



ISAF INTERNATIONAL JUDGES' MANUAL

March 2015

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 changing and evolving, a manual such as this has to be a living document that needs to be updated constantly. Contributions to improve it, including new subjects and to keep it up to date, are always welcome and updated versions will be posted on the ISAF Web site as changes and additions are made.

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

Andres Perez, Chairman
ISAF International Judges Sub-Committee

USAGE

This manual is designed and written for ISAF International Judges serving on international juries and as the textbook for ISAF International Judge Seminars.

The advice and procedures contained in this book generally relate to major regattas and championships.

In addition, readers may find it useful as:

- a guide for judging at any event;
- a reference for national and regional judging seminars; and
- a basis for national judging manuals written by national authorities.

International Judges are encouraged to contribute to the ongoing development of this manual and ideas for improving the manual should be sent to the ISAF Secretariat.

* * *

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

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

This manual is based on contributions from numerous very experienced judges. The International Sailing Federation thanks them all for their time and valuable input.

ISAF International Judges Sub-Committee

June 2013

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INTERNATIONAL JUDGES' MANUAL

SECTION A

The Basics

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A The Basics

A.1 Introduction

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A.2 Meaning of Terms

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A.1 Introduction

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

Second, a judge is often called upon to assist in many other critical aspects of a regatta, such as preparing the regatta's Notice of Race and Sailing Instructions, deciding issues of measurement and rating rule compliance issues, watching for rule infringements, enforcing propulsion rules on the water, and much more.

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

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

A.2 Meaning of Terms

Racing Rules of Sailing (the “rules”)

The rules used by sailboats when racing under the jurisdiction of the International Sailing Federation.

ISAF Codes and Regulations

ISAF Regulation 19 Eligibility Code; Regulation 20 Advertising Code; Regulation 21 Anti-Doping Code; and Regulation 22 Sailor Classification Code are referred to in the definition of *Rule*. They are not included in the *Racing Rules of Sailing* because they often change during the four year publishing cycle of the rules. Changes are posted on the ISAF website at www.sailing.org and through member national authorities.

Case Book (the “cases”)

The ISAF publishes interpretations of the racing rules in *The Case Book* and recognizes them as authoritative interpretations and explanations of the rules. They are based upon appeals and questions submitted to the Racing Rules Committee. They clarify the meaning of a rule or answer questions about conflicting interpretations.

The rules, changes to the rules, and Cases are adopted by the ISAF Council, based upon the recommendation of the Racing Rules Committee. This means that the *Racing Rules of Sailing* and ISAF Cases are authoritative. International Judges are required to follow ISAF rules and Cases when interpreting the rules.

Question and Answer (Q&A)

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

The answers are prepared by experienced Race officials and are intended to provide a service to Race officials, Member National Authorities and ISAF Class Associations

whereby they may submit questions through the ISAF concerning the *Racing Rules of Sailing* (RRS).

The answers are not authoritative interpretations and explanations of the RRS but nevertheless represent an important service by providing carefully considered opinions of experienced Race Officials.

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

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

International Sailing Federation (ISAF)

The international body governing the sport of sailboat racing is the International Sailing Federation. It comprises member national authorities, class associations, and other affiliated organizations. Among the many ISAF responsibilities and programmes is the training and certification of International Race Officials which include International Judges, Umpires, Race Officers, and Measurers.

National Authority

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

National authorities often prescribe additional rules to the racing rules. These prescriptions are included as rules governing sailboat racing within the jurisdiction of the national authority by the Sailing Instructions. They are rarely invoked for international events.

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

National authorities may submit appeals that they think clarify or help interpret a rule to the ISAF Racing Rules Committee. If the committee agrees with the decision, or believes the clarification is beneficial it will accept the appeal as an ISAF case, subject to ratification by the ISAF Council.

Organizing Authority

The body that plans and runs the races or event is the organizing authority. It may be a club, a class association, a national authority, ISAF itself, or a combination of any of these. The Organizing Authority appoints the Race Committee. The Organizing Authority or the ISAF appoints the Protest Committee/International Jury.

Race Committee

The race committee is the committee appointed by the organizing authority to conduct the races. It is responsible for publishing the Sailing Instructions and for scoring. When

the organizing authority has not appointed a Protest Committee or International Jury, the race committee is responsible for appointing a protest committee to conduct hearings. Members of the race committee may sit on the protest committee, except for hearing a request for redress under rule 62.1(a). In that case, the protest committee must be independent of the race committee. A protest committee that is an International Jury constituted in accordance with Appendix N of the rules shall be independent of and have no members from the race committee.

Protest Committee

The protest committee hears protests, requests for redress and alleged breaches of rule 69. It is appointed by the organizing authority or race committee. It may be independent of the race committee or a subcommittee of the race committee. It may, when meeting the requirements of Appendix N, qualify as an International Jury. From January 2009 International Juries are referred to as Protest Committees when hearing protests and requests for redress.

International Jury

An International Jury is a protest committee that meets the requirements of Appendix N of the rules. It is appointed by the organizing authority and subject to approval by the national authority if required under their Prescriptions. It is completely independent from the Race Committee.

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

Event Measurer, Measurement Committee, Measurement Authority

The organizing authority of a major event may appoint an event measurer or a measurement committee to measure boats and check compliance to the measurement rules before the start of the competition, and carry out checks (such as sails set within black bands, distribution of ballast, weight of clothing etc.) during the competition. A measurement authority is a person or committee appointed by the organizing authority to interpret the measurement rules. 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 the measurement authority and is bound by the authority's decision.

Judge, National Judge, International Judge

The term 'judge' is a term often used to describe a member of a protest committee who participates in decision making. The title 'national judge' is given to a suitably qualified person by a national authority that runs a 'national judges' scheme. The title of 'International Judge' is awarded by ISAF to a person who meets the criteria set out in the ISAF Regulations.

Umpire, National Umpire, International Umpire

An umpire is a specially trained judge who makes decisions on the water, and may impose penalties, during a match or team race. Umpires may be called upon to hear protests during match racing and team racing events, as well.



INTERNATIONAL JUDGES' MANUAL

SECTION B

ISAF International Judges Programme

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B.1 How to Become an International Judge

ISAF created the International Judges programme 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, finally, the need to determine the results at the end of the regatta.

Since then, ISAF has expanded from the judge training and certification programme to include measurers, umpires, and race officers. Training and certification of sailboat racing officials and administering the Racing Rules of Sailing are recognized as the core purpose of the International Sailing Federation.

The Judge's programme is administered under the authority of the Race Officials Committee through its Sub-committee, the International Judges Sub Committee. Its responsibilities are stated in ISAF Regulations 6.9.7 and 31 which are reprinted below.

6.10.7 International Judges Sub-committee

Constituting the committee

6.10.7.1 *The International Judges Sub-committee, which shall administer the International Judges programme, has been established by the Council as a Sub-committee of the Race Officials Committee pursuant to Article 42.*

6.10.7.2 *The International Judges Sub-committee shall consist of a Chairman and the number of members that shall be appointed by the Council from time to time as provided by Article 42.*

Terms of reference

6.10.7.3 *The International Judges Sub-committee shall:*

- (a) *administer the International Judges Programme;*
- (b) *recommend to the Race Officials Committee the appointment of International Judges in accordance with these regulations;*
- (c) *disseminate information to and communicate with International Judges and Member National Authorities;*
- (d) *be responsible for the instruction and evaluation of International Judges and candidates to become International Judges, which shall include:*
 - (i) *the development and conduct of seminars to train and qualify International Judges and candidates to become International Judges; and*
 - (ii) *the formulation of the examinations which applicants must pass to qualify as International Judges and, if required, the establishment of the criteria for a performance assessment and its administration;*

- (e) *assist Member National Authorities in training and in developing national judges programmes;*
- (f) *recommend policies regarding the conduct of International Judges and International Juries;*
- (g) *administer programmes to promote uniform application and consistent interpretation of the Racing Rules and other ISAF documents by International Judges;*
- (h) *propose rule changes and submit interpretations of the Racing Rules to the Racing Rules Committee, the Race Officials Committee and other appropriate bodies;*
- (i) *develop and administer a procedure for the grouping and classification of International Judges according to their abilities and to place them in groups based on agreed criteria;*
- (j) *update International Judges Sub-committee documents, such as the Judging Manual, the International Judge application form and International Judges' Reference Form;*
- (k) *address questions from International Judges;*
- (l) *deal with such matters as any ISAF Committee may request.*

International Judges Programme Administration: See Part VI, Regulation 31

B.2 Terms of Appointment

31. ISAF RACE OFFICIALS ADMINISTRATION

- 31.1 *The provisions of this regulation affect all International Race Officials, namely International Judges, International Umpires, International Measurers and International Race Officers, International Classifiers, International Expression Judges and International Technical Delegates referred to collectively in this Regulation as ISAF Race Officials.'*
- 31.2 *The Race Officials Committee shall appoint or re-appoint ISAF Race Officials after considering the recommendations of the committee or sub-committee that is responsible for the discipline concerned.*
- 31.3 *For the purposes of this regulation references to 'Principal Events' shall mean those events described generally or designated as Principal Events by the Race Officials Committee and published on the ISAF Website. This regulation shall not require the Chief Executive Officer to list each individual event.*

Term of Appointment

- 31.4 *The term of appointment for an ISAF Race Official shall begin on the date it is made by the Race Officials Committee and,*
- (a) *if the applicant is less than seventy years old on the date of approval by the Race Officials Committee, the duration of the appointment shall be four years.*
 - (b) *if the applicant is seventy years old or older on the date of approval by the Race Officials Committee, the duration of the appointment shall be two years.*

B.3 Applications for Appointment and Re-appointment

Applications for Appointment and Re-appointment

- 31.5 *A candidate for initial appointment shall:*
- (a) *be nominated by the candidate's Member National Authority, a Class/Owners Association or the Race Officials Committee;*
 - (b) *be recommended by the candidate's Member National Authority;*
 - (c) *send the application on the official form so that it is received by the Chief Executive Officer by 1 September; and*
 - (d) *meet the general qualifications and the additional qualifications for the discipline concerned.*
- 31.6 *A candidate for re-appointment shall:*
- (a) *apply directly to ISAF;*
 - (b) *send the application on the official form so that it is received by the Chief Executive Officer by 1 September; and*
 - (c) *meet the general qualifications and the additional qualifications for the discipline concerned.*
- 31.7 *ISAF shall inform the candidate's Member National Authority of the application.*
- 31.8 *On applying for appointment or re-appointment, all ISAF Race Officials shall agree that, if aggrieved, they will resort only to the remedies referred to in this regulation, and whether those remedies are exhausted or not, will not resort to any court or other tribunal*

B.4 General Qualifications required of all International Race Officials

- 31.9 *A candidate for appointment or re-appointment for any discipline shall:*
- (a) *except in the case of International Measurers, be an experienced racing sailor;*
 - (b) *have a sufficient knowledge of the Racing Rules and a detailed knowledge of the rules, manuals and other requirements and publications relating to his discipline;*
 - (c) *be proficient in the English language and have the skills to communicate both with other race officials and with competitors on matters relating to his discipline;*
 - (d) *display the temperament and behaviour expected of an ISAF Race Official at an event;*
 - (e) *have the health and physical capacity to fulfil the requirements of his discipline;*
 - (f) *have the observation skills necessary to perform the duties of his discipline;*
 - (g) *agree to support the policies of ISAF and further its objectives, rules and regulations;*
 - (h) *have unimpaired eyesight and hearing, natural or corrected, at a level to enable him to carry out the duties of his discipline; and*
 - (i) *be able to contribute to the development of the programme relating to his discipline.*
- 31.10 *Where a candidate is required to have served at an event outside of his Group or Member National Authority the following provisions shall apply:*
- (a) *If the event is the Olympic Sailing Competition, Youth Olympic Games, Paralympic Games or a Major Event as designated by Regulations 25.8.17(a) it will qualify as such an event even if it has taken place inside his Group or Member National Authority;*
 - (b) *if the candidate is from Groups A-H, the event shall be outside his Group;*
 - (c) *if the candidate is from Groups I-Q, the event shall be outside his Member National Authority.*

Additional Qualifications for Individual Disciplines

31.12 International Judge

31.12.1 A candidate for first appointment as International Judge shall have complied in the 4 years prior to 14 October of the year of application, with the requirements of System 1, that is to say:

- (a) have attended an ISAF Judging Seminar within the four years prior to 14 October of the year of application;*
- (b) have passed the ISAF examination for the discipline in accordance with Regulation 31.11*
- (c) have served as a member of a protest committee for at least three principal fleet racing events. At two of these three events the candidate shall have been a member of an International Jury. One of these three events shall have been outside the candidate's Group or Member National Authority; and*
- (d) have obtained three completed IJSC reference forms from the relevant jury chairmen. Only IJSC forms completed by International Judges shall be valid for consideration.*

31.12.2 A candidate for re-appointment as International Judge shall by 14 October of the year of application either comply with the requirements of System 1 set out in regulation 31.12.1 (except 31.12.1(d)) with the exception of attending an ISAF Judging Seminar if they have previously done so or comply with the requirements of System 2, that is to say, candidates for reappointment shall have:

- (a) have passed the ISAF examination for the discipline in accordance with Regulation 31.11:*
 - 1. if the candidate has fulfilled all other requirements, he may be reappointed, subject to passing the examination no later than 1 May of the following year.*
 - 2. if the candidate does not pass the examination by 1 May of the following year he may reapply for appointment at the following ISAF Annual Conference.*
- (b) within the four years prior to 14 October of the year of application, served as a member of a protest committee for at least six principal events, the majority of which shall be fleet racing events. At no less than three of these six events the candidate shall have been a member of an International Jury. At least two of these six events shall have been outside the candidate's Group or Member National Authority.*

B.5 Considerations for Appointment

- 31.15 *Each sub-committee shall consider the following when deciding on an application:*
- (a) *whether the candidate has complied with the requirements listed above;*
 - (b) *any comments received by means of Regatta Report Forms;*
 - (c) *the candidate's relevant experience in other disciplines; and*
 - (d) *such other information as it may consider relevant.*
- 31.16 *Candidates for re-appointment who do not meet all the requirements for re-appointment, especially in respect of events attended, may, in special circumstances or on medical grounds, be recommended for re-appointment. In those cases, the Race Officials Committee may approve either:*
- (a) *re-appointment of a candidate for a full 4 year term;*
 - (b) *extension of the existing appointment for 12 months;*
- 31.17 *Race Officials whose appointments have expired less than 12 months will be considered as candidates for re-appointment and shall meet the general and additional requirements for re-appointment for each discipline.*
- 31.18 *Race Officials whose appointments have expired for more than 12 months will be considered as candidates for initial appointment and they shall meet the general and additional requirements for initial appointment for each discipline.*

B.6 Reference Forms

First time applicants require to comply with Regulation 31.12.1(d) which is stated above in Section B.4. The reference forms are found on the ISAF website.

The completion and submission of the reference forms is:

Guidance for the Candidate and Jury Chairman

Prior to the regatta where you wish to obtain a Reference and the form **must** be obtained from ISAF and forwarded to the **Jury Chairman** with your name, address and ISAF Sailor ID.

At the conclusion of the Regatta the Jury Chairman will complete the form at the event and **must** discuss the assessment with the applicant before leaving the event and then submit the form to the ISAF Secretariat at raceofficials@isaf.com no later than 4 weeks after the event finished.

The Jury Chairman should be aware of the statement under **Guidance for the Jury Chairman** of the section where a Reference Form should not be completed and prior notification **must** be made to ISAF to determine whether another source of reference could be arranged at the event.

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

The form will be used in accordance with ISAF Regulation 31.12.1(d) which states that at least 3 completed forms from principal events are required for application for IJ status.

Only forms completed by International Judges, who are the Jury Chairman of that Regatta, shall be valid for consideration.

You are entitled to a copy of the form, which you may request directly from the Jury Chairman or the ISAF Office once received.



INTERNATIONAL JUDGES' MANUAL

SECTION C

Qualities of an International Judge

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C.1 Code of Behaviour

ISAF 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 ISAF International Judges are expected to:

- maintain a high level of understanding and application of the racing rules, cases, procedures, and ISAF policies;
- ensure that each decision is based upon the rules and principles of fairness and objectivity, is made with care, and without prejudice;
- uphold the confidentiality of protest committee deliberations during and after the regatta;
- be polite, courteous, open-minded, and patient with colleagues, competitors, regatta officials, team officials, coaches, and hosts;
- to respect cultural differences in colleagues, competitors, regatta officials, team officials, coaches, and hosts;
- declare any conflict of interest before accepting a protest committee invitation. (See section 3.2 and ISAF Regulation 34);
- 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;
- be on time and wear appropriate clothing on the water and ashore;
- refrain from smoking in the protest committee room, other buildings and areas on the regatta site where smoking is prohibited and while judging on the water;
- abstain from consuming alcohol before or during a hearing. Even if a meal is eaten before the hearings alcohol must be avoided. Judges must never become inebriated during an event;

A judge who does not practice this code of behaviour risks the termination of his or her appointment.

C.2 Conflict of Interest

ISAF Regulation 34 - Conflict of Interest

- 34.1 *A conflict of interest exists when an ISAF Race Official has, or reasonably appears to have, a personal or financial interest which could affect the official's ability to be impartial.*
- 34.2 *When an ISAF Race Official is aware of a conflict of interest, he/she shall decline an invitation to serve at a regatta at which an International Jury is appointed.*
- 34.3 *When the ISAF Race Official has any doubt whether or not there is a conflict of interest, the ISAF Race Official shall promptly consult ISAF, prior to accepting the invitation and be bound by its decision.*
- 34.4 *When, at an event, an ISAF Race Official becomes aware of a conflict of interest, the official shall disclose the potential conflict to the International Jury which shall take appropriate action.*

The Conflict of Interest Guidelines and related documents, including the latest decisions of the Conflict of Interest Panel, can be found on the ISAF website here:

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



INTERNATIONAL JUDGES MANUAL

SECTION D

Judges and Junior Sailors

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D.1 Introduction

Junior sailors comprise a major group of participants in our sport.

This section helps judges understand their role in the context of the development of children and adolescents. Its philosophy ensures that all junior sailors receive the greatest possible value from their participation in the sport and are encouraged to remain sailing over a long period of time. It touches on issues arising in events ranging from local club racing to international events which pose unique cross-cultural challenges and opportunities.

It is important to realise that young sailors have varying needs and interests. As a race official, you will appreciate and respect that junior sailors will be at very different levels of competence, experience and knowledge of the rules.

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

When children and young people are not protected from harm, injury, harassment, bullying or similar negative behaviour, their enjoyment of sailing is compromised and the likely result of this is dropping out of the sport.

At the same time, young sailors must learn how to take responsibility for their own safety and the safety of others.

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

Race Officials should be aware of the policies of all major junior classes on protest related subjects, which need to be observed in order for junior sailors to compete successfully in major events in those classes.

D.2 Definition of Junior Sailors

The rules do not prescribe any age breakdown of junior sailors. However, certain class associations (e.g. Optimist Sailing and ILCA) prescribe age groups for racing and protest policies, based on the traditions and policies of their class.

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

Judges need to understand the unique behaviour of junior sailors. Research tells us that chronological age is a poor indicator of maturity, so an age dependent approach may not be good developmental practice. A more appropriate approach is to consider maturity in terms of readiness. Readiness assumes that certain conditions and/or experiences have been accumulated that allow the young person to learn new skills and take in new information. A child or young person's readiness will depend on his/her:

- physical readiness, e.g., mastery of fundamental movement skill, growth;

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

Judges also need to understand that certain practices at major junior events are driven by class association policies. These include the display of the protest flag and reports to the Race Committee but this is changing and Optimist Sailing have removed the requirement to display a protest flag.

Judges also need to be observed to help junior sailors compete in major international events in those classes.

D.3 Judges' Role at Junior Regattas

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

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

There is need for additional sensitivity in setting the tone of a junior regatta. It is important that sailors of all ages should be respected as individuals and not patronised.

Decisions and actions by judges can reinforce the need for good behaviour on and off the water and for taking penalties after knowingly infringing a rule.

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

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

D.4 Visibility

At all regattas judges should focus on making themselves visible, approachable and accessible, by the sailors and their support teams, but even more so at junior regattas, where this may be the first time they have come across a protest committee or international jury. It is helpful if the judges are introduced at the sailors' briefing so that sailors and their coaches can recognise them as the regatta progresses. It is also helpful for a list of judges (with photographs) be placed on the regatta notice board so that the identity of a particular judge can be determined and contact arranged.

When judges are ashore and are not required for official duties, they should consider making themselves available to the sailors. This may involve visiting the boat park, in pairs, and being available for conversations with sailors, coaches or parents. Circumstances permitting, it is recommended that more than one judge participates in

discussions with sailors to avoid any perception of bias, conflict of interest, misunderstanding and other reasons.

D.5 Communication with Sailors and Their Coaches

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

D.6 Protests

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

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

Junior sailors may not have had previous experience in a formal protest hearing. Since it might be their first hearing, the chairman should ensure that the parties, including their coaches, are informed of the process that will be followed and if necessary clearly explain to the parties (and witnesses) the process, both initially and as the hearing proceeds. Asking at the start of the hearing if the sailors have experience in a protest hearing can be useful in deciding how to proceed.

To avoid misunderstanding, throughout the hearing and especially when communicating the facts found, conclusion and decisions, the judges should use the vocabulary of the rules.

A younger sailor may not have a full understanding of the rules and procedures. For example, it may be appropriate to ask questions that use the definitions rather than the defined term. "Was your spinnaker ahead of the other boat's rudder?" may be a better question than "Were you overlapped?"

The need for interpreters should be recognized and dealt with prior to hearings between sailors with no common language. Where possible have a judge who speaks the same language as the competitor(s) act as an interpreter otherwise qualified coaches and other team supporters may be used as interpreters.

D.7 Observers

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

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

D.8 Use of the Protest Flag

The racing rules do not require a protest flag for some classes of boats that junior sailors sail. Be aware of the class rules regarding protest flags and any special procedures that a class might have. If a Class does not require a protest flag to be used a Protest Committee may not insist that a protest flag is used and the sailing instructions changed to bring a flag into play.

D.9 Reporting to the Race Committee at the Finish

It is helpful to the development of the sailors to maintain self-policing of protests on the water, rather than for judges to initiate protests. Certain Class Associations require that the sailing instructions contain the additional requirement that immediately after finishing the boat informs the Race Committee of her intention to protest and the boat protested. In their experience, this step is simple for a race recorder to deal with, and avoids the risk of coach/parent prompted protests after the sailors return to shore.

D.10 Arbitration

The use of arbitration at junior events should be encouraged. For a simple boat on boat protest, arbitration provides a process to resolve protests in a simpler manner and in less time. Interpreters must be provided as necessary to ensure due process, which could be the arbitrator judge. Observers may be allowed, especially in cross-cultural settings, unless they will be witnesses in any subsequent hearing of the protest. Arbitration is less formal and therefore may be less pressure on the young parties.

D.11 Rule 42 and Appendix P

The use of judges on the water to monitor compliance with rule 42 should be encouraged at junior regattas. Not only does this help the sailors to understand the mechanics of rule 42 but the presence of judges on the water encourages compliance with other rules.

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

Judges must insist that the Two Turn 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.

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

conversation, without speaking. Especially with younger sailors it is important to avoid the perception of it being two judges against one sailor.

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

D.12 Regatta Briefings

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

- Introduce and identify the judges;
- Make some positive comments about the club, the class and the regatta;
- State that the Protest Committee is here to serve the competitors, and that its prime role is to ensure fairness of the competition;
- Indicate the Protest Committee's intention to be afloat observing compliance with rule 42 and advise competitors when and how they can speak with judges or the protest committee;
- Remind sailors of the location of the official notice board and the location of protest hearing room;
- If arbitration will be used, briefly explain the process;
- Invite observers to protest hearings, as permitted in the rules;
- Advise sailors that foul or abusive language will not be tolerated;
- Request that support teams comply with any support boat instructions in the sailing instructions or other documents;
- Advise sailors that they can approach the members of the Protest Committee at any time (except when racing) on or off the water; and
- Remind sailors that sailing is a self policing sport, and remind sailors of their obligations under "Sportsmanship and the Rules".

For practical reasons (e.g. limited space, number of languages, class tradition), it might be only coaches who attend competitors briefings at large junior events. Clear instructions to coaches can facilitate good behaviour and rule observance by their sailors. It is appropriate for the jury chairman to attend the regular coaches briefing along with the PRO and comment on rules observance and incidents, answer questions, solicit suggestions, and promote communication.

D.13 Parents, Coaches and Club Support

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

Younger competitors wanting to speak with a judge should always be asked to bring a coach or a representative to join in the conversation, to assist the sailor in understanding the discussion.

D.14 Support Boats

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

Should support boats fail to comply with the rules and regulations, the judges afloat are in a good position to remind the support boat of its obligations. A polite conversation could increase compliance. Should a boat fail to respond, or it becomes clear that an argument will ensue, it is best for the judges to avoid confrontation at that time and request that the skipper of the boat meets with the judges at the protest room prior to the end of protest time on that day.

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

D.15 Rule 69 Gross Misconduct

It is important that all race officials recognize that in some cases it will be appropriate to conduct investigations or rule 69 hearings or both when they receive allegations of bullying or abuse. If it is clear that there has been a single incident which can be dealt with under rule 69, then the protest committee should proceed in the normal manner with a hearing and impose the penalty it deems appropriate and make any required reports.

A protest committee must always be mindful of its jurisdiction, which only extends to cover the event in question and any incidents immediately prior or after the event. It is not within the power of the protest committee to enquire into reports of misconduct which occurred at other events, training camps, squad training etc. Any such concerns should be reported to the appropriate national authority.

Any allegation of child abuse or neglect no matter how or from whom received must be referred to the organising authority for the event and to child protection services, in accordance with local law. It is important to be aware of the local laws and requirements for child protection. Some countries (e.g. AUS, USA and GBR) have very strict laws about which the organizers should brief the judges. In addition an MNA can define a Child protection Policy for clubs and classes and an individual club/class appoints a Child protection Co-ordinator.

It is not an option to ignore allegations of child abuse. The appropriate local authorities must be notified promptly by the person who heard the child's allegation.

There may be occasions where, in addition to making the required report to local authorities, the protest committee also wishes to carry on with its investigation into an alleged breach of rule 69. In these situations the protest committee must proceed with extreme caution and take advice from the local authorities and the organising authority.

If it is clear that an allegation of abuse is not related to an allegation of sporting misconduct, then the protest committee can proceed separately with the sporting misconduct complaint if the local authorities are in agreement.

If the local authorities are not in agreement, or if they are not available, the protest committee should not proceed under rule 69. Instead, the protest committee could make report to the National Authority.

The reason for this is that it will not always be in the best interests of the young sailor, who has chosen not to report any suspected abuse, neglect or bullying, for a full investigation to take place during the competition, where he or she is under pressure to perform, particularly if the alleged suspect is at the event.

It takes trained professionals to interview children in cases of alleged abuse, and judges typically do not have such training. Race Officials must be cautious to avoid interfering with an investigation conducted by the authorities in cases of alleged child abuse..

D.16 Sailor's Ethics

It is often appropriate to remind young sailors of the behaviour standard that is expected of them in relation to the racing rules, and their relationships with other sailors.

D.17 Legal Obligations of Child Protection

The organizers of international events have the obligation, prior to the event, to inform members of the protest committee about all relevant local laws applicable at the venue to junior sailors. The chairman should address this with the organizers prior to the event.

D.18 ISAF Introductory Rules of Racing

In order to help newcomers to sailboat racing, ISAF have produced a one page set of Introductory Rules for Racing complete with some explanatory diagrams. The aim of the Introductory Rules for Racing is simple; make it as easy as possible for people to start racing. Consequently the Introductory Rules are as basic as possible, although they remain compatible with the principles and fundamental rules in The Racing Rules of Sailing (RRS).

The Introductory Rules are being developed as part of Objective 2 of the ISAF Strategic Plan to encourage new entrants to racing and to ensure the rules are not a barrier to participation. ISAF intends that people of all ages can race using these rules without needing any knowledge of the full RRS.

The ISAF Introductory Rules of Racing are available at:
www.sailing.org/training/newtosailing/start_racing.php

D.19 Sailing Instructions

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

It is not in the interest of sailors to receive a multi-page document shortly before racing begins. Young sailors should not be expected to note the sometimes subtle changes in sailing instructions when the more important activity for the sailor at that time is to prepare for racing.

D.19.1 Changes to Sailing Instructions

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

Changes to Sailing Instructions (modifying 3, Appendix L)

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

The Start

Include the clause (11.3, Appendix L) to require boats that have not started to avoid boats starting.

Penalty System (modifying 14, Appendix L)

It may be appropriate for fleets with inexperienced competitors to turn off P2.2 and P2.3 and only require a turn's penalty for each rule 42 infringement.

Protests and Requests for Redress (modifying 16, Appendix L)

If required by the policies of the Class Association or the organizers, require all boats - regardless of length- to display a protest flag when protesting.

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

Support Boats (modifying 23, Appendix L)

Some regattas will provide a set of coach boat regulations. Otherwise, except when participating in rescue operations, team leaders, coaches, parents and other support personnel shall be required to stay outside areas where boats are racing from the time of the preparatory signal for the first fleet to start until all boats have finished or retired or the Race Committee signals a postponement or an abandonment of all fleets. The areas the boats are racing can be defined as the area inside the course and within a specific distance (to be fixed by the RC in light of conditions) of any mark, lay line, starting line, finishing line or any area where any boat that is racing is sailing or may sail.

There should be a *disaster* plan provided by the organising authority for support boats in case an emergency arises. The plan should be discussed at the coaches meeting.



INTERNATIONAL JUDGES' MANUAL

SECTION E

Protest Committees

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E.1 Introduction

The extent and level of judging services that an organizer should provide to competitors depends on the type of event being conducted. Protests or disputes arising from races run solely for club members are not common. If a protest does occur, the race committee usually appoints a committee made up of knowledgeable club members to hear the protest.

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, that is independent of the race committee. To avoid an appearance of favouritism, prejudice or conflicting interest, this protest committee should be made up of from different clubs. To ensure a higher level of experience and knowledge, many national authorities have a national judges programme, 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. . No member of the protest committee should be an *interested party*.

At a major international event, it is highly desirable and often required by a class association or national authority to appoint an 'International Jury' constituted in compliance with RRS N1; a body comprising experienced judges from different nations, the majority of whom hold the ISAF qualification of 'International Judge'. There is no appeal against a decision of a properly constituted International Jury acting within its jurisdiction under rule 70.5.

Decisions of protest committees may be appealed. The exception is if the Notice of Race and Sailing Instructions so state, the right of appeal may be denied (RRS 70.5) if:

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

Most event organizers of match and team races use the system of umpiring in which penalties are imposed during the race. This avoids, for the most part, the need for conventional protests and the delays they cause. Additional skills are required of judges at match and team racing events. ISAF and many national authorities run umpiring programmes. The ISAF programme is described in a separate publication, the *ISAF Umpires Match Racing and the ISAF Team Racing Manuals* which can be found on the ISAF Web Site at www.sailing.org/raceofficials/index.php under Race Officials for those that wish to learn more about Medal Races, Umpiring and Team Racing.

E.2 Composition

In the majority of cases, the organizing authority appoints the members of the protest committee. In regattas such as a world championship, this decision is often made between the organizing authority and the class association. The only exceptions occur at specific events for which ISAF is responsible for appointing the protest committee such as the Olympic Games, and other championships (see ISAF Regulations 23.3 and 25.8).

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

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

Appendix N states the requirements for an International Jury to be properly constituted. The minimum number of members of an International Jury is five and it is preferable to have an odd number. The majority of members must be ISAF judges. The requirements regarding the maximum number of members from different nationalities on the protest committee depend upon which ISAF Group the members belong to, and are stated in rule N1.3 as (*no more than two members (three, in Groups M, N, and Q) shall be from the same national authority*). Group M is south and West South America, Group N is Central and East South America, and Group Q is North South America, Central America and Caribbean. The National Authority Groups are shown in Schedule A (Article 40) of the ISAF Constitution.

A protest committee member’s nationality does not make him an interested party or creates a conflict of interest. However, since a protest committee constituted as an International Jury is independent of the race committee, no member of the protest committee may also be a member of the race committee.

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

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

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

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

E.3 Approval by a National Authority of the Composition of the International Jury

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

Rule N1.6 (rule 91(b)) requires that when the national authority prescribes that its approval is required for the appointment of an International Jury, the approval shall be included in the Sailing Instructions or be posted on the official notice board.

When a national authority requires this approval, it often forms a committee of experienced judges who are also International Judges to recommend approval of an International Jury which conforms to Rule N1 but not the composition of the members. This committee should review the application carefully to ensure that all the requirements of Appendix N are met.

E.4 Responsibilities

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

E.4.1 Additional Responsibilities of International Juries

Although technically there is no difference between the duties of a local protest committee and one formed by members of an International Jury, in practice the higher the regatta the more pressure on the judges, organizers, and competitors. Since there is no right of appeal, from a protest committee formed by an International Jury, the reputation of sailing rests upon the regatta's International Jury making correct and fair decisions.

At these events the International Jury are often asked to decide questions of eligibility, measurement, boat certificates, and to authorise the substitution of competitors, boats, sails, and equipment.

E.5 Procedures

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

If a member of the protest committee is an *interested party*, he or she should not participate in a hearing. In this case, a protest committee formed by an International Jury remains properly constituted if it consists of at least three members and at least two of whom are International Judges.

When a full International Jury or panel is reduced to three or four members because of illness or emergency, and no qualified replacements are available they shall be from at least three different national authorities except in Groups M, N and Q, where they shall be from at least two different national authorities.



INTERNATIONAL JUDGES' MANUAL

SECTION F

Alternative Whistle Systems

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F.1 Introduction to “On the Water Judging”

Whilst the sport of sailboat racing should continue to be self-policing as far as possible, on-the-water judging has been introduced to fleet racing by Organizing Authorities (OA) to address several issues. The obvious is the immediate and final determination of a breach of a rule of Part 2. Rule 31 is often included, while breaches of Rule 42 are covered under Appendix P.

As a result of such a penalty, or no penalty, boats then know their relative positions and can continue to strategize their race without having to wait for the result of a protest hearing.

On-the-water judging places judges on the race course with the competitors, observing the racing. Judges work in pairs to observe the racing and to signal infringements in accordance with the various systems discussed below.

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

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

It is always important to have frank and open discussions with the competitors at the initial briefing. Either between races or after racing the judges must be willing to discuss with a competitor the call that they made. It is also very beneficial to competitors in a large fleet to hold a debrief after racing or the following morning where all the sailors can learn from each call.

F.2 Basic Rule Infringements

F.2.1 Introduction

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

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

In other systems, judges simply signal that they saw a breach of a rule and indicate their expectation that a boat or boats take a penalty.

Yet in other systems, the judges are given the authority to penalize the boat they consider broke a rule. The boat's failure to take the penalty would then result in a DSQ without a hearing. A careful study of the sailing instructions at each event will advise the judges of the system they will be using.

F.2.2 Additions to the Notice of Race and the Sailing Instructions

F.2.2.1 Notice of Race

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

Example 1

“On-the-water judging in accordance with sailing instruction X.X may be used and the procedure and penalties will be detailed in the sailing instructions”.

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

F.2.2.2 Sailing Instructions

A specific section must be added to the sailing instructions to inform the competitors that on-the-water judging will be used. The procedure must be placed in the sailing instructions with a separate numbered paragraph that clearly states how the competitors will be informed that a rule has been broken. Here are some examples which have been inserted into sailing instructions at various events.

Example A

On the water judging will be applied for the rules of Part 2 and rule 31. Judges who are members of the protest committee will blow a whistle when they expect one or more boats to take a penalty. In addition, they will attempt to indicate with hand signals which boat(s) they believe were involved in the incident. If the incident results in a protest hearing, the judges may provide testimony as a witness.

Example B

B 1 Apart from rule 42 infringements, members of the protest committee will be on the water to observe racing. When a judge sees an infringement the judges will make one sound signal but no sail number will be hailed. This shall mean that the judges have seen a situation which may be protested and one or more competitors should take a penalty or retire. If no boat takes a penalty under rule 44.1, the judges may protest one or more of the boats..

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

Example C.

C.1. On -the-water jury boats will display code flag “J”. A protest committee member may also be on board the race committee signal boat, and if so, that boat will also display code flag “J”.

C.2. In addition to enforcing rule 42, judges will be observing boats for breaches of the rules of Part 2 or rule 31. When the judges observe a boat breaking one of these rules, one sound signal may be made but no flag or hail will be made. If no boat takes a penalty under rule 44.1, the judges may protest one or more of the boats.

C.3 Action or no action by the judges under this sailing instruction shall not be grounds for redress. The changes rule 62.1(a).

F.2.3 Initial Briefing at the Competitors/Coaches Meeting

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

Care should be taken to:

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

F.2.4 Racing best practices

Each jury boat will have two judges who position their boat in the best location(s) throughout the race to observe potential areas of contention between the competitors.

The judges must be experienced in driving RIBs or similar motor boats, with adequate engine sizes which do not provide excessive wash when driven in close proximity to boats racing. They will have to be close enough not only to see infringements but also be in the best position to determine the boat at fault. They should ensure they do not interfere with any boats racing nor cause interference with the competitors with their boat wash. The judges also have to be close enough for the boat(s) to hear their sound signals.

The judges should always work in pairs so an agreement can be reached, although there are instances when only one judge observes an incident. While each judge identifies the boat on which they are focused, the judges should be anticipating potential incidents and the rules involved, so that if an incident does occur, a quick decision can be made. In each case the judges(s) must be certain that a rule has been broken before the required signals are indicated.

If the judges do not agree or they are not certain then a rule has not been broken, no signal should be made.

F.2.5 Judging recording

Each pair of judges must be in a boat that is suitable for the size of the racing boats. Each judge should keep the rough notes made while afloat for each instance where they signaled that a rule had been infringed. Record the race number, date, time, leg of the course, boats involved in the incident, the lead up to the incident and the boat(s) which broke a rule. Where possible they should make a diagram to include as many of the boat positions during the incident as possible in order to fully describe the situation at the debrief.

F.2.6 Debrief

Judges should always be available to discuss with any competitor the calls which have been made on the water. Discussions should include the pair of judges who made the call (the call may have been no penalty or a penalty given). It also can be beneficial to all the competitors to hold a daily session where the judges describe the incident which

resulted in a signal by the judges. By doing so, competitors gain an in-depth knowledge of the racing rules from the detailed explanations by the judges.

F.2.7 Summary

The system used must be clearly explained in the sailing instructions and to the competitors in order that they understand what the sound signal means. In the system where just a sound signal is made, it is possible that more than one boat may take a penalty when only one boat broke a rule. It is possible that a boat that is not sure that they broke a rule would take a penalty turn as a precaution, even if she did not break a rule. Getting close to the infringing boat or using a system which specifically indicates which boat broke a rule, e.g. by hailing the sail number, will help eliminate most of these instances.

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

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

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

F.3.1 Introduction

Addendum Q can be downloaded from the ISAF website at: www.sailing.org. ISAF has approved it for the use as an addendum to the sailing instructions in World Championships, ISAF Sailing World Cup and ranked events for judged fleet racing in the last race of each series for the Olympic classes.

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

The use of either Appendix Q and Addendum Q is recommended for judged races in which there are about ten to twenty boats. There should be one judge boat for every 3 or 4 boats in the fleet. Fewer judge boats can be used, but coverage will be more difficult.

Be sure to note to the competitors that the Addendum changes the definition of Finish and several other rules.

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

F.3.2 Additions to the Notice of Race and the Sailing Instructions

F.3.2.1 Notice of Race

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

F.3.2.2 Sailing Instruction

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

F.3.3 Initial Briefing at the Competitors/Coaches Meeting

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

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

F.3.4 On the Water

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

Each judge should understand the procedure for signaling penalties. It is very important that the complete judge team use the same procedure when signaling a penalty.

Each judge team should develop a system to identify "pressure points" (locations where boats are close together and incidents are more likely to occur) and be sure to communicate these with each other. These points will generally be at the start, at marks of the course and at the finish line.

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

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

Since judges must be in position to see incidents, and that creates wake from their boats in the racing area, they need to be aware of their wake and the effect to the competitors, especially in light air conditions. Anticipation of where the pressure points might occur

will assist the judges in properly positioning their boats while minimizing adverse effects from their wake

F.3.5 Equipment

The judge boats must be of an appropriate size to be close to the competitors in tight situations. Judges will be closer to the racers than for on-the-water judging for rule 42. In many cases this should be within a few boat lengths of the action.

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

Each judge boat will need a green or green and white flag to indicate no penalty, a red flag to indicate a penalty to one or more boats and a black flag to indicate that a boat is disqualified. Classes might specify another flag, such as Uniform. Other flags will be used to signal penalties for breaches of rule 42. (See Appendix P).

F.3.6 Debrief

As detailed in previous Debrief sections discussions with competitors should be done by the pair of judges, taking into consideration emotions and allowing time to fully discuss.

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

It is important that when a judge team has made an error, they be willing to tell the competitor either in a debrief or when speaking just with the competitor. Nothing can be reversed, but all will realize that the goal is to serve the game that we all enjoy and to make it better.

F.3.7 Summary

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

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

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

F.4 Radio-Controlled Boats

F.4.1 Introduction

Competitors and judges are on the shore, quite often, some distance from the boats. Whilst the competitors and judges follow the boats up and down the course from the shore in each race, the judges are right there amongst the competitors. If a competitor feels that another boat has broken a rule of Part 2 they will protest the boat. If a boat acknowledges the infringement and takes a penalty turn the incident is closed. If the

infringing boat does nothing, then the protestor may request a decision from a nearby judge.

Note: The OA may choose not to use this exact procedure and may have the judges make the call without any request by the competitors.

It is best that this system has no more than 20 boats in any heat of the race.

Normally the judges can respond and make a decision, but if no response is given the competitors may go to a hearing after the race. Modified procedures for protest hearings include holding the hearing at the end of the heat on the pier or pond side, with a fast track hearing. These procedures are always defined in the sailing instructions and in many cases are very similar to the hearing held on the water for match racing and team racing.

F.4.2 Additions to the Notice of Race and Sailing Instructions

F.4.2.1 Notice of Race

Radio-Controlled boat racing is sailing under Appendix E of the Racing Rules. This fact should be stated in the Notice of Race as there are many rules which are changed for this type of racing.

F.4.2.2 Sailing Instructions

An attachment must be added to the sailing instructions to fully describe how the protest process will proceed and include advising the competitors how they should protest each other and then how to bring the judges into the decision-making process. The method by which the judges respond shall also be included. These should be easy to understand, with a clear protest procedure.

Note: See RRS Appendix E for other items to be placed in the SIs.

F.4.3 Race Day practices

Experience by the OA will provide the most input as to how many judges are needed. It is best with large groups of boats (groups up of 20) to have 3 sets of judges. Many judge teams will develop their own method of coverage, but two methods that have been successful are judges as a moving group, or the zone approach, both discussed below.

F.4.3.1 Judges moving as a group.

Assuming the starting line is in the middle of the course (between the windward and leeward marks) the judges will all be at the start line for both the prestart and the start. If the group is composed of teams A, B and C, team A would watch the boats from below the line, team B would watch at the line, and team C would watch the start from above the line.

As the boats sail to windward different judge teams cover either the left, right or center of the beat. As they sail downwind the judges teams follow either the lead group of 5 or 6 boats, the middle group or the trailing group.

When making decisions on protests, each judge team must be in agreement about the circumstances leading up to the incident or they must disallow the protest. There are occasions when more than one team of judges has seen the same incident, creating a potential for conflicting calls from the different judge teams close to each other. In order

to reduce confusion a member of a team which is in a position to make the call should raise their arm. If more than one team raises their arm, one team shall point at the other and the team pointed to would make the call.

F.4.3.2 Judges Observing in Zones

Some OAs may place the judge teams in specific zones from the leeward to the windward marks. This system may be more efficient if the viewing area is too small to allow competitors and the judge teams to travel up and down the course at the same time. Zones should be organized around the start, the marks, and the finish line. The zone system allows the competitors using their remote controls to move towards the new team of judges who remain in one spot. This has the advantage of allowing the competitors not have the judges moving in their midst. The disadvantage might be that there are only two judges observing each mark.

F.4.4 Equipment

Little equipment is needed. Most signals are verbal as the judges are very close to the competitors controlling their boats. Strong clear voice sounds must be made to ensure all the competitors do hear the hail during the heat of the moment. Consideration should be given to this or other types of signals when international events have competitors whose primary language may not be English or the language specified in the Notice of Race.

F.4.5 Debrief

Debriefs are usually carried out for each competitor's incident. All the competitors should be encouraged to seek a conversation with the judges who have made their call. It is very important that these conversations are friendly and calm. Both the competitor and the judges should present how each saw the incident.

The session should not become one of either party trying to persuade the other that their view is right. Monitor the conversation and bring it to an end if the competitor's emotions escalate.

F.4.6 Summary

The system works extremely well, with judges making on-the-water decisions on protests involving the rules of Part 2. At the same time the system maintains the competitors' right to protest and have a hearing for alleged breaches of all other rules.

Adding to the Sailing Instructions procedures for fast-track hearings for incidents in which a judge decision was not available makes the result of each heat completed shortly afterwards.

Note: Radio Controlled Boats with on-the-water judging is a work in progress and new methods of judging are constantly being developed. In some instances an observer and a judge will work together instead of two judges. The observer will note mark touching while the judge will note Part 2 rule incidents.



INTERNATIONAL JUDGES' MANUAL

SECTION G

The Event

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G.1 Pre-event Responsibilities of the Event Chairman

Before an event begins, the International Jury chairman and vice-chairman have a variety of tasks to perform and items to check.

Although the chairman has no power over an organizing authority, he has considerable influence if the relationship can be kept supportive. When possible, the protest committee chairman should tactfully ensure that the organizing authority is aware of its responsibilities with respect to the protest committee. The chairman may send a photo-copy of Section G of this manual to the Organizing Authority..

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

G.2 Communication with the International Jury Chairman and Vice-Chairman

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

- i) review the Notice of Race and draft Sailing Instructions;
- ii) determine who should be invited to join the International Jury;
- iii) agree with the organizing authority on reimbursement of expenses, housing
- iv) communicate to the organizing authority the requirements of the protest committee on the water and ashore.

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

Rule N2 lays down the responsibilities of the International Jury. Rules N2.2 and N2.3 list the responsibilities that may or may not be given to the protest committee, as required by the organizing authority.

It is important that the protest committee is seen to be independent of the race committee. It is seldom wise for the organizing authority to empower the protest committee to oversee or direct the race committee. A prudent protest committee can suggest improvements and ideas about courses and other race committee matters to the principal race officer, and bring about improvements without using the 'power to direct'. If the decisions of the race committee then come into question in a redress hearing, the protest committee will be able to be impartial and feel more comfortable, not having been involved in those decisions.

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

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

It is therefore important that the Notice of Race contains the information necessary to enable a competitor to decide whether or not to compete in the event. Competitors need information on variations from the racing rules, advertising, eligibility, (crew weight restrictions, nationality, measurement or rating certificates, etc.), type of courses, alternative penalties, scoring, and prizes, together with the other requirements of rule J1. A wise judge will use Appendix J and the Notice of Race Guide of Appendix K to review

the NoR and ensure that all the required information is covered, and that the standard wording is used for consistency and to prevent future problems.

However, even after a thorough effort, changes to the Notice of Race may be necessary (e.g. harbour blocked by a vessel or available radio frequencies changed by government authority). In most cases competitors will understand and accept the change; but changes must be kept to a minimum. For example, someone who ships his boat from Australia to Europe has a right to complain, and perhaps a right to compensation, on finding that the terms of the 'contract' have been altered to such an extent that he would not have come had he known.

Check the Notice of Race and the Sailing Instructions for any differences or omissions of the requirements of Appendices J, K, and L. If there is conflict between the Notice of Race and the Sailing Instructions, rule 63.7 instructs the protest committee to apply the rule that it believes will provide the fairest result for all boats affected when deciding any protest or request for redress. However, good practice is to amend the Notice of Race and/or Sailing Instructions as soon as the conflict is discovered.

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

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

ISAF Regulation 20, Advertising Code (see Appendix 1), requires careful checking. Restrictions to advertising must be stated in the Notice of Race.

Unless some form of alternative penalty system is incorporated, the protest committee has no choice but to disqualify a boat after finding as a fact that she did not comply with a sailing instruction which is prefixed by the words 'boats shall' or 'boats shall not'.

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

Rule 66 allows a request for reopening a hearing to be lodged no later than 24 hours after a boat has received the decision. On the last day of a large international regatta or world championship, it is often impossible for the protest committee to work under this rule. In such a case Appendix L — SAILING INSTRUCTIONS GUIDE, recommends adding paragraphs 16.7 and 16.8:

16.7 On the last scheduled day of racing a request for reopening a hearing shall be delivered

- (a) within the protest time limit if the requesting party was informed of the decision on the previous day;*
- (a) no later than 30 minutes after the requesting party was informed of the decision on that day.*

This changes rule 66.

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

G.5 ISAF Sailor Classification Code

In recent years it has become important to many event organizers and Class Associations to have a universal system that provides a clear distinction between the ‘professional’ and the ‘amateur’ sailor. The ISAF Sailor Classification Code, (see Appendix 4) ISAF Regulation 22, exists as a service to provide events and classes with an international system for classification of sailors. Events and classes are not under any obligation to use a classification system but should they wish to do so the ISAF Code is the only system that shall be used.

The Code classifies sailors into two Groups: Group 1 and Group 3. Classification is based on financial involvement in boat racing (whether direct or indirect) and/or the use in the sailor’s work of knowledge or skill capable of improving the performance of a boat in a race. It is not based on racing success, prowess or talent. No moral or ethical judgments are attached to these classifications. It is up to classes and organizers to determine how they use the classifications.

Full details and guidance notes for Race Officials, Class Managers and Event Organizers are on the ISAF web site: www.isaf.com



INTERNATIONAL JUDGES' MANUAL

SECTION H

Best Practices of the International Jury During the Event

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H.1 The Initial International Jury Meeting

The more members who arrive during pre-racing activities, the better. At the latest, all members should be in attendance the day before racing commences. This allows for the competitors, regatta staff, race management and judges to get to know each other. It also allows the protest committee to be available to respond to questions about measurement or the Sailing Instructions. If it is not practical for all members to arrive early, there should be at least a majority of the panel present including either the chairman or vice chairman.

The entire Jury should meet at least during the early afternoon of the day before the first race.

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

Any changes thought necessary to the Sailing Instructions must be approved by the race committee unless the Jury has been specifically authorised to initiate changes.

Diplomacy during this first interaction is very important. It is often that a co-operative first experience between the race committee and the protest committee will lead to respect between the race committee and the Jury over the event.

Procedure for Casual Questions from Competitors

Before the event the Jury should decide how to answer unofficial or casual queries from competitors. Often a judge is approached by a competitor with a question about a regatta procedure or a hypothetical question on the rules.

The following procedure is recommended for responding to enquiries from competitors or coaches:

- If the question is not complicated, the answer is straight forward, and the judge is confident of the answer, the judge should answer the question.
- However, the judge should emphasise that the opinion expressed is his own opinion and the opinion of the protest committee might be different. If the competitor wishes an official answer to the question, he should submit it in writing and the Jury's answer will be posted on the Official Notice Board.
- If the answer is not clear to the judge, he should say so and ask for the question to be submitted in writing in order for an answer from the protest committee to be provided.
- If the judge thinks that other competitors might have the same question, then the competitor should submit the question in writing to the Jury. The Jury will post the question and their answer on the Official Notice Board.

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

Protest Committee Philosophy on Protest Committee Initiated Protests.

The protest committee should discuss and agree on guidelines for protests initiated by the committee when they observe an infringement (e.g. rule 31.2). Although it is the protest committee as a body which brings a protest against a boat, that duty is delegated to individual protest committee members.

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

A meeting should be arranged before racing begins between the jury members and the chairman of the race committee, the principal race officer and other key personnel, e.g. safety officer. The objective of this meeting is to develop a spirit of co-operation as well as a level of mutual understanding and respect. The chairman or representative of the jury also should meet with the measurement personnel and review the wet clothing control equipment and equipment weighing procedure if being used.

The protest committee should communicate with the race committee only through the chairman or his appointee. The chairman should speak to the race committee only through its principal race officer or someone delegated by him. This helps to avoid competitors receiving conflicting instructions and reduces the possibility of a request for redress under rule 62.

H.3 Briefing of Competitors

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

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

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

- Introduce the protest committee members.
- Emphasise that the jury is there to provide a service to competitors.
- Comment on Appendix P Special Procedures for Rule 42, if it is in effect, and post the ISAF interpretations on the Protest Committee Notice Board.
- If there are likely to be specific problems in certain areas, describe what action the protest committee will be taking to monitor those areas. It is comforting for rule observing competitors to know that the protest committee is aware of likely problems and is ready to address them.
- At regattas, with youth or less experienced competitors, it may be appropriate to remind them of the importance of taking a penalty promptly for breaking a rule, whether or not the boat is protested. Also remind them of penalties in rule 44 for breaking a rule of Part 2 or hitting a mark. Stress also the importance of one or both boats protesting after a collision when no penalty is taken.
- Competitors often ask questions concerning a Sailing Instruction or some other regatta procedure question. Great care must be taken in responding. On the one hand,

the protest committee wants to help competitors by answering their questions quickly. On the other hand, questions are often more complicated than they first appear. If the answer is not obvious, it is best to ask for the competitor to submit the question in writing so the protest committee can give it proper attention, and answer in writing. It is also helpful to emphasise that no answer to a question becomes official until both the question and answer are posted on the Official Notice Board.

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

A document to competitors titled *INFORMATION FROM THE INTERNATIONAL JURY TO COMPETITORS* can list guidelines that will apply. It should include among other items:

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

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

H.4 Inspection of Boats

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

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

H.5 Weighing of Competitors and Clothing

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

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

The best balance between rapid, unhealthy weight loss and meeting the intent of the weight limitations is to weigh competitors once at the beginning of the regatta. Some class rules require random weighing of a set percentage of the crews periodically through the regatta.

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

Light, medium, and heavy weight classes in some board sailing events encourage competitors to put on weight so as to qualify as the lightest person in the heaviest class. Here, the incentive is to be heavy for the weighing, and then to lighten up for the race.

It is not recommended to require competitors to remain above or below a certain weight at all times during the regatta, with random checks during the regatta. Board sailors can lose significant weight during a strenuous race, and may inadvertently and innocently drop below a critical weight limit.

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

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

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

H.6 Communicating with Coaches and Support Personnel

Judges should treat coaches, team leaders, and managers with respect, and as professionals. They often have much more immediate experience than the regatta race officers or protest committee members. It is common for an Olympic team coach to attend world championships in four or five different classes in one year. This gives them a unique understanding of what specific issues are currently being discussed and might arise during the regatta.

It is often desirable for the organizing authority to arrange a meeting of coaches and team leaders before racing begins and, if possible, each morning during the regatta. Such meetings provide an informal interface between the competitors, the race management team and the protest committee. The meetings in no way replace official communications to competitors posted on the Official Notice Board.

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

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

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

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

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

H.7 Infringements by Coaches and Other Team Officials

Coaches are not defined as competitors and are not governed by the racing rules. If a coach breaks a rule the boat or boats the coach is associated with are penalised. The only exception is rule 69.2(a), where a National Authority or ISAF, when the International Jury is appointed under rule 89.2(b), may acting on a report and after a hearing, take disciplinary action against a boat, or other person involved.

If a coach breaks a rule it is usually by providing outside assistance or breaking a Sailing Instruction limiting how close coach boats can be to the race course.

Coaches can be made subject to regatta rules limiting their actions by adding the requirements and penalties to the Sailing Instructions. For example, recommended Sailing Instruction L23 — Support Boats, can be changed to require boats

“... to stay outside areas where boats are racing (which requires to be defined in the Sailing Instructions) from the time of the preparatory signal for the first class to start until all boats have finished or retired or the race committee signals a postponement, general recall or abandonment.”

The Sailing Instructions must describe the penalties, which should be at the protest committee's discretion. This could range from issuing a warning, to penalising boats associated with the coach, to requiring the coach to stay ashore for part or all of a day or to leave the regatta site.

A protest committee can also make a written report on the coach's or team leaders behaviour to their national authority under rule 69.3(a). Most national authorities take these reports seriously.

H.8 Communicating with the Media

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

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



INTERNATIONAL JUDGES' MANUAL

SECTION I

On-the-Water Operations including Rule 42 and Appendix P

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I.1 Statement

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

I.2 Monitoring Rules Compliance—General

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

Our sport is based on the premise that the competitors, not Judges, have the lead responsibility for enforcing the rules on themselves and their fellow competitors. Therefore, not every incident observed by the judges on the water leads to a protest. Judges should protest only when they witness a clear infringement that is not observed by other competitors, or when rule 2 (Fair Sailing) is involved.

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

I.3 Liaison with Race Committee

Many classes have special rules related to wind speed which switch on and off some of the prohibited or permitted actions under rule 42. If the wind speed exceeds or falls below a specified limit, the race committee can bring parts of rule 42 (pumping, rocking and ooching) in or out of play at a mark. For these classes it is essential that the race committee and the on-the-water Judges have a proactive and reliable means of communicating to ensure that Judges apply rule 42 correctly.

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

I.4 Equipment Required

Prior to the event the Jury Chairman should arrange suitable boats for judging rule 42 on the water. Suitable boats are those that are safe for the judges to use in the prevailing conditions, and will not affect the fairness of competition on the race course. If suitable boats cannot be provided, then the judges should not attempt to judge rule 42 on the water.

The boats must be suitable for the type of boats they are judging. They must be normally maneuverable, hard-bottom, and of a speed allowing the Judges to follow the boats. The boats must have the capacity to accommodate two Judges. Their equipment shall be large enough to operate safely in the range of weather and sea conditions in which the competitors will race. Additionally, since the Judges will be maneuvering in close

proximity to the competitors, the boats should optimally have a design that minimizes their wind shadow and wake.

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

When going afloat, Judges should have, at a minimum; wet notes, a tape or digital voice recorder, sailing instructions, class rules relevant to rule 42, and the Interpretations of rule 42. See Appendix 2 for a full list of Judges' equipment.

I.5 Rule 42

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

In 2003 the Racing Rules Committee approved a series of ISAF rule 42 Interpretations, which were reviewed and updated in 2005 and 2010. These interpretations have the same authority as ISAF Cases and should be read in conjunction with the Racing Rules of Sailing and the Judges Manual. The interpretations will be updated as necessary. They are available on the ISAF Website at:

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

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

It is also important to read the class rules for the class of boats you are judging. Some classes have made revisions to rule 42 that will affect judging on the water.

The goal of enforcing rule 42 compliance on the water is to make the competition fair for all competitors and protect the sailors who are sailing within the rule. A Judge must remain consistent in his or her calls. The only way to be consistent is to be totally objective. If someone is breaking the rule you give a penalty. It is also important that the judging team is consistent in their calls. This requires continuing dialog among the Judges about their observations. .

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

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

I.6 Deciding whether to penalize

Before the first race, the Judges should discuss the most common breaches they will come across in specific classes, and when they should penalize a boat. Discuss trends

and issues they have witnessed in recent events. During the event, the Judges should regularly review penalties given and unusual body actions they see. Judges should avoid discussing and identifying individual competitors. Rotation of the Judges during the event will improve consistency.

When judging rule 42 on the water, Judges should penalize a boat only when they are sure they have observed a breach of rule 42 and they are able to explain it to the competitor, in the terms of the rule and its ISAF interpretations, after the race. Impartiality and objectivity in judging are crucial. A second, third or subsequent penalty against a boat should be judged exactly the same as the first. In order to achieve this goal, Judges shouldn't focus on event results or yellow flag penalty count. They should instead rely on what they see on the water each day and how the kinetics fit within the ISAF interpretations of rule 42.

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

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

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

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

Possible Pumping

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

Possible rocking

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

Possible Ooching

Downwind:

- Is the competitor abruptly stopping his or her forward body movement abruptly?

Upwind:

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

Possible Sculling

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

Repeated Tacks or Gybes

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

General

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

I.7 Regatta Procedures (Fleet Racing)

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

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

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

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

Under normal circumstances, both Judges in the boat should agree on a technical infringement before they penalize a competitor. While the benefit of doubt remains with

the competitor, once the Judges are sure of the infringement they should penalize promptly and protect the fairness of the competition for the other sailors.

A Judge who sees a clear tactical infringement can and should act independently.

I.7.1 Signaling the penalty

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

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

When the Jury boat is close enough that the Judge is sure the competitor will hear and understand, the Judge should blow his or her whistle forcefully, point the yellow flag at the penalized boat, and loudly hail their full sail number. If the competitor does not appear to hear or understand the hail, repeat it and make eye contact if possible. Make absolutely certain that the competitor knows he or she is being penalized.

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

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

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

I.7.2 Recording the penalty

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

When observing a competitor taking a Two-Turns Penalty, note the tack they were on when they started and finished their turns. Watch carefully whether the penalized boat takes its complete penalty (Under rule 44.2, a Two-Turns Penalty includes two tacks and two gybes).

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

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

the boat complies with the definition of finishing after the penalty initiated by action by the Judges lies with them, and not the Race Committee.

Judges must report all yellow flag penalties and the resulting action taken by competitors to the Judge responsible for recording penalties at the conclusion of the day's racing. This includes submitting a report of no activity if the Judges did not give any yellow flag penalties.

If a competitor continues to race or performs his penalty turns improperly, the Judges must report that boat's disqualification to the Judge recording the penalties: DSQ for a first penalty, and DNE for a second, third and subsequent penalty. The judge responsible for recording penalties will advise the Race Committee in accordance with Appendix P2 Penalties. The Judges should also check the posted results to ensure that they reflect the appropriate penalty. If a competitor requests redress from the posted results the Judges should be prepared to attend a hearing. P4 limits the possibility of redress for actions taken under P1 but not for adjusting a boats score under P2.1.

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

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

Using a tape or digital voice recorder can be a valuable tool. Some best practices to maximize the benefit include:

- Protect the recorder from water damage and the microphone from wind noise.
- When positioned where tactical infringements are likely to happen, leave the recorder running. This includes the last 90 seconds before the start, throughout mark roundings, and while observing finishes.
- When discussing a possible technical infringement, record the conversation between the Judges as you analyze a competitor's movements. This can be useful later when you are describing what you saw to the competitor.
- When penalizing competitors, record the hail of the penalty and keep the recorder running while the competitors complete their penalties.
- At all times when the recorder is running, take extra care to keep voice and tone objective and impersonal. Refer to competitor by sail number only and avoid personal or editorial comments. Good recordings of well-articulated penalties can significantly improve a Judge's credibility with the competitors.
- Be aware that some Judges object in principle to being recorded. Ask your fellow Judge's permission before using a recorder, and consider the recording confidential unless both of you agree to share the recording.
- Occasionally review your recordings. Listen for improvements you can make in articulating the behavior you are seeing.

I.7.3 Explaining the penalty to the competitor

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

When discussing the infringement with the competitor, give as many details as possible about the competitor's actions. Describe what first attracted your attention to the boat and competitor. Describe how the competitor's actions affected the boat. Explain what rule he or she broke, and the relevant ISAF interpretation.

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

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

I.8 Positioning the Boats

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

- Knowledge of the fleet racing tactics - to anticipate the movements of the competitors.
- Knowledge of the characteristics of the specific boat designs - to know what types of prohibited kinetics are most effective for that boat type.
- Taking into account the types of boats racing, Jury boats, number of Judges, conditions, course configurations, and local geography – to maximize the Judges' ability to cover to whole fleet throughout the race.
- Common sense and diligent focus - to react to changing circumstances promptly.
- On-going awareness of the positions of the other Judge boats.

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

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

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

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

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

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

I.8.1 Pre-Start

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

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

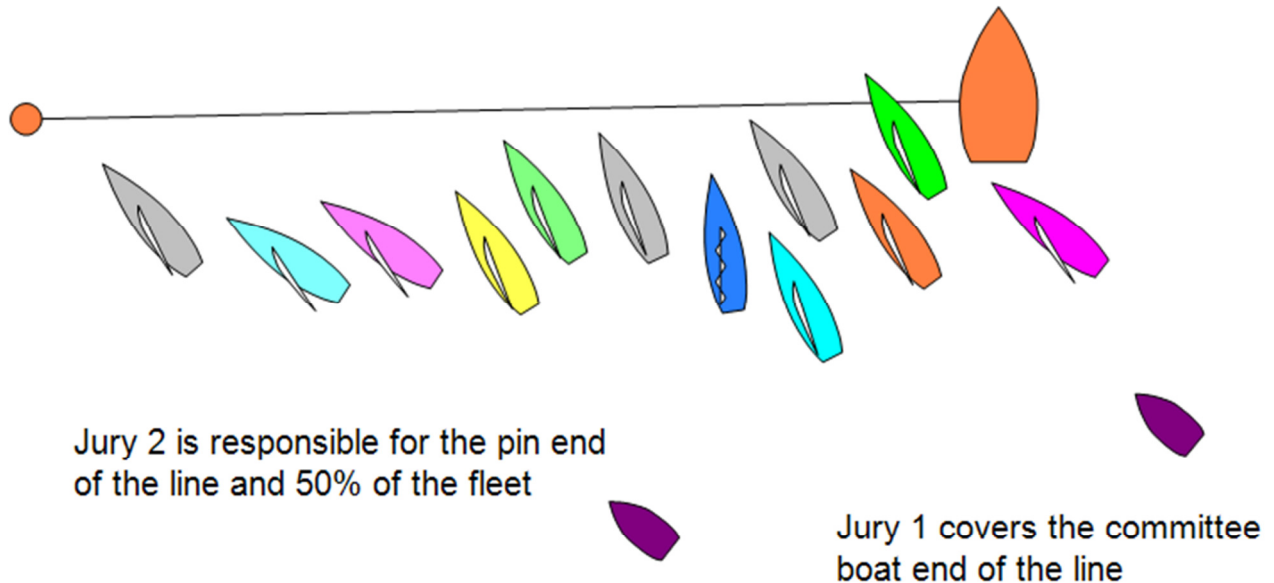
A penalized boat must sail well clear of other boats, and perform both turns promptly to take her penalty.

I.8.1.1 Start

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

R42 STARTING LINE BREACHES:

Sculling
Body pumping
Rocking in light airs



Common infractions:

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

Positioning of boats

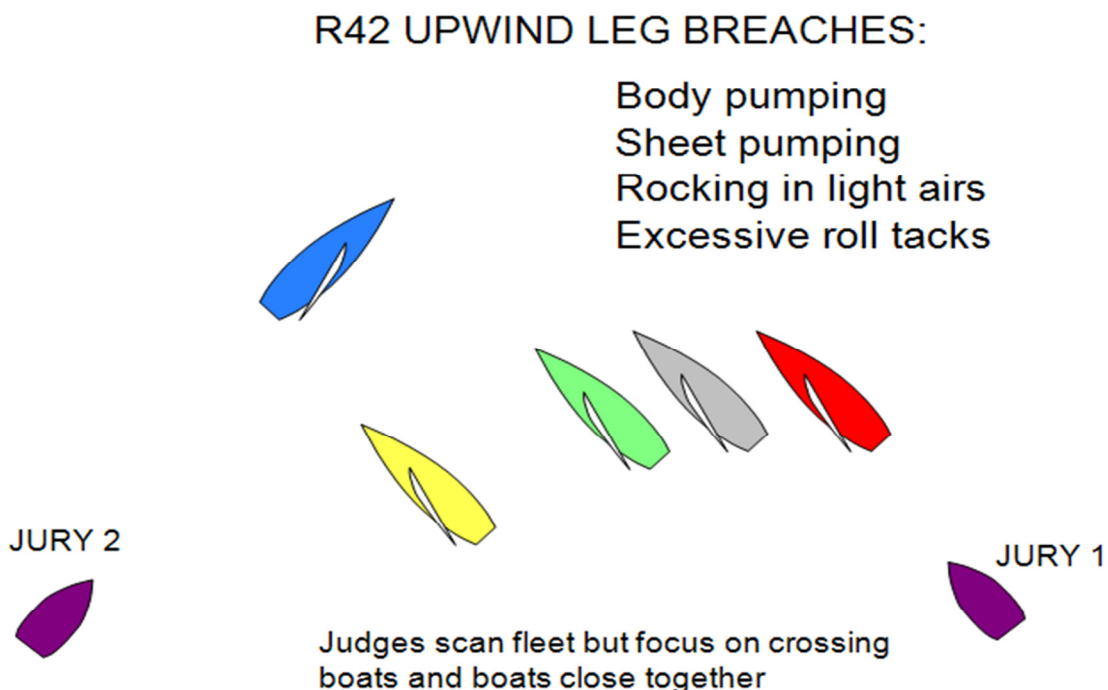
The Judge working as the course chief will assign positions behind the line. Usually the boats will spread from right to left. Their positioning will depend on the distribution of competitors, and not the actual starting line. When assigned to take the “pin end” of “left end”, a boat will cover the boats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

The boats should position themselves far enough behind the fleet to observe ten to fifteen boats and close enough to respond quickly, depending on the size of the fleet. Since most competitors are on starboard tack in their final positioning just before the start, Jury boats will have the best view when they are positioned astern of the boats.

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

I.8.2 Upwind

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



Common infractions:

In light wind:

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

In stronger wind:

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

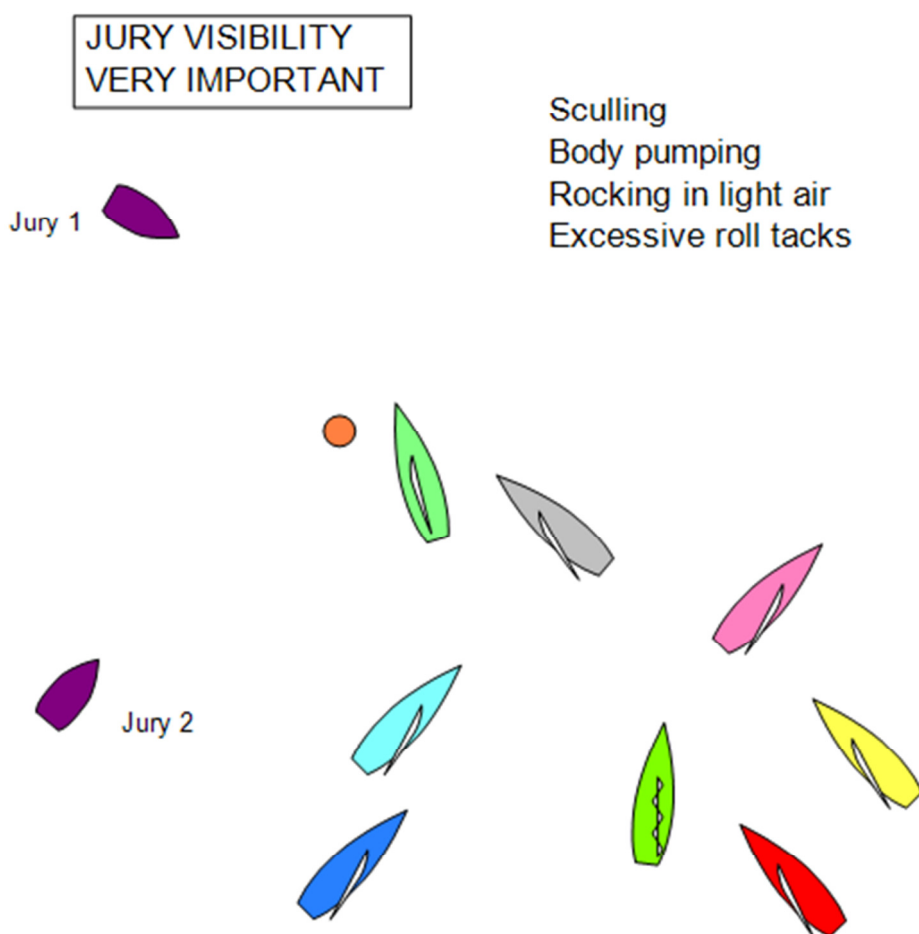
Positioning of Jury boats

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

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

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

RULE 42 WINDWARD MARK BREACHES



I.8.3 Reaches

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

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

On reaches one competitor will often begin to surf by pumping illegally and start gaining on other boats. Seeing this, other boats may also begin to pump illegally, to maintain

their position. Ideally the Judges will act before this happens, but if not, they should penalize the first clear breach they see.

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

Judging when one wave ends and another 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.8.4 Run

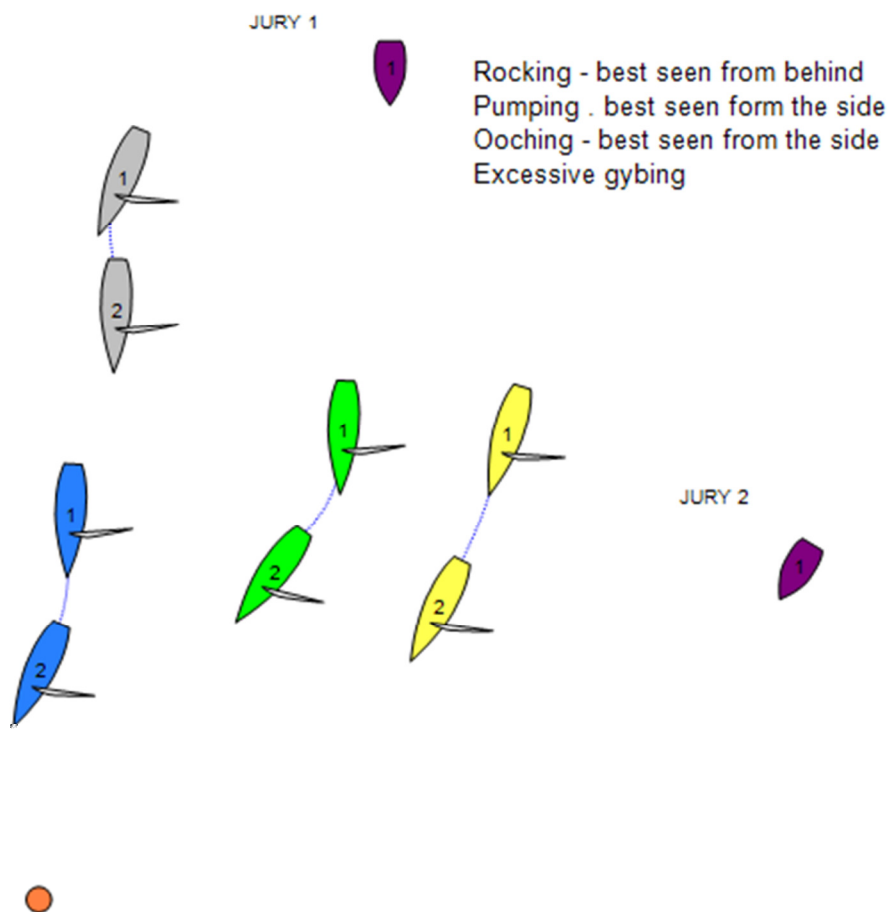
If Judges see the competitor rolling the boat by repeatedly moving their bodies the same way as the mast with no change of direction, the competitor is rocking. In positive rocking, the windward roll is caused by the competitor moving to windward first. In negative rocking, the competitor begins the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

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

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

Be alert for excessive gybing or pumping in the last 100 metres 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 gone in the absence of the gybe.

Positioning of Jury boats

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

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

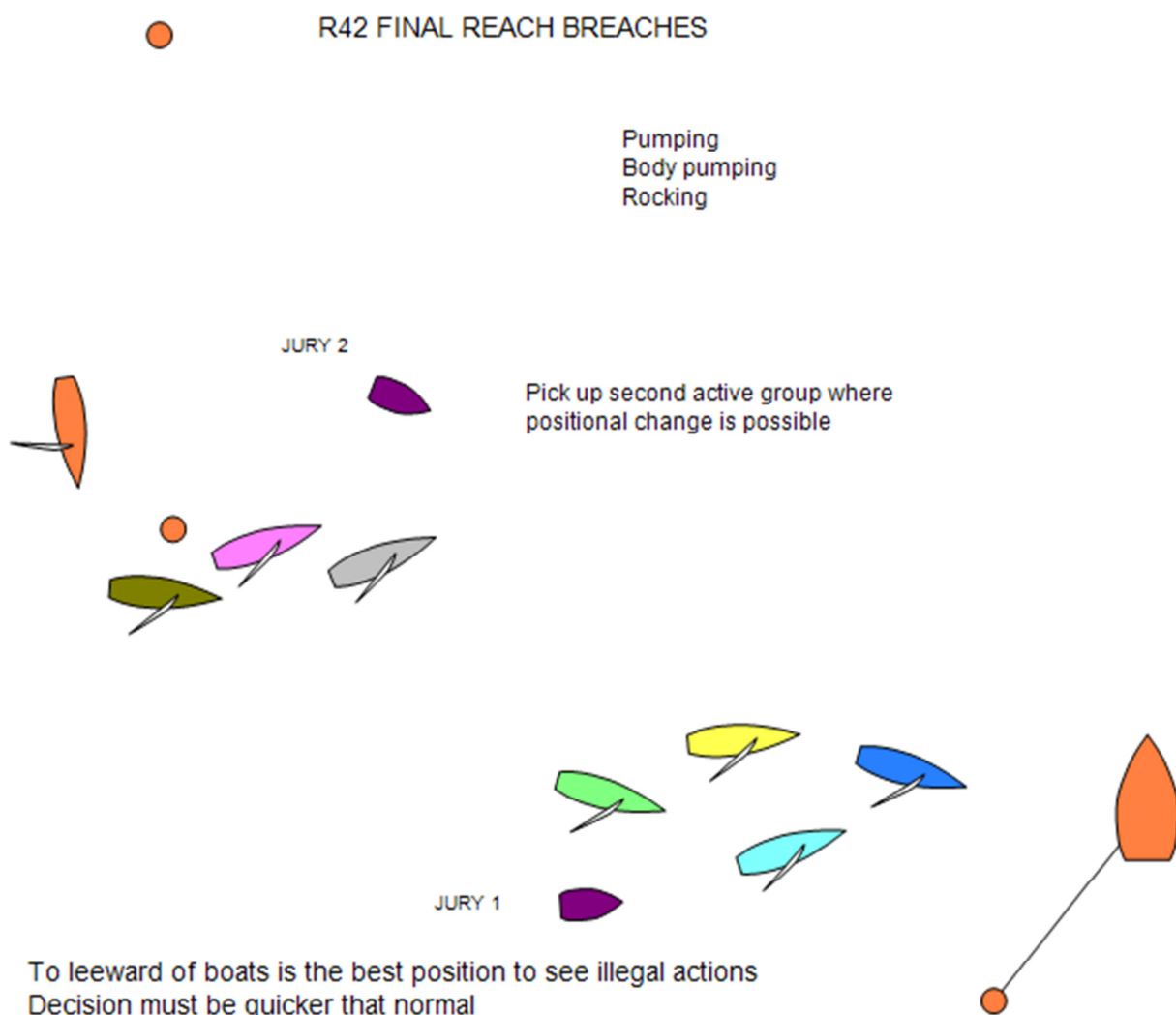
The lead boat should watch the initial roundings from the centre of the gate, staying clear of race management and press sight lines.

1.8.5 Finish

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

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

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



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

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 occur.

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

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

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

I.10 On-Shore after the Race

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

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

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

I.11 Rule 42 Redress Hearing

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

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

I.12 Appendix P—Special Procedures for Rule 42

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

As with all systems, there are advantages and disadvantages.

Advantages

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

Disadvantages

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

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

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

Judges and competitors may have diverse positions on rule 42 and how it is judged on the water. However, they must accept the rule as written and the ISAF interpretations of rule 42. If they disagree with a rule, they may follow the ISAF's documented procedure for submitting proposals to change a rule.

Judges should not allow individual classes a level of prohibited actions just because all boats seem to be breaching the rules a similar amount. Judges have to remain objective, and penalize boats that infringe the rules. A class association may change rule 42 through their class rules.

When Judges accept an appointment to an event which has on the water enforcement of rule 42, they must be willing to enforce the existing rules and interpretations to the best of their ability. It is far better to have no Judge present on the water, than to have a Judge empowered to enforce the kinetics rule that observes blatant infractions and does nothing.

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



INTERNATIONAL JUDGES' MANUAL

SECTION J

Protest Committee Administration

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J.1 The Protest Committee Secretary's Duties

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

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

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

Provide the protest committee with:

- a copy of the Notice of Race, Sailing Instructions, applicable national authority prescriptions, L Notices, class rules and notices for each jury member
- the daily time limits for filing protests on each course
- the daily list of alternative penalties taken
- access to copies of mark roundings and finish sheets, if needed for redress requests;
- any letter regarding denial of right of appeal or constitution of the international jury is displayed as required by rule N1.6;

The jury secretary follows procedures set out by the chairman, such as whether or not the chairman requires the secretary to remain inside or outside the jury room during hearings; whether full decisions are to be typed and posted, and the format required; whether to accompany the jury on the jury boat or remain on shore.

J.2 General Daily Administration

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

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

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

J.3 Receiving Protests

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

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

J.4 Recording and Copying the Protest

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

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

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

J.5 Arbitration System

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

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

Refer to Section L for more details on Arbitration.

J.6 Withdrawing Protests

Once the protest has been received, a protestor's request to withdraw the protest must be approved as a decision of the protest committee (rule 63.1). This involves a brief hearing in which the protestor provides the reasons for the request. The protest committee would allow the withdrawal of the protest if it is satisfied that the request is reasonable. The competitor should also sign the protest form confirming withdrawal of the protest.

J.7 Acknowledging an Infringement

When a protest has been lodged, a protestee may accept a penalty for the incident prior to a hearing. Ascertain whether the incident resulted in any damage to any boat or injury to

a competitor. If there was no damage or injury, the boat may take a penalty by retiring from the race or take any alternative penalty available in the Sailing Instructions. If there was serious damage or injury, the penalty is to retire from the race. Ask the competitor to write on the protest form, the words –

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

A representative of the protested boat would sign the form.

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

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

J.8 Scheduling Hearings

If it is known when hearings are to begin, the representative of the protesting boat can be informed when his hearing is scheduled. The first few hearings are best scheduled at 20 minute intervals, and then at half-hour intervals (assuming there is only one protest committee). Thus, if the first one or two protests are invalid, there is little delay. Should the first hearings take much longer, the remaining hearings can be rescheduled.

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

When there is a protest and a counter protest, or protests from different boats about the same incident, they should be scheduled to be heard at one hearing.

The Chairman should first scan the lodged protests and decide the most efficient order of the Hearings. Schedule first any hearings where the Race Officer is a party, so they can be heard consecutively. On the last day of the event, schedule first any hearings involving boats that may possibly be a prize winner, so the prize giving can commence as soon as possible.

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

Post the hearing schedule on the Official Notice Board as soon as possible after the end of protest time but before the end of the time limit for posting protests on the Official Notice Board. Hearings may begin before the protest time expires provided that the parties to the protest are ready to proceed.

J.9 The Hearing

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

Check the alternative penalty list to see whether either party to the hearing took a penalty in the incident involved in the protest.

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

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

After each hearing, record the decision, and file the original protest form, committee notes, and any other papers received during the hearing. A good system is to use a large envelope for each case, with the protest number and parties noted on the outside of each envelope. When all protests have been heard that day, the protest committee secretary should communicate the results to the results office and the media. In consultation with the chairman, complete the protest results log and post it on the notice board.

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

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

J.10 After the Last Race

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



INTERNATIONAL JUDGES' MANUAL

SECTION K

The Protest Hearing

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K.1 Jurisdiction, General Principles, Preparation

The protest committee's jurisdiction is limited to that granted by the current version of the *Racing Rules of Sailing*. The racing rules in turn, by means of sailing instructions, call up other rules such as national authority prescriptions when they apply, class rules and any other conditions governing the event. A boat's breach of a government, harbour or maritime agency by-law is outside the jurisdiction of the protest committee, unless the requirement for a boat to comply with such a law is included in the sailing instructions.

There are several types of hearings for protests and requests for redress:

Type of Protest Hearing	Rules Applicable
Boat vs. boat	rule 60.1(a)
RC vs. boat	rule 60.2(a)
PC vs. boat	rule 60.3(a) rule 61.1(a)(2) during a hearing rule 60.3(a)(1) serious damage or injury

Type of Redress Hearing	Rules Applicable
Boat requests redress for boat or boats	rule 60.1(b)
RC requests redress for boat or boats	rule 60.2(b)
PC requests redress for boat or boats	rule 60.3(b)

The function of the protest committee is to resolve disputes fairly and in strict compliance with the rules. The hearing should be conducted in a formal but friendly way so the parties feel they had their evidence seriously considered. The protest committee should be polite, yet firm.

Dress by members of the protest committee should be appropriate for the event and its venue. Wearing the event shirt is a good idea and gives the parties and witnesses the impression that the protest committee operate as a team.

Many different room configurations work well. Some chairmen like a round table with the participants alternating with the members of the protest committee. Others feel that at important events such as world championships, the chairman should sit in the centre of the side of the table facing the door, with the protest committee members sitting either side of him. Parties should sit opposite the chairman. When a witness gives evidence he should sit between the parties. Work with the furniture that is available.

Protest Committee members should not consume alcoholic beverages before or during a hearing. No alcohol or smoking should be allowed in the protest room. All mobile telephones and recording device must be switched off.

The chairman should review the protest or request for redress with the other members of the protest committee before the parties enter, so that the protest committee has a general idea of the problem.

The members of the protest committee should be introduced to the parties to the protest. If a party objects to any member as an interested party, the chairman should ask the reason. If not valid, the objection should be overruled. When the objection meets the definition of interested party, the member should be replaced, although he or she may serve as a witness. After hearings that day, the Chairman should discuss with the member involved whether there has been an undeclared conflict of interest, and if so, whether that member should remain on the protest committee. It is very rare for an objection to be based on a member of a protest committee formed by International Judges being an interested party. Nationality in itself does not fit within the definition and is not grounds for excluding a judge.

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

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

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

K.2 Interpreters

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

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

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

K.3 Right to be Present

The *parties* to the protest have the right to be present during the hearing and to ask questions of any person giving evidence.

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

- (a) For a protest hearing: a protestor, a protestee;
- (b) For a request for redress: a boat requesting redress or for which redress is requested, a Race Committee acting under rule 60.2(b);
- (c) For a request for redress under rule 62.1(a): the body alleged to have made an improper action or omission;
- (d) A boat or competitor that may be penalized under rule 69.2.

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

When a party elects not to attend, the hearing should normally proceed without him unless there are special circumstances for his absence. When a party wishes to attend but finds the time of the hearing inconvenient, the protest committee must decide to what extent the competitor can be accommodated. The protest committee must also allow the protestee a reasonable time to prepare a defence. When at the beginning of a hearing, a party asks for more time to prepare, the protest committee must decide whether more time is deserved or necessary.

When the protest claims a breach of a rule of Parts 2, 3 or 4 the representative of the boats shall have been on board the boat at the time of the incident, unless there is a good reason for the protest committee to rule otherwise (rule 63.3(a)). For radio-controlled boats this rule is changed so that the representatives of the boats shall have been controlling them.

When neither the protestor nor the protestee attends the protest hearing, the protest committee may act as it thinks fit. It may dismiss the protest, or, it may act upon the evidence provided on the protest form. If a collision is alleged, it may find the facts and disqualify the infringing boat. When this occurs, the protest committee should be ready to reopen the hearing on request, if good grounds are provided for the non attendance. Examples of good reasons for missing the hearing include being treated in hospital for an injury received during the incident.

K.4 Right to Withdraw a Protest

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

K.5 Hearing More Than One Protest Concurrently

When there is a protest and a counter-protest, or several protests relating to the same incident, they should be heard together in a single hearing. If the protest committee has doubts about whether two protests are about the same incident, it is preferable to assume that they are and start the hearing as if they were.

Multiple requests for redress about a single complaint are best addressed at a single hearing. When considering the validity of protests concerning one incident, each should be addressed in the order in which they were lodged. The protest committee should

decide whether each is valid and give the reasons for refusing those that are not valid. Provided that at least one is valid, the hearing must proceed.

When there are multiple counter protests, it is normal practice to allow the competitor who lodged the first valid protest to choose whether to act as the protestor or protestee. The protestor gives evidence first and the protestee give evidence, and summing up, last.

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

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

K.7 Observers

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

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

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

Observers at an open hearing should be made aware of their obligation to be quiet. They may speak only to inform the chairman that they realise they were involved in the incident. In this case, the observer should be asked to leave, in case he or she is called to give evidence. Either party or the protest committee may call this witness.

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

K.8 Hearing Procedure: Validity

K.8.1 General Principles

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

When the protested boat admits that she knew she was being protested and did not do a turns-penalty, the protest committee may review each of the validity requirements quickly.

When the protest is valid the hearing must proceed unless a party accepts a penalty in the incident, such as retiring prior to the hearing. When the protest or request does not meet

the requirements for validity, the committee shall declare it invalid and close the hearing. However, if the protest is invalid but the incident resulted in serious damage or injury, the protest committee may protest any boat or boats involved (rule 60.3(a)(1)).

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

K.8.2 Receiving a Written Protest in Time

Unless a procedure for lodging protests is specified in the Sailing Instructions, a protest is considered to be lodged when it is received by any official thought to be acting on behalf of the race committee or protest committee. If the protest is submitted outside the time limit, it must be accepted by the official and the time of receipt noted clearly on the first page. The official must not refuse a protest because the time limit has expired.

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

K.8.3 Identification of Protestee

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

K.8.4 Description of the Incident

The nature of the incident must be included in the protest. When this is not included, the protest is invalid and must be refused. There must be adequate information from which the protestee can identify the incident and understand the allegation. Other details required by rule 61.2 may be corrected before or during the hearing.

K.8.5 Protestor's Representative

The protestor is the boat that protests, and the boat's representative is the owner or the person in charge (rule 78.1). However, when neither appears, the protest committee should be sure that the person before them is authorised by the owner or the person in charge. When a protest claims a breach of a rule of Part 2, 3 or 4, the boat's representative shall have been on board at the time of the incident, unless there is good reason for the protest committee to rule otherwise.

K.8.6 The Hail

One issue that ISAF's Racing Rules Committee has not yet addressed is the interpretation of "reasonable" in rule 61.1(a), "*...she ... shall hail 'Protest' and conspicuously display a red flag at the first reasonable opportunity...*"

Until the Racing Rules Committee approves a Case, International Judges must use their own common sense to interpret the requirement taking into account the prevailing conditions at the time of the incident.

K.8.7 The Protest Flag

On boats over six metres, unless amended by the sailing instructions, a red flag must be conspicuously displayed at the first reasonable opportunity after the incident and keep it displayed until she is no longer racing. A protest flag must be seen primarily to be a flag (ISAF Case 72). No protest flag is required from boats less than six metres unless specifically stated in the Sailing Instructions or in the Class rules as allowed by rule 87.

K.8.8 Protests in the Racing Area

In the racing area, when the protestor has hailed 'protest' loudly and displayed the protest flag correctly, the protestee has been adequately informed and nothing else is required under rule 61.1.

K.8.9 Protests not in the Racing Area

The protestor must inform the protestee that she is lodging a protest as soon as reasonably possible. This might be the next time they come close on the race course. If the boats had not come close to each other on the water, it would be immediately after coming ashore.

K.8.10 Determine Validity

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

If the protest committee decides that the requirements for the protest have not been met, the protest is invalid and the hearing is closed.

K.9 Hearing Procedure: Taking Evidence and Finding Facts

The next objective is to listen to the evidence and develop a clear picture of what each party thinks happened. During this part of the hearing a judge is starting to understand the incident and determine which rules might apply. Questions by judges should be limited to those focused on the rules that applied as the situation developed, or to evaluate the credibility of a person's evidence about the incident.

K.10 Hearing Procedure: Witnesses

The protest committee must hear all witnesses called by the parties. This can be helpful when one of the crew gives a different story to the others, or it can be an apparently unnecessary lengthening of the proceedings. An able chairman will keep witnesses strictly to the point and gather the necessary evidence quickly without giving offence.

Under rule 63.6 of the 2013-2016 Rules a member of the protest committee who saw the incident shall, whilst the parties are present, state that fact and may give evidence.

Appendix M of the Racing Rules gives the normal routine order of conducting a case, calling witnesses etc. This is not obligatory and may be altered under exceptional circumstances.

When witnesses are called to give evidence, the protest committee secretary, or a representative of the protest committee, should go out to call them, rather than a party to the protest.

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

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

K.12 Cautions in Evaluating Evidence

Protest committees can make judgements about the credibility of evidence based on style and presentation of evidence. Witnesses who express their opinions confidently are often given more weight than someone who is less forceful and less believable.

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

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

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

K.13 Hearsay Evidence

Hearsay evidence is evidence given by a person who has no direct knowledge; he has simply heard it from another party. For example, in support of his claim that there was a collision, a party to the protest might say "John Smith, bow # 32, told me that he also saw the collision." The only question the chairman should ask when such a statement is made is "Is John Smith going to come to the hearing to give evidence?" If the answer is no, then the statement by the party is meaningless. On the whole, hearsay evidence should be disregarded.

K.14 Photographic Evidence

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

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

- When a video recording is to be shown to the protest committee, it is the party presenting the evidence that should arrange the necessary equipment and ensure an operator (preferably the person who made the recording) is available to operate it.
- The party bringing the video evidence should have seen it before the hearing and provide reasons why he believes it will assist the protest committee.
- It is usually preferable to view the video after the parties have presented their cases.
- Allow the recording to be viewed first without comment, then with the comments of the party bringing the evidence, then with those of the other party. Questions may be asked in the normal way by the parties and the protest committee members.
- The depth of field of any single-lens camera is poor and with a telephoto lens, it is non-existent. When, for example, the camera's view is at right angles to the courses of two overlapped boats, it is impossible to assess the distance between them. Conversely, when the camera is directly ahead or astern, it is impossible to see when an overlap begins or even if one exists, unless it is substantial. Keep these limitations firmly in mind.
- Use the first viewing of the tape to become oriented with the scene. Where was the camera in relation to the boat? What was the angle and distance between them? Was the camera's platform moving? If so, in what direction and how fast? Is the angle changing as the boats approach the critical point? (Beware of a radical change caused by fast panning of the camera.) Did the camera have an unrestricted view throughout? If not, how much does that diminish the value of the evidence? Full orientation may require several viewings; take the time necessary.
- Since it takes only about 30 seconds to run and re-wind a typical incident, view it as many times as needed to extract all the information it can give. Also, be sure that the other party has an equal opportunity to point out what he believes it shows and does not show.
- Hold the equipment in place until the end of the hearing. The tape should be made available during deliberation for review to settle questions as to just what fact or facts, if any, it establishes. Also, one of the members may have noticed something that the others did not.
- Do not expect too much from the videotape. Only occasionally, from a fortuitous camera angle, will it clearly establish the central fact of an incident. But, even if it does no more than settle one disputed point that alone will help in reaching a correct decision.

K.15 Written Evidence

Written evidence from a witness or a party that cannot attend a hearing violates the principle that a witness' testimony can be cross examined or questioned by the other parties and protest committee members.

K.16 Leading Questions

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

Straightforward leading questions:

“You did see me steering a straight course, didn't you?”, or ‘Do you agree that as I was sailing toward the mark, I had a half boat-length overlap?’

Presuppositions:

A question with a presupposition leads the witness to view the presupposition to be accurate. For example: *“Had the boats reached the 3 length zone when the overlap was established?”* This question presupposes the overlap. Witnesses are likely to accept the presupposed overlap to be true, or to remember it as an established fact and condone it if asked about it later in the hearing. A better question would be *“Position the two boats relative to each other when the lead boat got to this position”* (the three length zone).

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

Multiple choice questions:

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

Language that supports a position:

The question asked can lead to different answers, based on the wording chosen. The question, *“How far apart?”* will lead witnesses to respond with a greater number than the question, *“how close?”* A better question would be, *“Position the two boats relative to each other and estimate the distance between them”*.

The choice of verbs can lead the witness. The question, *“How fast were the boats travelling when blue ‘smashed’ into yellow?”* yields a higher estimate of speed than the same sentence using the verbs, ‘collided’, ‘bumped’, ‘made contact’ or ‘hit’. A better question using language from the rule would be *“What was the speed of the boats when contact occurred?”*

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

K.17 Deliberations

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

Another method of proceeding is for the chairman or preferably his appointee, commonly known as the scribe, to write during the hearing the points he considers are the facts of what has happened and if clear, also the conclusions and applicable rules. This can speed

up the decision making process. The scribe is normally an experienced International Judge. Should a member not agree on some point, or believe there is an omission of an essential fact, there is a discussion on that point to reach an agreement. Apply the relevant rules to these facts and identify any missing ones, if not included in the scribe's original draft. Before reaching a final agreement, read out the facts found and decision, giving the protest committee members one last chance to propose a change.

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

K.18 Hearing Procedure: Finding the Facts

In almost all cases the differences of opinion are settled by the quality of the evidence. The racing rules do not give the onus of proof to one boat or the other. Port is not required to prove she kept clear of starboard. A protest committee is required to consider all the evidence, consider who was in the best position to determine what happened, determine which evidence is more credible, then decide the facts of the incident.

It is an unalterable responsibility of the protest committee to establish the “facts” that the decision will be based upon, even when the parties present widely differing testimony. If one party says the boats were one metre apart while the other says ten boat lengths, the protest committee must decide which opinion is more creditable. Varying testimony is common and does not necessarily mean that someone is lying. It may reflect different perspectives or feelings at the time of or after the incident. When all the evidence is reviewed and a distance is determined, that distance will become a “fact” the decision is based upon.

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

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

One way to determine whether something is a fact or not is to use the “home video rule—if the action can be seen in a video, it is fact.” “Boat A altered her course when she was one boat length away” is a fact. “Boat B intended to luff,” or “the boats were about 10 metres apart” are not facts. “Boat C was prevented from sailing a close hauled course by the presence of boat D,” or, “the boats were more than eight metres apart,” are facts.

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

- establish what rules might apply to the incident;
- what are the boats' obligations under those rules;
- write facts that determine whether the boats met those obligations;

K.19 Resolving Controversial Issues

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

Try to obtain accord among the protest committee. Establish the most likely scenario by returning to the last point of certainty, assess the weight of the conflicting evidence, and, if necessary, recall the parties to obtain any missing information or further clarification. Once the difference of opinions among the protest committee members has been resolved, use the procedure in the previous paragraph. It should be rarely necessary to have a vote, but when a reasonable time has been allowed for discussion and a variety of views persist, a vote may be necessary. Use voting as a last resort.

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

K.20 Protest Committee Member with Strongly Held Minority Opinion

Usually, after thorough discussion, a member of the protest committee who does not agree with the majority is happy to be overruled by the majority. Occasionally a minority opinion on an important issue is held so strongly that the judge wishes not to be associated with the decision. In such a case, he has the right to insist that it be made clear that the protest committee was not unanimous. If the dissenter feels strongly enough he may ask to be named as the dissenter. In such unusual circumstances, the chairman must include details of the case in his regatta report. When the dissenter is an International Judge, he must include details of the case in his own regatta report.

K.21 Onus of Satisfying the Protest Committee

There is a primary onus on a protestor at the beginning of a protest to satisfy the protest committee that there has been an incident with the protestee. Occasionally, the protestee denies anything having ever happened, (perhaps the protestor has mistaken the sail number). If the protest committee is not satisfied, the protest must be dismissed. These cases are rare.

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

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

K.22 Recording the Facts and Decision; Rule 14

When there is contact between two boats, a rule has been broken. Therefore, the protest committee must, under rules 63.6 and 64.1, find the relevant facts and give a decision, i.e. penalize, (at least) one of the boats.

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

K.23 Announcing the Decision

The protest committee will recall the parties to the protest to announce the decision. Observers, members of the press, and witnesses etc. may be included. The chairman or scribe will read the facts found, the decision, and the reason for the decision. When appropriate, an interpreter will translate the decision for a party.

The decision will be to dismiss the protest, to conclude that no rule was broken or that a boat broke a rule and is to be disqualified, except when:

- a boat was compelled to break a rule by the actions of another boat breaking a rule;
- other penalties are provided for in the SI's;
- a right-of-way boat, or a boat entitled to room or mark-room, broke rule 14 but caused no damage in which chase she shall be exonerated;
- rule 36, Races Restarted or Resailed, applies; or
- the boat was not racing, except as allowed in rule 64.1(d)

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

- rule 2;
- rule 30.3;
- rule 42, if P2.2 or P2.3 applies.

Take all protest committee decisions to the scorer promptly, and keep a record kept of this action. The IJ Library has a Scorer Notification Form

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

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

Alternatively, 2 protest committee members may be appointed to informally explain a decision. However, any dissension within the protest committee should never, under any circumstances, be discussed outside the protest committee.

K.24 Race Committee Protests

A protest initiated by the race committee under rule 60.2 has certain validity requirements which the protest committee must ensure are met before proceeding with the hearing. The protest committee must satisfy itself that neither of the exceptions in 60.2(a) apply. If either does, the race committee's protest is invalid. Rule 61.1(b) requires the protestee to be informed. rule 61.2 applies to race committee protests.

When the race committee protests a boat, and no protest committee has been appointed, the race committee should appoint a committee to hear the protest.

A representative of the race committee acts in the same way as a protesting boat would do in a normal boat-to-boat protest. The Race Officer gives evidence, is given the opportunity to ask questions, answers questions, calls witnesses, and leaves the room while the protest committee makes its decision.

K.25 Protests Concerning Class Rules

Protests concerning Class Rules are initiated by another boat or by the Race Committee, based upon a report from an equipment inspector or a measurer under rule 60.1, 60.2 and 78.3, or by the protest committee. The rules do not give the Class Association, National Authority or the event equipment inspector or measurer the right to protest.

Most measurement problems are found during pre-regatta measurement and are worked out between the measurer and the person responsible for the boat. However, the protest committee is sometimes asked to settle a dispute over an interpretation of a class rule before the start of racing. Otherwise, class rule protests usually arise from a protest by the Race Committee based upon a post-race inspection by an equipment inspector or a measurer. Unlike a protest committee acting under rule 60.3, an equipment inspector or a measurer must report. The equipment inspector, measurer, and protest committee have no discretion as to whether or not to proceed: When the report is filed, the hearing must be called.

In almost all cases the protest committee is able to decide the protest using the process outlined in rule 64.3. Evidence concerning the accuracy of the measurement and the interpretation of the rule is presented by the competitor and the event measurer. The *ISAF Equipment Rules of Sailing* is a valuable tool to settle questions about measurement procedures.

After listening to all of the available evidence, if the protest committee decides there is no reasonable doubt about the interpretation of the measurement rule, then it must decide the case. The protest committee must do this, even if the decision does not meet with the approval of the measurer who made the report, or the authority responsible for interpreting the class measurement rule.

If the protest committee is still in doubt about the interpretation of a class rule, then rule 64.3(b) requires that the protest committee refer the questions, and relevant facts to an authority responsible for interpreting the rule. This authority will usually be the Class Association's technical committee, ISAF, or a National Authority. This authority is not the event measurer, even if the event measurer is also the chairman of the class technical committee. Once the protest committee refers the question, it is bound by the measurement authority's reply.

K.25.1 Basic Rules

A protest about class rules or rating is often the cause of much anxiety and emotion because of the inference that the owner or person in charge has knowledge, or should have had knowledge of the breach. More often a measurement error is just that, a simple error or misunderstanding about the interpretation or application of a rule. Sometimes there is a grey area between what is clearly permissible and what is clearly prohibited, exposing the rule to considerable variation in interpretation. The entire process of a measurement protest is supported by only a few basic rules. Competitors, race and protest committees, and measurers are all required to abide by these rules.

Rule 78 is fundamental. It requires every boat to have a proper measurement certificate and makes the owner responsible for ensuring that his boat complies with her class rules and her certificate.

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

K.25.2 Class Rules

Class rules spell out the details of how a boat must measure and/or rate. They usually include administrative provisions, owners' responsibilities, etc., in addition to the details about measurement.

Almost no set of rules is perfect, and class rules are no exception. It is the imperfections that lead to most measurement problems. There may be loopholes that permit a skilled owner or designer to stay within the wording of the rule and gain an advantage. However, often the writers of the class rules take offence to someone taking an unanticipated advantage of "their" rules and heated, emotional discussions take place.

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

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

K.25.3 Sailing Instructions

Sailing instructions may include provisions for the handling of measurement questions. They often include everything from pre-race procedures to measurement checks to penalties.

If the race organizers intend to take an active role in checking measurement and enforcing compliance it is important that any special rules and procedures be written in the Sailing Instructions. Such advance planning could eliminate problems that might develop later and save the protest committee endless time in clearly identifying its authority and role in measurement questions.

K.25.4 Measurer's Responsibility

An equipment inspector or a measurer appointed for an event to conduct measurement checks is a part of the race committee. A person not so appointed, even if he is a senior international chief measurer, has no official status at an event, except when called as an

expert witness. Under the racing rules, the equipment inspector or an official measurer is subject to the direction of the race committee and the racing rules. He is not independent or free to act as he wishes.

Before a race or regatta, when the equipment inspector or a measurer concludes that a boat does not comply with the rules, he may suggest to the owner/skipper that the defect be corrected. If it is not corrected, he must report this to the race committee, and the race committee must then protest the boat.

After a race, when he concludes that a boat does not comply with the class rules, he must report this to the race committee, which must then initiate a protest.

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

K.25.5 Acceptance of a Protest Concerning Class Rules

The protest committee must first determine whether the protest is valid; the requirements of rule 61 must be met.

Rule 61.2(c) requires the protestor to identify the rule believed to have been broken. A protest stating only that, "the boat doesn't measure", or that, "she is too fast for her rating", should normally be rejected, because it does not meet the requirements of rule 61.2(c).

Unless the allegation is reasonably specific in describing the rules broken or the nature of the alleged breach, the protest committee should refuse to hear the protest.

K.25.6 Protest Committee's Responsibility in a Protest Concerning Class Rules

When a protest has been lodged under rule 78 and in accordance with the requirements of rule 61, rule 64.3 becomes operative and controlling.

The protest committee may not automatically hand the matter to someone else. It must hold a hearing, find the facts, determine whether it can interpret the rules, and if so, decide the question. Unless it is unable to interpret or apply the rules, it must decide the protest without referring the question to a qualified authority.

Rule 63.6 requires that the protest committee take evidence from the parties and such other evidence as it thinks necessary. The rules expect the protest committee to obtain the evidence it needs to decide the protest.

K.25.7 Expert Witnesses and Evidence

Only in an unusual situation will the protest committee be able to resolve a protest concerning Class Rules without calling some more or less 'expert' witnesses. It is helpful, if not essential, to have someone who is thoroughly familiar with the class rules and

procedures to assist the protest committee as an expert witness. Measurers are helpful. Boat designers can be expert witnesses when there is no conflict of interest. Remember that witnesses, no matter how expert, are just witnesses. The protest committee makes the final decision.

K.25.8 Re-measurement

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

Nothing in the rules gives the owner of one boat an absolute right to demand that another boat be re-measured. The decision to order or request re-measurement is a matter for the protest committee alone (or the organizing authority if the Sailing Instructions give it that power). Note however, that the losing party may have to pay for re-measurement and any measurement costs.

A boat disqualified under a measurement rule may continue to compete in subsequent races without making changes to the boat, provided that she states in writing that she intends to appeal, provided an appeal has not been denied (rule 70.5). If she fails to appeal or the appeal is decided against her, she will be disqualified from all races.

K.25.9 Qualified Authority

The authority responsible for interpreting a class rule is sometimes identified in the Class rules. Under IMPS it is the rating authority in whose waters the boat is lying.

Once a protest committee refers a class rule question to the responsible authority, it is 'bound' by its report. When such a reference is made, the protest committee gives up some of its jurisdiction. Accordingly, the protest committee should word its questions carefully to ensure that it gets the information it needs to make its decision without abdicating its responsibilities.

K.26 Protest Committee Protests

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

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

Should a witness who is a member of the protest committee leave the room while the protest committee makes its decision? Or should the member who is a witness leave the room with the protestee while the remaining members of the protest committee make their decision?

Such witnesses, who stay for the decision, must not give any new evidence after the parties have been dismissed. The members giving evidence are not *interested parties*. They are a part of an independent body, with nothing to gain or lose from the decision.

Remaining as a part of the protest committee corporate body helps to portray the protest committee as an independent body with an interest in the fairness of the competition as a whole. Usually, witnesses who are part of the protest committee would stay in the room as part of the protest committee making the decision.

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

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

K.27 Anti-doping Hearings

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

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

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

K.28 Redress

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

Redress may be requested by a boat, the Race Committee or the Protest Committee.

Redress cannot be granted without a hearing. (rule 63.1)

K.28.1 Who May Request Redress?

- (a) A boat (rule 60.1(b))

*The introduction to the *Racing Rules of Sailing*, under Terminology, states that a "Boat" means a sailboat and the crew on board.*

Normally boats request redress for themselves; however this is not a requirement of the rules. A boat or its crew may request redress for another boat irrespective of whether the boat that makes the request was racing its self or not.

Example: A boat that is racing goes to the assistance of a boat that is in distress. Whether or not the boat that was in distress was racing, she may request redress for the boat that came to her assistance.

If appropriate, the protest committee, as a matter of fairness, may also grant redress to other boats as a result of a hearing whether it was asked for or not. (rule 64.2)

(b) The race committee. (rule 60.2(b))

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

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

(c) The protest committee. (rule 60.3(b)).

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

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

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

K.28.2 Parties to a Redress Hearing.

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

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

After deciding to grant redress and considering what redress is to be granted the protest committee may conclude that to arrive at a fair decision that other boats are also entitled to redress and that redress should be granted to them. If the “fair decision” requires more investigation and if those boats were not previously notified of the hearing or attended, the hearing could be adjourned and a new hearing commenced 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 recommenced hearing must restart from the beginning as the new parties to the hearing are entitled to hear all the evidence.

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

K.28.3 The Hearing

The hearing of requests for redress falls into four parts;

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

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

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

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

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

K.28.4 Validity

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

The request must be in writing and describe the incident including the time and date where it occurred. Missing particulars that are relevant can be added before the hearing (rule 61.2(a) or at the hearing. (rule 61.2 (c) and (d)).

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

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

Under rule 62.2 a request for redress must be delivered to the race office no later than the protest time limit or two hours after the incident, whichever is the later. The time of the incident will need to be determined by the protest committee and this will depend on the circumstances of each particular case. If the incident occurred on the race course the protest time limit would normally apply. In the case of a scoring error or where a boat has been scored OCS or similar the time of the incident would usually be when the results were posted but if they were not posted within a reasonable time, the time of the incident could be considered to be even later still. If the results were only posted on the internet the time of the incident could be the first reasonable opportunity the party had of seeing them.

Race committee or protest committee requests must be lodged within two hours of receiving the relevant information (rule 61.3).

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

K.28.5 Compliance

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

- (a) An improper action or omission of the race committee, protest committee or organising authority, equipment inspection committee or measurement committee for the event, but not by a protest committee decision when the boat was a party to the hearing;
- (b) Injury or physical damage because of the action of a boat that was breaking a rule of Part 2 or of a vessel not racing that was required to keep clear;
- (c) Giving help (except to herself or her crew) in compliance to rule 1.1; or
- (d) An action of a boat, or a member of her crew, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.2(c).

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

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

K.28.6 Score

To be granted redress, it is a boat's score, and not its position, in a race or series must have been made significantly worse. Rule 62.1 states that a request for redress shall be based on a claim or possibility that a boat's score in a race or series has, through no fault of her own, been made significantly worse. Therefore a boat must have a score (which would include DNC, DNS, OCS, etc.) that has been made worse before redress may be considered. Accordingly, redress cannot be considered before a race has been completed in order that a boat may have a score.

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

K.28.7 Significantly

A boat's score in a race or series must be made significantly worse. The term “significantly” is subjective and is determined by the protest committee based on the circumstances of each case. It would be the responsibility of the party requesting the redress to establish that the boat's score had been made “significantly” worse.

Example:

The worsening of a score by one point could be significant if it decides the outcome of a series. Whereas if the worsening of a score by twenty five points means a boat comes thirty seventh in a series instead of thirty sixth it is probably not significant. However if a boat was scored the extra twenty five points in a race that it would have won this may make it significant as the boat may have missed out on a race prize.

K.28.8 No Fault of Her Own

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

Examples:

- If a starting signal is made five second late and two boats are recorded as OCS, one being over fifteen seconds before the delayed starting signal and the other by two seconds, only the second boat would be entitled to redress as the first boat would still have been OCS due to his own actions irrespective of the race committee's improper action of a late starting signal.
- The race committee starts a race at its scheduled time and a competitor leaves the marina late and misses the start, this is the fault of the competitor and not that of the race committee.
- A starting mark that drifts does not exempt a boat from the requirement to start in accordance with the definition start.

K.28.9 Improper Action or Omission

An improper action is doing something that is not permitted by the racing rules, notice of race or sailing instructions. An omission is not doing something that is stated shall be done as required by the rules, notice of race or sailing instructions. If a race officer or protest committee does or does not do something over which it has discretion or is not mandatory, even though it may be totally inappropriate and an extremely bad or poor judgement, it is neither an improper action, nor an omission for which redress can be given.

Examples:

If a race committee signals course 3 when only courses 1 and 2 are described in the sailing instructions this would be an improper action as the course was not in the sailing instructions. Whereas if the race committee signalled course 2 and subsequently the first boat could not finish the course within the time limit and the course was not shortened, this would not be improper action or omission. This course is permitted by the sailing instructions and shortening the course is not mandatory; it was certainly, a case of poor judgement by the race committee, but not an improper action or omission.

If the race committee posted an "Advice to Competitors" and then did not act on that advice it would not be grounds for redress because that document does not comply with the rules or constitute part of the notice of race or sailing instructions. A "Notice to Competitors" that refers to the rules, the notice of race or sailing instructions would be a document that could be subject for a request for redress.

K.28.10 Physical Damage and Injury

The physical damage or injury must have been caused by the action of a boat breaking a rule of Part 2 or by a vessel not racing that was required to keep clear.

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

The following are not physical damage:

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

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

K.28.11 Giving help

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

K.28.12 Penalty action

A boat whose score has been made significantly worse by the actions of a boat against which a penalty has been imposed under rule 2 or disciplinary action has been taken under rule 69.1(b) may be granted redress. Rule 62.1(d)

K.28.13 Redress Given

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

When it appears during the hearing that the requirements of rule 62 will be met it is often helpful to ask the parties what redress they believe would be appropriate. Although the protest committee is under no obligation to take these opinions into consideration, it is often enlightening.

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

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

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

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

K.28.14 Guidelines to types of redress that may be given

Average points: This is often used when a boat entitled to redress has been unable to finish the race in question. It is suitable only for boats competing in a series of races in which there are at least five races and in the interests of fairness the number of races for which average points are granted would rarely exceed twenty per cent and never exceed 50 per cent of the number of races sailed in the series. Usually all races other than those or which redress is being granted are used for calculating the average points, however, in longer series consideration could be given to excluding a boat worse score from the average calculation. In major events consideration may also be given to excluding the last race of the series from the average points calculation so as competitors know the exact progress scores of all boats going into the final race for the purpose of them being able to devise their tactics and strategies.

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

Position of boat at time of incident: Points can be awarded based on the position of the boat in that race at the time of the incident. This method would rarely be used if the incident was early in the race and should never be used unless the positions of the boats in the race have become well established.

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

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

Abandonment: Abandonment should only be used as an option of last resort where no fair arrangement can be determined for all boats affected. This is important because to abandon a race may be unfair to those boats that won or finished the race on their own merits.

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

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

K.28.15 Pre Race “Requests for Redress”

Any requests for redress in respect of rule 76, “Exclusion of Boats or Competitors” should be heard at the first reasonable opportunity before a race or series commences.

However, in most other instances, as no boat’s score has been made worse at this time any such request would be invalid. Any such claim could only relate to an alleged improper action or omission by the Organising Authority or Race Committee as all other grounds for redress relate to on water incidents. As the only other action taken by the Organising Authority or RC at this stage is to publish the Notice of Race and Sailing Instructions the grounds could only be based on the possibility that these documents were either incomplete, contradictory or did not comply with the *rules*. Therefore, these “requests for redress” are more likened to requests to the Organising Authority for clarification or interpretation of their documents. In cases like this the Organising Authority often ask the Protest Committee/Jury for their advice but they are not be bound to comply with this advice.

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

K.28.16 Requests for redress for alleged race committee error in scoring a boat OCS, ZFP or BFD

Boats sometimes challenge the race committee’s decision to score them OCS, ZFP or BFD by requesting redress under RRS 62.1(a).

For a boat to be given redress, she must convince the protest committee that the race committee has made an error. Video evidence may be helpful but is often inconclusive. It is the responsibility of the boat requesting the use of video evidence to supply the video and the equipment on which to view it. Replaying the video on a small video camera screen would usually be unacceptable. In the absence of compelling evidence to the contrary, the protest committee should uphold the race committee’s decision as the person sighting the line is the specialist on the spot and the protest committee should not replace that judgement with their own without compelling evidence.

Evidence of the relative positions of two boats on the starting line that are scored differently is not conclusive evidence that either boat started properly.

K.28.17 Addendum Q (Medal Races)

In races conducted using Addendum Q a boat’s entitlement to obtain redress is changed. Race officials and the protest committee should refer to the ISAF web site to download the latest version of Addendum Q.

K.28.18 Appendix B (Windsurfing Competition Rules)

Protest committees need to be aware that Appendix B7 modifies the protest and redress rules applicable to windsurfing competitions.

K.28.19 Appendix F (Kiteboarding Competition Rules)

Protest committees need to be aware that Appendix F5 modifies the protest and redress rules applicable to kiteboarding competitions. A booklet which shows all kiteboarding competition rules (racing and Appendix F) is available on the ISAF website at www.isaf.com/

K.29 Requests to Reopen

Any party to the hearing may request a re-opening of the hearing. In cases where the request for redress was from the Race Committee or considered by the Protest Committee under rule 60.3(b), according to the definition of Party, this is a boat requesting redress or for which redress is requested. All other boats are “affected” boats but they are not Parties. Rule 66 does not enable an unsuccessful party to simply re-argue the merits of his case. Rather, it permits the party to present new evidence that could not reasonably have been presented at the original hearing.

The word “may” in the first sentence of rule 66 means that there is no absolute obligation on the protest committee to reopen, but the protest committee would err if it does not do so when the circumstances clearly warrant a reopening. That said, it is not in the best interests of the event to allow an unsuccessful party a reopening only for the purpose of shoring up an argument or reformulating testimony that had already been considered. In those circumstances, a reopening is also unreasonably burdensome to the protest committee and the other parties involved.

Two circumstances described in rule 66 permit a protest committee to reopen a hearing after it has made its decision. The first is when the protest committee decides that it may have made a significant error. The second is when significant new evidence which was not available at the time of the original Hearing becomes available within a reasonable time. The word “significant” is used to qualify both circumstances and means the error or new evidence would likely change the substance or outcome of the decision.

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

For a hearing to be reopened to consider new evidence, the evidence must be both new and material (rule M4). New and material evidence means evidence not previously presented in the original hearing, which bears directly and substantially upon the specific matter under consideration and which is neither cumulative nor redundant. Cumulative evidence is additional evidence of the same character as existing evidence and that supports a fact established in the previous hearing, especially a fact that does not need further support.

To be material, the evidence must be relevant to the decision and which leads to a reasonable possibility that, when viewed in the context of all the evidence, the outcome of the case will change.

In order to be considered new, the evidence must not have been available at the time of the previous hearing. Evidence that was in existence at the time of the original hearing but unknown to the party at that time may be considered as new evidence. Evidence that was known to exist but not presented is not new.

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

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

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

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

If a *party* requests a reopening, the protest committee must decide if the request to reopen is valid. There is a time limit for requests to reopen a hearing. Under rule 66, a party has up to 24 hours after being informed of the protest hearing decision to ask for a reopening.

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

ISAF Case 115 assists by providing an Interpretation of the word ‘new’ as used in rule 66. The criteria provided by this Case states:

Evidence is ‘new’

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

If the protest committee decides there is sufficient reason to reopen, it must notify the parties of its decision. When the hearing will be reopened, the protest committee must provide the same notification that is required for a protest hearing. In addition, a

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

At a reopened hearing, only the new evidence or evidence related to an alleged protest committee error should be considered. Parties may ask questions, call witnesses, and sum up. The protest committee proceeds as it would in any other hearing.

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

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

The protest committee may also reopen a hearing when it had decided a protest without a party present, but later found that the party was unavoidably absent. That hearing is reopened under rule 63.3(b), not rule 66, and is therefore not subject to rule 66's limitations on scope and timeliness. Such a hearing would begin anew, rehearing all evidence previously presented.



INTERNATIONAL JUDGES' MANUAL

SECTION L

Arbitration

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L.1 Introduction

Protest arbitration is a process of resolving protests without the formality of a full protest hearing. Arbitration is simply a short meeting between the sailors involved in a protest and an experienced judge or two judges serving as the arbitrator. All parties must agree to participate, and if any party refuses, arbitration cannot proceed. The sailors tell the arbitrator(s) what happened on the water and the arbitrator(s) makes a decision about which boat, if any, broke a rule. The party that broke a rule may take a reduced penalty which is specified in the Sailing Instructions. If the arbitrator's decision is accepted, the protestor withdraws the protest and the dispute is resolved without a hearing by the protest committee. The primary purpose of arbitration is to simplify and speed up the protest process for incidents that do not require the full protest hearing process.

A number of classes have their own arbitration processes but the general format and end penalty is the same, apart from the percentage penalty.

L.2 The Penalty

Arbitration can only work if the boat that the arbitrator says broke a rule receives a penalty that is less than the disqualification she may receive in any subsequent protest hearing. The penalty is stated in the sailing instructions and, if accepted by a boat as a result of arbitration, holds the same status under rule 64.1(b) as the penalty she could have taken on the water.

The penalty for arbitration should be more severe than any penalty that is available to the boat on the water at the time of the incident, but significantly less severe than a DSQ. Most judges have found that a scoring penalty of either 30 or 40% of the number of boats entered rounded up to the next whole number works reasonably well. A more severe penalty often results in a competitor refusing to take it and instead deciding to take a chance on avoiding a DSQ in the protest room. A less severe penalty cheapens the penalty that a competitor promptly accepts on the water. A boat shall not be scored worse than the points for a DSQ. As in other scoring penalties, there is no change to the finishing order of other boats in the race. Therefore two boats may receive the same score.

For boats finishing toward the back of the fleet, any fixed percentage scoring penalty will often result in the penalty being the same as disqualification. As an alternative to the fixed 40% penalty, a sliding penalty may make arbitration acceptable for those boats, such as points equal to 40% of the number of entries, or 50% of the difference between the boat's finishing position in the race and the number of entries, whichever is less. For all percentage penalties, use the rounding formula shown in rule A10.

The penalty must be clearly defined in the sailing instructions. As with penalties taken on the water, a penalty taken ashore should be available when appropriate to any boat, except in a protest hearing. That resolves potential inequities that result in having the penalty available only through arbitration. For example:

- (a) If the penalty was available only in arbitration, a boat that broke a rule in a situation that is not suitable for arbitration does not have access to the same penalty that a boat can take in a less complicated situation that is subject to arbitration.
- (b) The protestor cannot deny the protestee access to the lesser penalty by refusing to attend the arbitration. If the protestee can take the penalty in or out of arbitration, the protestor does not gain by refusing arbitration.

- (c) Universal penalty available after racing allows a boat to take a penalty instead of retiring (RET), when she realises she broke a rule after coming ashore.

In all cases, the penalty taken must be appropriate for the infringement. A boat taking a penalty other than retirement cannot have caused injury or serious damage, or have gained a significant advantage from her breach.

L.3 Principles of Arbitration

In considering arbitration for an event, it is important for the organizers and the protest committee to understand the impact of arbitration on the racing rules. When used as described here, arbitration is consistent with the 2013-2016 *Racing Rules of Sailing*. None of the rules in Part 5 (Protests, Redress, Hearings, Misconduct and Appeals) that protect the interests of the competitors are compromised by arbitration. All of the safeguards built into Part 5 Section A (Protests and Redress) and Part 5 Section B (Hearings and Decisions) remain in place.

If the decision of the arbitrator is accepted by the protestor, the protest is withdrawn. If not, the protest remains and must be heard under the rules of Part 5 Section B by the protest committee. See rule 63.1 (Requirement for a Hearing).

The competitors should be notified in the notice of race and sailing instructions that all protests involving a rule of Part 2 or rule 31 will be considered for arbitration. Rule 44.1 needs to be changed in the sailing instructions with language similar to the following:

Rule 44.1 is changed to permit a boat that has broken a rule of Part 2 or rule 31 to take a penalty after racing but prior to any protest hearing. Her penalty shall be a scoring penalty as calculated in rule 44.3(c) equal to 30 or 40% (whichever is applicable) of the number of entries or 50% of the difference between her finishing position and the number of entries, whichever is less.

Arbitration takes place after a written protest has been lodged, but prior to the protest hearing. Unless the sailing instructions allow observers the arbitration hearing is held in a quiet location, well away from other competitors and observers, and can be in the open or a small room. Testimony given during arbitration should not be overheard by any potential witnesses of a subsequent protest hearing. Only the arbitration judge(s), the protestor and the protestee are permitted to attend. No witnesses are allowed. If a competitor believes the case requires a witness, the protest will go to a protest hearing.

Arbitration should only be used for protests where:

- the incident only involves two boats. A protest involving three or more boats is usually too complex for a single or two judges to handle in less than 15 minutes.
- the incident is limited to the rules of Part 2 or rule 31. If it becomes clear that other rules are applicable, or another boat may be involved, the arbitration hearing should be closed and the protest forwarded to the protest committee.
- there was no contact that could have caused serious damage.

An arbitration hearing is not a protest hearing. While the general procedures of hearing a protest are used in arbitration, the arbitrator is not bound by the rules of Part 5 that govern the conduct of a protest hearing. The arbitrator and the competitors should understand that any participant in an arbitration hearing may decide that the protest should be heard by the protest committee. Such a request from a competitor must not be denied.

The arbitrator conducts the hearing with the knowledge that the protest may still be heard by the protest committee. The arbitrator never enters into a discussion on the interpretation of a rule or answers questions about his or her conclusions until the decision is accepted and the protest withdrawn.

The arbitrator’s main task is to decide the likely outcome of the protest if it went to a protest hearing. That includes validity, which is the first step in the process. This includes the possibility that the protest will be declared invalid. For example, if the protest form states the flag was displayed 3 minutes after the incident and there were no exceptional grounds, then go no further. Advise the protestor that the protest is invalid.

The arbitration hearing begins with validity, though some Class Arbitration procedures contain the wording:

When both parties to the protest agree to arbitration they each agree;

(a) that the protest is valid: and

This cannot be an exhaustive probe for the facts of any issue. If this is needed then the protest is not suitable for arbitration. The arbitrator will ask, “*how did you inform [protestee] of your protest?*” and, “*did you fly a flag? (if applicable)*” or, “*did you hail protest?*” A simple request for confirmation from the protestee helps. Do not allow a long answer and do not question deeply into the timing of the flag or hail.

The arbitrator’s judgment of the validity will go as following:

INVALID	QUESTIONABLE	VALID
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To be reasonable to all parties the arbitrator should continue even though the limited available facts make the validity questionable.

The arbitrator should not proceed if he or she is convinced that the protest is invalid. In that event, the arbitrator would suggest that the protest be withdrawn.

For a valid protest, the arbitrator takes each party’s testimony in turn, sometimes using model boats. The arbitrator asks any necessary questions, but keeping tight control. No witnesses are called.

In making a decision, the arbitrator will consider the probability that testimony derived from witnesses or more rigorous questioning of the parties will not substantially change the facts presented to the arbitrator.

The arbitrator will decide:

- One or both boats should take a penalty in the incident.
 - This would be because one or both boats broke one or more rules.
 - The arbitrator applies the principles of exoneration to a boat that has been compelled by the other boat to break a rule. If boat A is exonerated, the arbitrator would advise that boat B take a penalty. Refer to rule 64.1(a).
- The protest should be withdrawn.
 - This could be because no boat broke a rule or because the protest is invalid.
- The protest should go to the protest committee.

- The protest might be too complicated to decide without witnesses or may involve a rule not suited to arbitration.

The arbitrator limits his or her decision to one of these three statements. He or she provides no explanation of the decision at that time.

The entire process should take no longer than 10 to 15 minutes. If that time is exceeded, the issue is too complex for arbitration, and the arbitration hearing should be closed. The protest is then forwarded to the protest committee.

If the arbitrator's decision is accepted and any appropriate penalties are taken, the arbitrator then asks if the protestor wants to withdraw the protest. For arbitration hearings, the protest committee agrees to give the arbitrator the right to act on the committee's behalf and approve a request to withdraw a protest under rule 63.1 (Requirement for a Hearing). Note that there are good reasons but no obligation on the protestor to withdraw the protest.

If the protest is not withdrawn, it must be heard by the protest committee. Sometimes a protestor may refuse to withdraw the protest in order that the protestee will be scored DSQ in the protest hearing. The arbitrator should explain that if a boat accepts an appropriate penalty, rule 64.1(b) applies. In such a case, the protest committee may penalize the protestor in the subsequent protest hearing, but the boat that took the penalty shall not be penalized further.

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

There are strong grounds for the arbitrator to be a member of the jury if there is a protest hearing because the arbitration decision has not been accepted, including the jury remaining properly constituted. It has been found that both classes and MNAs have their own arbitration procedures which are either integrated as a section of the sailing instructions or form an appendix at the end of the sailing instructions.

The sailing instructions describing the arbitration system may provide further information about this.

Testimony given during the arbitration hearing shall remain confidential and the arbitrator shall not discuss any aspect of the arbitration with the protest committee before the hearing. The arbitration judge shall not be called as a witness during any subsequent protest hearing as the earlier testimony obtained by the arbitrator is not first hand.

The arbitrator may be called as a witness if there is a subsequent hearing under rule 69 against one of the parties for lying in the protest hearing.

L.4 The Procedures

When a protest is delivered to the protest desk, the judge or protest committee secretary accepting protests logs the time and asks the protestor to stand by. A judge or arbitrator reviews the protests as they are received to decide if the protest is suitable for arbitration.

At large events it is preferable to have more than one arbitrator to enable the process to flow smoothly. If the protest is suitable for arbitration, the protestor is asked to find the

representative of the other boat and the arbitration hearing is scheduled to be heard as soon as possible.

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

The judge should have available the notice of race, the sailing instructions and any amendments to them, a current rule book, a watch to keep track of the time and boat models. It may also be desirable to have *The Case Book* on hand, but it should not be referred to while the competitors are in the arbitration area. If the arbitrator must consult an ISAF case, the incident may already be too complex for arbitration.

Pre-printed forms for penalty acceptance are useful but not mandatory. The last page of the Protest Form has a tick box for the protestor to withdraw the protest.

The arbitrator may assist the protestor in correcting protest contents under rule 61.2. The arbitrator does not write the decision on the protest form in case the decision is not accepted by the competitors.

Keep in mind that even if both parties agree with the arbitration decision, the arbitration is not complete until the withdrawal of the protest is approved by the arbitrator (rule 63.1) and agreed by the protestor. It is advisable to have the arbitrator write on the protest form the words “*I withdraw this protest*” or “*I acknowledge breaking a rule and accept the penalty stated in the sailing instructions*”, and have the competitor sign the statement.

The arbitrator may accept a request, with good reason, to withdraw the protest before the arbitration hearing. However, if the hearing proceeds and the arbitrator decides the protestor broke a rule, the protestor is not permitted to withdraw the protest before the penalty is accepted.

Arbitration decisions are not subject to appeal. Rule 70.1 dictates that only protest committee decisions can be appealed. If the protest is withdrawn, there is no protest remaining and nothing to appeal.

L.5 The Arbitrator

The judge(s) who will arbitrate protests should be highly experienced with a strong command of the rules. The arbitrator must think and make decisions quickly and must command the respect of the sailors. An excellent deliberative judge may not make the best arbitrator and will usually be more valuable in untangling the complex protests that are not quickly resolved through arbitration. If another judge would like to learn the arbitration process, it is acceptable to allow him or her to attend the arbitration hearing as an observer, as long as both parties agree.

L.6 Conclusion

Sailboat racing is a self-policing sport and the method to resolve a dispute on the water begins with the hail of “protest.” If the protested boat takes a penalty on the water, the dispute is resolved. If the protested boat does not take a penalty, the rest of the process is often seen by competitors to be too formal and too time consuming.

Protest arbitration provides an intermediate method of protest resolution before the protest is heard by the protest committee. Arbitration gives sailors a chance to take a less severe penalty than disqualification when they realize that they have broken a rule. Arbitration does not solve all protests, but for most situations involving the rules of Part 2 and rule 31, arbitration is seen by competitors to be fast, informal and much less intimidating than attending a protest hearing.



INTERNATIONAL JUDGES' MANUAL

SECTION M

Damage and Injury

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M.1 Introduction

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

- Damage
Rule 14(b), penalise a boat for contact that causes damage
- Serious damage
Rule 44.1, taking a penalty for a part 2 infringement
- Physical damage
Rule 62.1(b), granting redress
- Serious damage or serious injury
Rule 60.3(a)(1), protest brought by a protest committee

M.2 Damage

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

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

The ISAF Racing Rules Question and Answer Service although not binding, unlike ISAF Cases provided a definition of Damage but this was withdrawn, along with most of the Q&As from the beginning of 2013. Readers are recommended to look regularly at the Q&As in the ISAF web site to see if there has been a replacement Q&A to assist in reaching what is the required extent of damage.

M.3 Serious Damage

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

- was the performance of the boat or crew seriously impaired?
- was the market value of the boat significantly diminished?
- was a crew member seriously injured?

M.4 Physical Damage

An example of physical damage is:

- real damage to either boat or crew

Examples of what is not physical damage are

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

M.5 Serious Injury

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



INTERNATIONAL JUDGES' MANUAL

SECTION N

Rule 2 and Rule 69

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N.1 Rule 2 Fair Sailing

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

A boat may be penalized only when it is clearly established that this rule has been broken. Any resulting disqualification is not excludable from a boat's series score (DNE).

N.2 Rule 69 Hearing

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, not a boat
- an action under rule 69 may be initiated only by a protest committee
- on receiving a report, the protest committee has absolute discretion on whether to proceed to a hearing or not

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

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

Standards of ethical behaviour among sailors throughout the world vary greatly, and it is not the responsibility of International or National Judges to educate individuals in the subject of moral behaviour. Under rule 69.1(a) a "competitor" shall not commit gross misconduct, including a gross breach of a rule, good manners or sportsmanship, or conduct bringing the sport into disrepute.

However, it is essential to the healthy development of the sport that severe penalties be imposed on competitors who knowingly infringe a racing rule. Protest committees should take action under rule 69 if a competitor deliberately breaks a rule for his or her own advancement or if a deliberate breach results in injury, or if a competitor cheats, lies at a hearing, or behaves in any way that brings the sport into disrepute.

Such actions are addressed through two rules. Rule 2 requires that 'a boat, her owner and crew shall compete in compliance with recognized principles of sportsmanship and fair play whilst rule 69 describes the procedure for the protest committee to adopt, should a competitor commit such a misdeed.

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

Rule 69 uses the term 'competitor'; this means any boat owner and any crew member.

Under the 2013-2016 rules, coaches, support personnel or other non-competitors are not subject to rule 69. Therefore the protest committee may not hold a hearing under this rule, nor send a report about that person's actions to the correspondent MNA under rule 69.3.

However, the sailing instructions may include a provision stating that when the protest committee, from its own observation or a report received, believes that a coach or other non-competitor has committed a gross misconduct, including a gross breach of a rule,

bad manners or sportsmanship, or conduct bringing the sport into disrepute, it will conduct a hearing following all the requirements of rule 63 and giving the alleged infraction the consideration of a party. If the protest committee decides that the support person has committed the alleged misconduct, it may request withdrawal of accreditation, prohibit access to regatta areas and regatta services, or take other action within its jurisdiction.

If a coach becomes a real problem during an event the PC should take action, in the benefit of the competitors and the coaches who are complying with the rules. The Protest Committee should call the coach to a meeting and investigate. Then, depending on the seriousness of the offence, the Protest Committee can take different actions, i.e. report the problem to the OA and ask them, for example, a) to not allow the coach to enter the club, or b) to remove the coaches' accreditation, or both etc..

The Protest Committee may send a report to the MNA or to ISAF or to both, depending on the event and, if they wish, include a suggested course of action. Since all these actions cannot be taken under rule 69, the MNA is not obliged to follow the procedure stated in rule 69.3.

N.2.3 The Time of the Misdeed

The misdeed must occur within the period immediately prior to the event, commencing and ending shortly after the prize giving. Thus, a protest committee is not at liberty to hold a rule 69 hearing to address a misdeed by a competitor which happened before the beginning of the event, even though actions immediately prior to an event may result in entry exclusion under rule 76.

N.2.4 The Place of the Misdeed

Within the period established in N 2.3, provided that the misdeed can readily be associated with the event, the time and place is irrelevant. For example, a competitor who was involved in an assault during a fight in a public place unrelated to the venue of the regatta, but brings the sport into disrepute, could be the subject of a rule 69 hearing. If that fight took place between the competitor and someone unrelated to the regatta, in private or in public, without the public knowing the competitor was competing in the regatta, it would probably not be appropriate for a protest committee to initiate a rule 69 hearing.

N.2.5 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. Be critical about your own emotions. Nobody is accustomed to a rule 69 hearing and the incident might give rise to a lot of emotion, not just for protest committee members, but also to a lot of people involved in the event. Remain calm and controlled. Be aware of the pace of the hearing.

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

Read Rule M5.1 again and ensure you are knowledgeable of the procedure to follow. Think about what might happen during the hearing and what your answers will be, discuss the procedure within the protest committee. It makes it easier if the tasks are delegated among the members; one chairs the hearing, another person is the scribe.

Prepare the written statement of allegations that you will give the person who is accused of the rule 69 violation.

If the hearing involves juniors or youths, ensure that a parent, guardian or coach is present as a witness to the proceedings. Also refer to Section D (Judges and Junior Sailors).

N.2.6 Informing the Person in Writing

The person concerned must first be informed in writing of the alleged misconduct and of the time and place of the hearing (rule 69.2(a)). Should the protest committee learn of the evidence of misconduct during a protest hearing, rule 69 cannot be addressed in that hearing. The protest committee must prepare the written allegation after that hearing is closed, and promptly deliver the statement to the competitor. Even if the competitor gives approval to proceed with the hearing immediately, wait. The competitor must be given a reasonable time to prepare a defence. Schedule the rule 69 hearing leaving enough time for the competitor to review the allegations, gather witnesses and find a person to provide support during the hearing. In most cases this is the following day.

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

- **Gross breach of good manners:** Whether a breach of good manners is gross or not will depend very much upon whether other people (competitors, officials or the public) are offended by the behaviour. What might be acceptable behaviour in one situation may be totally unacceptable in another. The common use of foul language on television makes it difficult for some young people to realise how offensive such language is to others. This is a difficult area to be consistent, and cases of swearing should be judged on the emotion behind the words rather than the words themselves.
- **Gross breach of good sportsmanship:** This includes cheating (acting to gain an advantage by infringing rule 2, lying at a hearing, etc.). Unlike normal protests where it is assumed that if there is a rule infringement it was not done on purpose, 'intent' is fundamental to a gross breach of good sportsmanship.

Examples of occasions when action under rule 69 would be appropriate, should the protest committee become aware of evidence are:

- lying at a hearing
- knowingly infringing a rule with intent to gain an unfair advantage
- threatening behaviour or physical person-to-person contact
- falsifying documents in order to have accepted a boat that does not measure
- intentional or wilful refusal to follow the requirements of the organizing authority
- deliberately damaging another boat
- abuse of officials
- theft
- drunken behaviour
- fighting

N.2.8 Mitigating Circumstances

Protest committee members should bear in mind that some people have a minimal capacity for remaining 'cool' and can become irrational more easily than others. A wise

protest committee will take into consideration any sincerely given apology by the offending party, in relation to an incident that seems to be impulsive or spontaneous.

N.2.9 The Hearing

It is especially important at a rule 69 hearing to maintain an atmosphere of formality and to ensure that the competitor is given ample opportunity to answer the allegations. It is important that a written account is kept of the proceedings. The hearing must be held in accordance with rules 63.2, 63.3, 63.4, and 63.6.

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

‘Comfortable satisfaction’ is one of three standards of proof commonly used in courts of law or arbitration hearings. The three standards of proof are defined and used as follows:

- **‘Balance of probabilities’** is also known as ‘preponderance of the evidence’. With this standard of proof, the evidence must be assessed on the basis of whether a particular fact is more likely to have happened than not. There can be some evidence that supports the allegation and other evidence that is conflicting. The decision is based on the majority of the evidence.
- **‘Proof beyond a reasonable doubt’** With this standard of proof, it must be decided if there is any significant evidence that makes it doubtful whether a particular fact happened. If there is reasonable doubt, the case must be dismissed. This highest standard of proof is used in criminal law.
- **‘Comfortable Satisfaction’** This standard is greater than the ‘balance of probabilities’ standard, but is less than the standard of ‘beyond a reasonable doubt’. In between those two limits, the standard of proof is a sliding scale, based on the seriousness of the allegations that have come to the committee. As such, the more serious the allegation, the stricter the committee’s standard should be. ‘Comfortable satisfaction’ is a standard used by the Court of Arbitration for Sport, as well as in doping cases.

It is also a fundamental principle in disciplinary proceedings that competitors must be regarded as innocent until any allegation is proven against them. Therefore, part of the ‘comfortable satisfaction’ test is whether or not the evidence presented to the committee is sufficient to mean the competitor is no longer presumed to be innocent.

The last sentence of the Terminology section of the Introduction to the Racing Rules of Sailing implies that the term ‘comfortable satisfaction’ is used in rule 69.2 (c) in ‘the sense ordinarily understood in ... general use.’ Both ‘comfortable’ and ‘satisfaction’ are frequently used in everyday speech, and so most judges will be familiar with their general usage. Judges could also consider whether they feel ‘uncomfortable’ with any conclusions reached. If they are uncomfortable, then they are not comfortably satisfied.

In a rule 69 decision, the protest committee must answer “Yes” to both of the following questions before it warns or penalizes a competitor or boat under rule 69.2(c)(1) or 69.2(c)(2):

- 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 gross misconduct?
- As rule 69.1(a) states, an act of gross misconduct may be a gross breach of a rule, good manners or sportsmanship, or conduct that brings the sport into disrepute.

N.2.10 Litigation

In the past, competitors have made threats against protest committees, such as threatening to sue the committee members for libel. (The dictionary definition of libel is, '*the publication of defamatory matter in permanent form, as by a written or permanent statement, picture etc*'). It is hoped that such a possibility will not deter protest committees from taking action when the need arises.

Although these rules apply to all protest hearings, because of the seriousness of a rule 69 hearing, they are worth repeating:

- Only when there is evidence at hand that indicates a high probability of guilt should a rule 69 hearing be initiated.
- The competitor must be given the allegations in writing and a reasonable opportunity to prepare a defence.
- During the hearing, ample opportunity should be given to the competitor to present evidence and call witnesses, and the procedures should be adhered to meticulously.
- A written record of the evidence presented must be kept.
- The test of to the comfortable satisfaction of the protest committee should be applied. This is quite different to a protest hearing where the test of 'balance of probabilities' would be appropriate.

Note: The standard of proof may have been varied by a National Prescription.

- No publication of the outcome should be made, other than the usual hearing result on the official notice board.

Although under rule 3 each competitor and boat owner agrees to be governed by the racing rules and to accept the penalties imposed or other action taken, subject to appeal and review procedures, liberal 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.

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

N.2.11 Party Fails to Attend

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

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

Under rule 69.2(f) if the protest committee chooses not to conduct the hearing without the competitor present or if the hearing cannot be scheduled for a time and place when it

would be reasonable for the competitor to attend, the protest committee shall collect all available information and, if the allegation seems justified, make a report to the relevant national authorities. If the protest committee is a protest committee appointed by the ISAF under rule 89.2(b), it shall send a copy of the report to the ISAF.

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

N.2.12 Case Dismissal

After a hearing, when the accused competitor is found '*not guilty*' of the alleged misdemeanour, the protest committee must make this quite clear. The news of a rule 69 hearing will have spread throughout the regatta, and it is important that the competitor's name is cleared publicly.

N.2.13 Penalties

When a competitor is found '*guilty*', a rule 69 hearing does not have to result in the imposition of a penalty; a warning may be given. A warning may suffice after, for example, a minor misdeed followed by an apology. A warning is not reported to any national authority.

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

N.2.14 Reporting the Details of the Case in the ISAF Regatta Report

The Chairman's Regatta Report Form must record whether or not a penalty was imposed. Sufficient details should be included for a reader to understand why the decision was made. Names may be excluded when no penalty is imposed.

N.2.15 Appealing the Decision

The competitor may appeal a decision only if the protest committee was not a properly constituted International Jury.

N.2.16 Reporting to National Authorities

A warning is not a penalty. When no penalty is imposed, no report to any national authority is required. When a penalty is imposed, the case must be reported to the national authorities listed in rule 69.2(d) or to the ISAF if the International Jury is appointed by the ISAF under rule 89.2(b). The report should be detailed, since the national authority will rely on it to decide whether to penalise further. It is useful for the protest committee to recommend whether a further penalty is appropriate. Try to make this report as soon as possible, so important issues are not forgotten.

N.2.17 Action by the National Authority

Should a national authority decide that an additional penalty is appropriate, it must follow the same procedures the protest committee followed: the competitor should be

informed and given an opportunity to appear before the national authority's appointed body.

Appendix A

As can be seen from the sections above there is currently a major problem in taking action against coaches and all other support persons under the current wording of Rule 69.

A proposed sailing instruction to overcome this is stated below:

X Support Boats and Personnel

X.1 [all the usual rules about support boats goes here]

X.2 [Conduct][Misconduct]

X.2.1 Support persons shall not <normal list>, and shall not commit gross misconduct, including a gross breach of a rule, good manners or sportsmanship.

X.2.2 When the protest committee, from its own observation or a report received, believes that a support person may have broken X.2.1 it may call a hearing.

X.2.3 A protest committee of at least three members shall conduct the hearing following the procedures in RRS 63.2, 63.3, 63.4 and 63.6, giving the support person all the rights of a party.

X.2.4 When the protest committee decides that the support person has broken SI 2.1, it may request withdrawal of accreditation, prohibit access to regatta areas and regatta services, or take other action within its jurisdiction.

In addition the competitor's entry form could be changed so that when the boat owner/competitor/parent or guardian of minors signs the entry form there is also an all-embracing wording so that coaches and support persons are also included under the Regatta SI. The other alternative is to have a separate Entry Form for coaches and support persons.



INTERNATIONAL JUDGES' MANUAL

SECTION O

Sailor Classification – ISAF Regulation 22

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O.1 Introduction

Under ISAF Regulation 22, the ISAF Sailor Classification code classifies competitors as Group 1 who takes part in racing only as a pastime, and as Group 3 who has been paid for work or services in sailing.

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

www.sailing.org/raceofficials/eventorganizers/event_guidelines.php

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

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

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

The sections below discuss some of the situations that may affect judges at a classified event. The Commission is available to provide assistance and guidance to officials at all times and can be contacted via the ISAF Office on classification@isaf.com or, in urgent situations, via the Chairman of the Commission, whose details are in the ISAF Yearbook. Where a referral is urgent the Commission can usually respond to or investigate a situation within a short time if you say the information is needed urgently.

Classification problems often trigger strong reactions from competitors and the boat owners (who are understandably concerned their crew list might be changed close to the Regatta which could seriously affect their ability to compete and their warm up training). It is known for legal proceedings to be threatened and for legal representatives to contact the event organizers. In the event of such problems, make immediate contact with the ISAF Office and the Commission as they have experience of similar issues and will usually be able to help.

O.2 Notice of Race/Sailing Instructions

Where the class rules do not do so, the NOR or SIs should contain crew limitation rules which mention sailor classification.

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

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

Some classes have additional requirements, such as prohibiting helmsmen who have competed in an Olympic Games or America's Cup within the last ten years. These are not classification requirements and are permitted. It is also permitted (and recommended by ISAF) that a class or event deems a competitor who does not hold a valid classification to be a Group 3 competitor for the purposes of the crew limitation rules.

However, it is not permitted to have a rule which states that a certain type of individual is or is not Group 1 or Group 3 - only ISAF can make this decision.

O.3 Spot checks

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

Notice of the presence of a Commission Member should be stated in the NOR and attendance at interviews should be made mandatory as a rule in the NOR. The Commission Member will draw up the interview list in consultation with the event organizers or class and publish it on the official notice board. Interviews usually take place before registration closes and always before racing starts.

Interviews are initially conducted by the Commission Member alone. If the Commission Member has reason to believe that a competitor's classification might need to be changed, the interview will be suspended and the competitor called back for a second interview. The second interview is then conducted in the presence of a witness and it is usual for the Commission Member to ask one of the Jury members to be this witness. If asked to do so (and if you agree), the role of the judge is just to take an independent note of the interview. At the end, the Commission Member will announce his or her decision to the competitor.

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

O.4 Protests

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

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

and in either case, the boat would then break the crew limitations in the Notice of Race, Sailing Instructions or Class Rules.

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

The FAQs issued by the Commission (available at www.sailing.org/classification/) can be very helpful in applying these to different situations. The Commission can give an indication of the types of questions and evidence that should be presented.

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

Under the Code, which changes RRS 63.3(a), the protestee is entitled, on request, to present evidence of a personal or private nature in the absence of the protestor. The protest committee must not then record that evidence in its decision. If the protest committee, on hearing the evidence, is not satisfied that it is of a personal or private nature, it must disregard the evidence unless it is offered again in the presence of the protestor.

The penalties are set out in the Code. If the boat has not yet raced, she is not to be penalized. If she has completed a race or races, then the penalty is disqualification from each race (unless the protest arises as a result of a mandatory protest by the race committee acting on a report from the Classification Commission, in which case the penalty is at the discretion of the protest committee (see section (f) below for more details)).

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

0.5 Protests about Crew Limitations

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

0.6 Changes by the Commission

If the Commission changes a competitor's classification during an event (for example because of an interview) that change can be backdated to the start of the event by the Commission. If the Commission believes a boat would then break the crew limitation rules, it will report the matter to the race committee, which then must protest the boat. The penalty for a breach in this situation is at the discretion of the protest committee.

0.7 Other Complaints or Information Received

If the protest committee receives complaints or information at an event that may cast doubt on a competitor's classification, but for whatever reason there is no protest lodged, then it should report that information in confidence to the Commission via the ISAF Office as this can influence future decisions of the Commission.



INTERNATIONAL JUDGES' MANUAL

SECTION P

Judging Oceanic and Offshore Racing

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P.1 Introduction

This section of the International Judge's Manual is maintained jointly by the International Judges Sub-Committee and the Oceanic and Offshore Committee. It is intended to help race organisers and judges react to disputes relating to the issues encountered in oceanic and offshore racing.

It is designed to be a learning tool and reference document for judges who are, or expect to be appointed to the protest committee ("PC") of a race:

- conducted day and night,
- substantially out of sight of land and
- using the International Regulations for Preventing Collisions at Sea ("IRPCAS") in addition to or in place of the Racing Rules of Sailing ("RRS").

Since our sport is constantly changing and evolving, a guide such as this has to be a living document that needs to be updated constantly. It is by no means faultless. Contributions to improve it are always welcome and will be posted on the ISAF website as updates are made.

Special thanks are due to the small team of experienced International Judges, International Race Officers, event organisers and oceanic race sailors who contributed to this chapter.

Generally, racing under the RRS is within sight of land and conducted during daylight hours.

To race a boat offshore and overnight requires additional skill sets in navigation, safety procedures, medical training and sea survival for it to be conducted safely.

Oceanic and offshore racing is highly visible to the public and whilst there are few Part 2 rules protests under the RRS, or protests under IRPCAS they do happen.

The nature of such races requires procedures which may vary the RRS, may require parts of the racing rules to be replaced by the IRPCAS and which may involve logistical and communications issues for PC members.

P.2 Judging issues

P.2.1 Consultation and relations between officials

It is difficult for race organisers, race officers and judges to acquire experience in the issues involved in ocean racing. There are relatively few events when compared to inshore and daytime only regattas.

Organisers may wish to vary racing rules and add or delete provisions of the Offshore Special Regulations ("OSR").

Class rules may have specific requirements relating to the ethos and ultimately the cost structures relating to the events in which competitors may race.

Accordingly early consultation between race organisers, race management and judges is highly advisable in order to minimise the risk of conflict between the rules under which an event is raced.

Extensive consultation may be required under the terms of Appendix N2.1 at almost any stage of a race.

Careful consideration of the organisers and race management's intentions is necessary when reviewing the Notice of Race ("NOR"). In any subsequent disputes there can then be a clear understanding not just of the wording of any rule, which may prove to be imprecise or insufficient to cover the issue at hand, but the rationale behind it.

P.2.2 Safety and measurement disputes

Pre-race measurement disputes are generally little different to those in inshore racing. However the PC may become aware of confidential, commercially or race sensitive information during safety or measurement disputes. Care must be taken that irrespective of the nature of the dispute any such information must be kept under the control of the PC, its content safeguarded and precautions taken to prevent its release to any third parties. Organisers occasionally require protest committee members to sign a confidentiality agreement to preserve sensitive information.

Non-compliance with safety or class requirements can lead to competitors being refused permission to race after their entry and entry fee have been provisionally accepted.

Refusal to allow competitors to race can lead to disputes requiring PC intervention, especially when competitors have sponsorship obligations. Depending on the legislation of the Member National Authority ("MNA") under which the start is organised, competitors may seek recourse to the commercial courts of that country for damages despite the rules of the race specifying that disputes should be dealt with under the RRS or (if applicable) by referral to the Court of Arbitration for Sport ("CAS").

While racing, rules relating to sealed equipment, equipment not to be moved or to non-functioning tracking or other safety related devices can all lead to rule breaches and protests.

P.2.3 Race navigation issues

Prohibited zones can include safety areas for swimmers or inshore craft, areas around oil rigs or other offshore structures, such as offshore wind farms, military exclusion zones and traffic separation schemes ("TSS").

Race management may need to change the course during the race, normally for safety reasons such as relocating ice gates or reflecting a particular navigational hazard.

Virtual marks or rounding waypoints may be introduced before or during a race – for safety reasons, to extend the course in unexpectedly fast races or to shorten the course in light winds.

Use of the engine and navigating under power into a safe port or anchorage to undertake repairs or for medical treatment may be permitted by the SIs under the provisions of RRS 42.3(i) but may attract penalties.

Resolving all or any of the above race navigation issues will depend on good communications with competitors, clear instructions from the race team and may become the subject of a protest.

P.2.4 Outside help

There are very different approaches to outside help depending on the nature of the event.

Organisers will frequently prohibit the use of shore based meteorologists or navigators (“non routing”) and provide or limit access to a common set of weather forecast files to all participants in the race. However controlling information flow can be extremely difficult when satellite phones, Satcom C and other long distance communication systems are in use.

Competitors may or may not be permitted to receive shore based technical advice from their support teams relating to on board repairs.

“Technical Stops” may be permitted under the race rules.

Outside help to resolve medical problems during a race is frequently permitted.

P.2.5 Redress

Many oceanic and offshore races will have redress requests, often when a boat has offered help to another boat or mariner in danger. Such requests may be initiated by the RC or PC in accordance with RRS 60.2 or 60.3.

Calculating the redress to award can however require an understanding of marine navigation, meteorology and the uses and limitations of Automatic Identification System (“AIS”) and tracker systems.

The value of redress awarded would usually be expressed as a reduction of the elapsed time.

P.2.6 Protests under Part 2 of the RRS or IRPCAS

Protests under Part 2 of the RRS are mostly related to issues during the starting procedures and within the first hour or so of racing.

Protests under the IRPCAS frequently relate to non-observance of regulations in parts C & D relating to light and sound signals or (because of RRS 48.2) rule 10 of part B of the IRPCAS relating to a TSS.

Consideration of breaches of section II of part B of the IRPCAS steering and sailing rules do have to be handled with a totally different approach than that of the RRS. The obligation is always that a give way vessel must take early action to avoid a collision.

P.2.7 Media requirements and related issues

Oceanic races frequently have media reporting requirements set out in the Notice of Race (NOR).

There can be specific obligations for competitors to attend press or other briefings, opening and closing ceremonies, “prologue” races or inshore display events.

Display of sponsor advertising is generally obligatory.

The appropriateness and location of advertising can be an issue depending on the ethos and ethic policies of a race.

On board reporting to organisers during the race is normally a requirement of race organisers, both from a safety and media point of view. Such reporting will usually be through a designated means of communication and monitored by race control so as to ensure that there are no breaches of rules on outside assistance.

Breach of any of the above may be subject to financial rather than race time related penalties. Breach of safety related reporting requirements are likely to attract more severe penalties via DPI up to and including disqualification.

P.3 Protest committee skills, location and structure

P.3.1 Protest committee skills

In order to cope with the issues set out in section 2 above the PC will need additional skills in marine navigation.

An understanding of the applicability of IRPCAS, other aspects of governmental marine legislation and offshore safety is required.

Some experience of the seamanship issues encountered offshore – sailing in extreme conditions in heavy weather, in fog or at night is important in order to demonstrate credibility to competitors.

It is not expected that all PC members will necessarily have all the skills. But there should be a sufficient depth of experience that any issues encountered can be resolved.

PC accommodation and travel expense is a significant cost to organisers. The PC location can therefore be an issue. It is normally expected that judges will meet prior to the start. During the race issues may be resolvable by email, conference call or other means. However if there are post leg or race finish protests or redress issues it may be impractical and costly to transport all judges from the original panel to the finish.

It is quite usual for the PC to have a different set of judges at the finish. It should however, for the sake of continuity, contain at least the chairman and one other member associated with the entire race whether it is divided into legs or non-stop.

Wherever judges are located they will have to be available and contactable throughout a race. Judges will need to be comfortable with modern forms of communication technology and to operate through different time zones.

P.3.2 Marine navigation

There must be an adequate understanding of marine navigation within the PC in order to resolve protests dealing with navigational issues or redress.

Navigation calculations are still an imprecise science. Working out courses, distances and time lost or gained can be done using charts, great circle, Mercator or plane sailing. Arithmetical solutions can come from traverse tables, computers or GPS navigators and can all be equally valid whilst giving differing results.

Navigation equipment and software programmes may be new or specially developed for competitor's needs. When information from such software or equipment is needed to resolve a dispute, the PC may not have sufficient knowledge to be able to interpret the data provided. Under such circumstances expert assistance should be sought from outside the jury.

Agreeing the methods, basis and results of a set of navigational calculations can therefore need a team approach.

Whilst internal PC considerations will be confidential it may be helpful for competitor's to know the philosophy behind a redress award or a protest penalty such that the credibility of the PC solution is apparent and sustainable.

P.3.3 Offshore safety and related regulations

The provisions of the Offshore Special Regulations ("OSR") and the rationale behind construction standards, equipment provision, safety and training requirements need to be thoroughly understood by PC members.

Appendix H of the OSR has been drafted to provide advice on safety aspects of organisation of Oceanic races but many of its provisions apply equally to offshore races of a lesser distance and duration.

The role of maritime rescue co-ordination centres and rescue services together with the effectiveness of coastguard or naval resources in Littoral states can also have an impact on redress cases.

There can be unintended breaches of Governmental regulations in Littoral states – judges need to be aware of their potential impacts so as to be able to consider appropriate penalties.

P.4 Protest committee preparation

P.4.1 Race documentation & review

Race documentation can be complex and thus a detailed review of the draft NOR and Class Rules is essential, preferably before the NOR is first issued. RRS 88 relating to applicability of National Prescriptions is also relevant. A table showing which rules are changed and where can be helpful in examining measurement or other disputes and avoiding conflicts in race documentation.

It is equally essential to ensure that the SIs are reviewed before they are issued to competitors.

In many oceanic events meetings are held with race management and competitors before the event and race documentation reviewed with them at that stage. The objective is to ensure that all involved have a clear understanding of the additional rules applying to the event and that issues regarding application of disqualification or discretionary penalties can be clarified in advance.

There are arguments for and against publishing fixed discretionary penalties ("DPI") in the SIs. It is probably safe to publish financial penalties relating to breach of media obligations. Financial penalties should be applied, without a hearing, by the OA.

Involvement of the PC would only be appropriate should there be any disagreement about the facts of the dispute.

It is not advisable to publish DPIs relating to Part 2 rules breaches, breaches under IRPCAS or those requiring navigational calculations.

P.4.2 Initial protest committee meeting – additional issues in ocean racing

Application of DPIs during the race may be after email, telephone or conference calls. So that the PC's policy can be applied evenly and to reduce misunderstandings, the application of DPI should be reviewed in confidence in the context of the penalty structure set out in the sailing instructions and any written clarifications made subsequent to competitor and/or race management meetings.

Communications methods and response times should be agreed amongst all PC members. Any technical innovations, teleconferencing, "Go to meeting" technology, use of Skype or other internet systems should be discussed. If there are communications techniques with which PC members are not familiar it may be helpful to practice using them whilst all PC members are present prior to the start.

Navigational and other methods of achieving a redress solution should be discussed and input sought from the race committee in terms of their ability to provide tracking, meteorological analyses and other data to support a redress claim.

Media contact can be expected by all PC members if there are issues during a race. Accordingly there should be a clear policy on PC communications with media contact restricted to either the PC chairman or a member of the PC specifically appointed to that role.

PC members must be made aware of the sensitivity of any information relating to emergencies, serious accidents or any dangers relating to competitors. The confidentiality of any such information must be safeguarded. It can be expected that the OA and race committee will have specific procedures relating to these issues and the PC should be briefed and act accordingly.

P.4.3 Methods of resolving disputes or redress decisions during oceanic races

Organisers frequently wish to have any disputes or requests for redress resolved prior to boats arriving at the finish. During oceanic and offshore races any Part 2 rules disputes are likely to occur within the start sequence or at an initial turning mark. Such disputes are best resolved by having judges on the water during this phase of the race.

If there are no judges on the water and there is a need for a decision on a Part 2 issue during the race it may be possible to resolve if both parties can agree on the facts whilst at sea. It should be borne in mind however that sailors, especially early in the race will not wish to give up time when they would prefer to concentrate on racing. Depending on weather and their progress they may be able to break off from racing to respond to email or other written communication.

When facts are disputed, discussion of an issue – whether by TV/Video, phone, Skype, satphone or other system is rarely practical. Even if a mutually agreeable timing for a conference call of parties and judges can be agreed there is no cost effective technology to enable parties and judges to see and hear each other in a satisfactory way.

Accordingly if there is no agreement on the facts of a Part 2 dispute it is often better to have a formal hearing at the finish.

Disputes relating to breach of navigation rules are easier to resolve at sea when yachts are fitted with and using accurate tracking systems. Likewise redress requests – often relating to one boat giving another outside assistance can be easily resolved when the facts relating to the nature of assistance given and any time lost by those giving help can be established by race control.

During the race PC members are likely to be widely dispersed so the contact and decision processes are important. It can be practical for PC members to discuss an issue via discussion with the chairman other jury members or conference call or to present views by email. However timing of a conference call can be difficult to achieve with judges located in different time zones and subject to the limitations of their normal lifestyle away from the race start or finish.

When taking decisions by email it is important for the PC chairman to canvas views carefully and to state when responses are needed. It may not be possible to obtain responses from all PC members within a reasonable time frame. It should be expected that a decision can be taken and communicated to parties once a clear majority of PC members are in agreement.

P.5 Oceanic racing and the rules

In races of extended duration disqualifying competitors for minor rules breaches is inappropriate.

Certain rules may be wholly inappropriate for ocean racing yachts.

Breaches of other rules may have discretionary time or financial penalties.

The following section outlines the racing rules commonly changed and the rationale for so doing:

Issue	Rules Affected	Comment
OCS	28.1 & 29.1	For media and safety reasons organisers may wish to penalise boats that are OCS rather than have them re-cross the line. Under such circumstances the SIs should prohibit OCS boats from returning to start, change the requirement to start in rule 28.1, but should not seek to change the definition “Start”. Methods of advising competitors of their breach may include VHF.
Navigation	28,1 and 48.2	Breach of any navigation rules related to prohibited zones or TSS or not sailing the course described in the sailing instructions may be more appropriately penalised via a discretionary time penalty in the SIs. The penalty will form part of the discretionary penalty tariff agreed by the PC pre-race.

Issue	Rules Affected	Comment
String Test	28.2	If a competitor has incorrectly sailed the course, for whatever reason, it may be unsafe or unwise to require them to comply with the string test to correct the error. Under such circumstances it may be appropriate to amend 28.2 and a discretionary time penalty may be applied in the SIs
Individual Recall	29.1	When competitors are not required to return to re-cross the line there will be a need to change this rule. References to rule 30 contained within the rule also need to be amended.
Touching a Mark	31	Rule 31 cannot apply at virtual marks or turning waypoints
Outside Assistance	41	The range of issues covering outside assistance has been set out in para 2.4 above. In drafting the SIs it is essential to be clear and unambiguous as regards what is and is not permitted. A range of discretionary and/or financial penalties may be appropriate depending on the nature of any rules breach.
Propulsion	42	Under the terms of rule 42.3 (i) sailing instructions are frequently varied to permit the use of the engine under defined circumstances. Despite the provisions of the rule as regards “significant advantage” there may be additional penalties after the engine has been used. These penalties can refer to motoring e.g. to/from the start line after the start, or when seeking shelter in an emergency.
Turns Penalties	44	“Turns” penalties under the terms of rule 44.1 may be an inadequate penalty for any potential breach of the rules involving contact between competitors’ boats. Accordingly DPI may be applicable for breaches of part 2 rules or those of section II of part B of IRPCAS.
Hauling Out, Making Fast	45	Competitors may be permitted, by the SIs to go into port for technical stops, to be hauled out and to make fast alongside. Any rule change needs to be clear and unambiguous as regards what is and what is not permitted. A range of penalties may apply.
Limitations on Crew	47.2	Crew may be permitted to go ashore during technical/repair stops. There may be penalties in addition to the time lost whilst undertaking repairs. Crew may be replaced during the race for medical reasons and under such circumstances there are unlikely to be penalties provided prior approval of the RC is received. Media representatives may be permitted on and off the boat when boats are racing.
Fog Signals and Lights	48.1	Competitors may be required to show lights at night under all circumstances and not just “when safety requires”.
Traffic Separation Schemes	48.2	Breaches of this rule are likely to attract discretionary penalties laid down in the SIs.
Setting and Sheeting sails	50.2	Competitors may be permitted to use twin spinnaker poles and whisker poles.

Issue	Rules Affected	Comment
Outriggers	50.3	Frequently changed by oceanic one design classes.
Moveable ballast	51	Often changed to permit canting keels, water ballast and sails to be stacked as ballast.
Manual Power	52	Auto Pilots, powered winches and rig adjustment are frequently permitted by class rules or organisers with appropriate amendments to this rule.
Forestays & Headsail Tacks	54	May be amended by class rules or organisers with appropriate amendments to this rule.
Trash Disposal	55	This rule can be changed by the SIs to make clearer what is and what is not permitted.
Protests - Informing the Protestee	61.1 (a)	61.1 (a) Display of a red flag may be waived. 61.1 (a) (1) The means of informing the other boat or boats may be specified in sailing instructions and could include e.g. satellite phones, VHF, email, other electronic communication systems. 61.1 (a) (3) Competitors may be required to protest as soon as reasonably possible when the protest relates to errors in sailing the course.
RC and PC Protests before the end of the race	61.1(b)	Races may be tracked and reported on throughout the race. The means by which breaches are “observed” may need to be defined as they may be by electronic communications, satellite or other position reporting systems in addition to visually. Having “observed” a breach of the rules during the race it may then be appropriate to protest before the end of the race.
RC protests after a boat finishes	61.1(b)	In many oceanic events, these form the majority of hearings. They will often concern broken seals or loss of equipment. The race committee should be encouraged to be meticulous over informing the boat of the protest and the lodging of the written protest.
Protest contents	61.2	Protests may not necessarily be in writing. Judges on the water may umpire the start sequence of a race. During the race protests may be by email or other electronic means. Although a protest may be sent electronically it may be difficult to guarantee reception.
Protest Time Limit	61.3	The protest time limit provisions are frequently changed to highlight that protests can be lodged during the race and that sailing and weather conditions may lead the PC to extend the protest time limit. The protest committee should err on the side of the sailor when considering validity of a protest. Sailors should not have to feel disadvantaged by being forced to respond to a protest when sailing conditions demand that they must concentrate on racing or safety.
Need for DPI	61.4 and 78	There are frequently breaches of class, measurement and safety rules in Oceanic and Offshore races. A range of DPI are therefore of importance to cope with such breaches and avoid the need for disqualification.

Issue	Rules Affected	Comment
Redress	62.2	In many oceanic races the redress request may be delivered electronically during the race. It may be a requirement that the redress request should be delivered as soon as practicable after the incident giving rise to the request.
Hearings	63	There is no definition or case as to what constitutes a hearing. In oceanic races they are frequently conducted during the race by email or other means at the discretion of the PC. Responding to email protests can be difficult for sailors due to fatigue or weather considerations. As yet there is no satisfactory, cost effective conference call system which would enable hearings to be heard or televised live during a race.
Presence of Parties	63.3 (a)	If holding hearings during a race parties cannot be physically present. SIs will provide for the means of contact, the method by which evidence is taken and how parties present their evidence. The SIs should give a precise procedure for the rights of the parties to be protected. All time limits for answers to questions from other parties or the PC would be considered depending on circumstances (particularly for short-handed racing). Media and all those involved with the management of the race should be advised that the process can be unavoidably protracted, often taking days rather than hours.
Taking evidence	63.6	Has to be changed if parties are not physically present at a hearing.

Issue	Rules Affected	Comment
Penalties	64.1	<p>Penalties will be stated in SIs. Penalty structures can vary with the requirements of the race organiser and the ethos of the race but the following are common:</p> <ul style="list-style-type: none"> • Time penalties are frequently applied as a percentage of elapsed time in offshore races of relatively short duration. • Time penalties may also be expressed in hours or minutes added to a competitor’s elapsed time. • “Stop” penalties may require competitors to pass through the same waypoint at the beginning and after the end of the penalty period. The penalty would have a specified duration – normally expressed in hours. • “Stay” penalties make competitors remain in port for a minimum period, normally expressed in days after entering a harbour. These penalties are normally imposed when competitors enter harbour for repairs. • Financial penalties may be applied to breaches of media obligations and preferably applied by the RC without a hearing by the protest committee. <p>The longer the race, the more reluctant organisers will be to see a competitor disqualified. Furthermore “turns” penalties under the terms of rule 44.1 may be an inadequate penalty for any potential breach of the rules involving contact between competitors’ boats. Accordingly DPI may be applicable for breaches of part 2 rules or those of section II of part B of IRPCAS.</p>
Compliance with Class Rules	78.2	Compliance with class rules and any rules concerning safety are of utmost importance in oceanic racing and accordingly rule 78.2 may be amended.

P.6 Discretionary penalties (DPI)

Organisers, race committee, protest committee, competitors and media should be fully aware of the penalty structure and its implications.

In addition, the race committee, organisers and protest committee should be aware of unintended consequences when rule changes are introduced.

Protest committees can become trapped into an inappropriate penalty structure.

Whatever penalty is imposed there may be criticism.

As far as possible therefore the protest committee should work with the race committee, competitors and organisers to manage expectations!

P.7 List of abbreviations used

AIS	Automatic Identification System
CAS	Court of Arbitration for Sport
DPI	Discretionary Penalty
IRPCAS	International Regulations for Preventing Collision at Sea
MNA	Member National Authority
NOR	Notice of Race
OA	Organising Authority
OSR	Offshore Special Regulations
PC	Protest Committee
RC	Race Committee
RRS	Racing Rules of Sailing
SI	Sailing Instruction
TSS	Traffic Separation Scheme