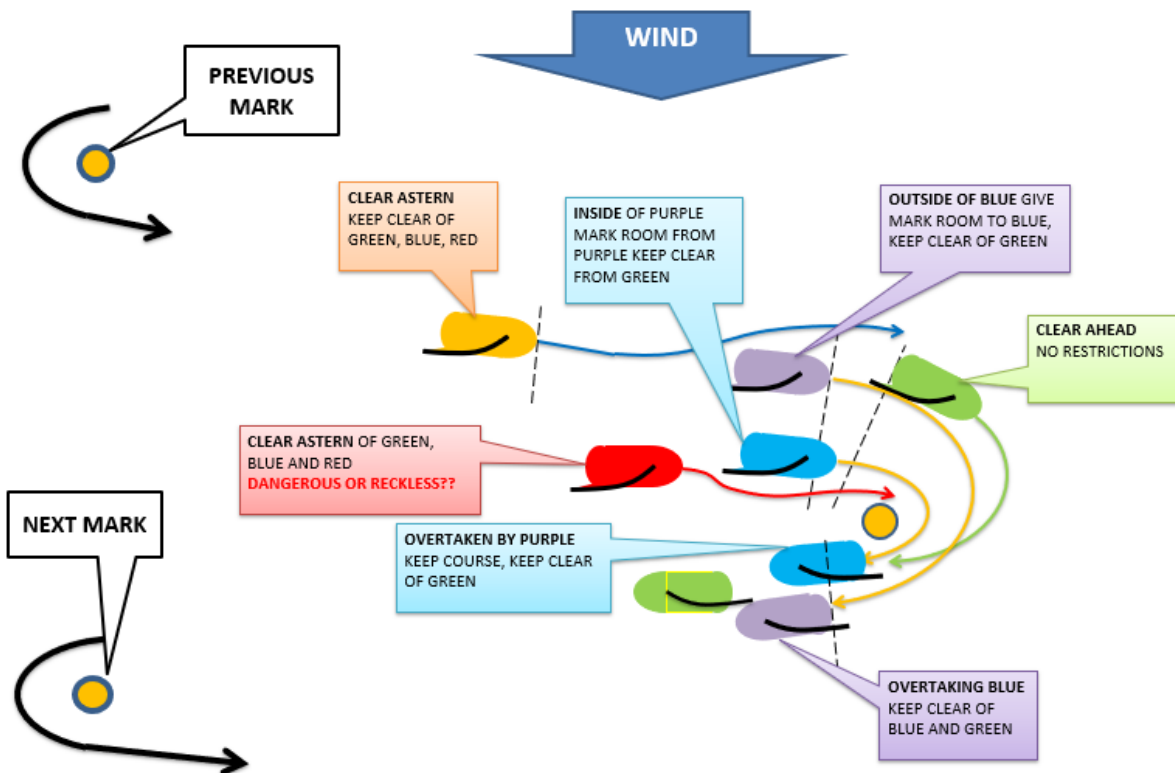


## N.4.2 The Reach Visually Explained



## N.4.3 Mark Roundings

Most of the protests are about rule 18 (Mark-room). In WSRR rule 18 is switched on when a board begins to round the mark. (The competitor unhooks the trapeze, steps out of the foot strap, and brings their bodyweight more backward and to leeward and the mast more to leeward.) At high speed you can see the spray behind the board changing.



It is important in these protests to establish if there was an overlap when “a board begins to round a mark.” At mark 1, we find that in only 3-5 % of cases there is an overlap. Most often, boards are clear ahead and clear astern. It is very rare to have a protest about other rules.

## N.5 Positioning of the Jury

- on the water during racing:
  - actions before the start are best viewed from behind the boards;
  - at mark 1 from a location to see overlap at the moment a board is “about to round”;
  - at mark 2, mark 3,... from a location to see overlap at the moment a board is “about to round”.

Slalom racing involves high speeds (15 meter per second; about 30 knots). When you are on the water, be careful where you position your boat

- Positioning on the beach during racing:
  - Observe with good binoculars:
    - starting area;
    - mark 1;
    - rest of the course.
- Looking at the races
  - similar to direct judging; say out loud what you see;

- order of sails approaching the mark;
  - overlap”, if any;
  - “no issues” if no issue;
  - record issues so that if it comes to a protest, you already have an idea of what happened.
- Hearing location if races close to the beach:
    - Tower;
    - identified by Jury Flag.
  - Hearing location if races are far away:
    - platform (rubber dinghy) with mooring possibilities for protestor and protestee;
    - identified by Jury Flag.

## N.6 Protests and Requests for Redress

The protestor shall inform the other party immediately after the incident by hailing, “Protest”. The protestor shall also inform the RC on the finishing line as soon as practicable after she *finishes* or retires.

The parties and their witnesses shall go to the protest committee as soon as reasonably possible after finishing, to begin the hearing as soon as possible. The protestor is encouraged to bring the protestee and witnesses.

Since the result of a protest is important for the next round, protest hearings should take as little time as possible. The hearings are oral, without a protest form, and are held immediately after the finish of the heat involved.

### N.6.1 Hearing Procedure

Hearings usually take no more than 2-3 minutes.

The hearing procedure is slightly different from standard practice in a few aspects.

If there was minor contact or if there were no position changes in the incident, there will be no penalty even if a rule was broken.

1. Check if the protest could influence the next heats
  - a. If so, instruct the RC to stop the start of the heats concerned.
  - b. If not, decide if you want to hear the protest immediately or after racing.
2. Check Validity of protest
  - a. Announced to the RC at the finish boat?
  - b. Announced to protestee on the water?
3. Each competitor explains the situation in a maximum of 30 seconds
4. Jury questions
5. If needed, witnesses (but try to avoid)

6. Last statement of the parties
7. Find the facts, conclusion and decision
8. Inform the protestor and protestee about the decision
9. Inform the RC about the decision (DSQ or not, RDG or not), and that the hearing is finished

### N.6.2 Redress

In the WSRR, the conditions for redress are limited to:

- giving help (except to herself) in compliance with rule 1.1;
- 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 board was *a party* to the hearing; or
- an action of a board or her support person that resulted in a penalty under rule 2 or a penalty or warning under rule 69.2(h).

In elimination races, the redress given may be to advance to the next round, resulting in more boards competing in a heat in the next round. Redress in the final and runner-up final is like in fleet racing, although it cannot be worse than her finishing position or the last place in her heat, and not better than the best place in her heat.

To give an advance to the next round the jury must be convinced that the competitor had a reasonable chance to advance to the next round if the incident had not occurred. An incident at the last mark between the boards in 7<sup>th</sup> and 8<sup>th</sup> place cannot normally result in redress.

When redress may be given for more than one race due to damage, the principle in World Sailing Case 116 will apply. This limits the number of races in a series for which redress may be granted.

When during a hearing, it becomes apparent that redress may be granted that could affect a whole fleet, the hearing should be adjourned, and the jury should request redress on behalf of the whole fleet in order to make all boards parties to the hearing.

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