



# **ISAF INTERNATIONAL JUDGES' MANUAL**

**November 2011**

## **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.

Sally Burnett  
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

November 2011

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# ISAF RACE OFFICIALS MANUALS

## COMMON SECTIONS



**ISAF RACE OFFICIALS MANUALS**

**COMMON SECTIONS**

**SECTION 1**

**The Court of Arbitration for Sport (CAS)**

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## **1.1. Introduction**

The Court of Arbitration for Sport (CAS) is an international arbitration body set up to settle disputes related to sport.

In recent years there have been several sailing related matters that have been determined by CAS.

It is important to recognise that there are limited matters where CAS will have jurisdiction.

In order for a dispute to be submitted to CAS, there must be an arbitration agreement between the parties which specifies recourse to CAS. ISAF have invoked the jurisdiction of CAS in limited circumstances and reference is made to those in the ISAF Regulations, e.g., anti-doping.

Parties may by agreement refer a matter to CAS for resolution as it is an arbitration body.

## **1.2. Jurisdiction, Documents and Rules**

Jurisdiction is also conferred in respect of any dispute arising on the occasion of, or in connection with, the Olympic Games by virtue of Article 59 of the Olympic Charter and this provides that such disputes must be submitted exclusively to CAS.

It should be noted that this does not refer just to the occasion of the Olympic Games but to any dispute arising “in connection with” the Olympic Games.

CAS has rules regarding lodgement of documents and it is common for lawyers to appear for parties in such matters.

CAS panels are made up of lawyers and judges who are experienced in dealing with sport matters but may not necessarily be familiar with sailing. Accordingly, it is important to ensure that a full explanation of matters is put into the documentation to be lodged with CAS explaining the position of the party prior to the hearing. This will include the ISAF Rule Book and quite likely the Notice of Race and Sailing Instructions and an explanation of the circumstances giving rise to the decision being appealed.

It is important to recognise that CAS has jurisdiction to overrule the Rules of sports federations and their protest committees if they find that decision making bodies have conducted themselves with a lack of good faith or not in accordance with due process. Appeals will usually be lodged with CAS in relation to:

- Field of Play matters;
- Matters relating to a protest hearing.

## **1.3. CAS Hearings**

In relation to hearings CAS’s focus will usually be on procedural fairness and to ensure that the Protest Panel has applied their Rules and not acted with bias or otherwise in bad faith.

As a general principle, CAS will not interfere with decisions made on the “field of play”. The reason for this is that such a body will not generally review decisions of judges and umpires who are well-placed to decide such matters on the field of play and such matters are usually of a technical/specialised nature.

This approach however is always tempered by the requirement that such decisions must not be taken in violation of the rules of the sport and law or such decisions made in bad faith, e.g., as a consequence of corruption, nationality bias or something similar. In summary, CAS does not have the function of reviewing technical matters and CAS will only interfere if an official's field of play decision is tainted by fraud or arbitrariness or corruption.

Some instructions commonly include penalties which can be less than disqualification. Experience has shown that it is important for a Jury to have in place, prior to the event, a document that gives guidance to the Jury as to the criteria to be applied in determining an appropriate penalty in such case. Such documentation and a demonstration as to how the Jury applied such criteria would be very useful in such a case.

Experience has shown that CAS is supportive of decisions made by Race Officials provided the above is followed.

#### **1.4. ISAF Contact If Involved In A CAS Hearing**

As CAS matters can be complicated, Race Officials involved in a CAS Appeal should immediately advise the ISAF Secretary-General. It is also quite possible that ISAF will be a party to any such proceedings.



# **ISAF RACE OFFICIALS MANUAL**

## **COMMON SECTION 2**

### **Support Persons at Regattas**

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## **2.1 Introduction**

This Section addresses interaction with coaches, parents and other support personnel at regattas and how to handle problems that may arise. Interactions involve arrangements, communications, and access to the proceedings of the regatta, e.g. briefings and protest hearings. Interaction also includes working through a problem when something goes wrong.

## **2.2 Definition of support persons: Coaches, Team Leaders, Parents and Others**

Competitors often come to regattas with Coaches, Team Leaders, Parents or other persons who support them. In this section we use the term, “support persons” to include all such individuals.

Support persons are an important part of regattas, taking an active role in getting the competitors to and from, and supporting them throughout the regatta. This will vary, depending on the type of event and the age of the competitors. They will accompany the competitors to events, seeking admission to the venue and, where allowed, accreditation to enter restricted areas, requesting the use of launch facilities and mooring spaces for their powerboats and participate in the social activities. The role they play with their competitors is important to the competitors’ success and will normally involve interaction with officials on behalf of their competitors but it is preferable that their discussions/submissions should be with the competitor(s) they are registered with.

Depending on the standard of the competitors, e.g. national teams, competitors may also have support personnel, such as weather experts, rules experts, and others who do not travel to the venue. Where it has been set up prior to the regatta it is helpful to these persons to have information, such as notices posted on the Official Notice Board, protests listed for hearing and decisions, and other information published simultaneously on the event web site. It is not always possible to have simultaneous web postings and this is dependent on the sophistication of the event web site and the funds available to have such a web site. Currently there is no *standard* style of web site to provide this. These web postings make information directly available to off-site support personnel for their benefit and associated competitors.

It is useful for race officials to know who the support personnel at regattas are, which competitors they are associated with and the role they are playing. It is also important for race officials to understand the relationships between competitors and their support personnel.

At some regattas, competitors or teams are selected and entered by their Member National authority or sailing club. These MNAs or clubs often appoint their own Coaches or Team Leaders. At youth and junior regattas, parents, or other adults often accompany competitors and frequently take responsibility for the wider well-being of the competitors. At other regattas competitors often bring their own Coach or other support personnel. Sometimes these people are shared by several competitors.

### **2.2.1 Relationship with Support Persons**

Support persons often approach officials on behalf of their competitors, or along with competitors, to get information about the schedule and running of the regatta, or to enquire about any penalties or actions taken against their competitors.

It is beneficial to have a working relationship with support persons, just as it is with competitors. An appropriate relationship is where the support persons feel included and respected, and they have respect for the race officials to carry out their role without interference.

The best way to go about establishing an appropriate relationship will depend upon many factors and will vary from regatta to regatta. The variables will include the particular environment, the personality of the race official concerned, and the attitude and level of experience of the support persons to name a few. The more often a race official officiates at that class the stronger the respect becomes between the officials and support people.

Some of the techniques that have served race officials well include:

- Be visible and approachable.
- Be seen around the regatta site and on the water. Be available to talk with support persons, while avoiding the appearance of taking a personal interest in one individual or group. However, where possible, ensure there are two officials walking around the site or at any discussion.
- Being approachable does not mean that you should try to please everybody all the time as, to do so, will only create a situation where you please nobody or, worse still, appear weak and able to be manipulated.
- Be aware of cultural and language differences. What might be considered normal and acceptable behaviour in one culture could be confronting or rude in another. Learning a few words in a foreign language such as “good morning” can go towards establishing a good relationship even if communication is otherwise difficult.

### **2.2.2 Professional Coaches**

Many Coaches are paid professionals. Some have performance contracts, with provisions that their future livelihood depends on the success of the competitors they are coaching. Often coaches and team leaders have as much or more regatta experience than the race officials and can have a unique understanding of any current issues that might arise. Being mindful of these possible circumstances when their competitors are not performing well can be useful background to officials when interacting with Coaches and competitors over specific issues.

Coaches may be qualified as “trained” or “qualified,” having completed suitable qualifications issued by their MNA or in other countries. Training and certification typically includes valuing, interacting, leadership, problem solving, and critical thinking. An important core competency they must demonstrate is making ethical decisions. Further training usually includes qualification to operate a power boat and a VHF radio, as well as First Aid certification, including CPR, swimming and rescue.

Coaches in many countries abide by a Coaches’ Code of Conduct or a Coaches’ Code of Conduct and Ethics. Codes from several national authorities indicate that coaches are expected to adhere to the following ethical standards, amongst others:

- Respect for the rights, dignity and worth of others
- Avoidance of any form of harassment
- Accepting the guidelines and spirit of the rules
- Adherence to the guidelines laid down by their governing bodies
- Promotion of the positive aspects of the sport, and fair play

- Providing a safe environment
- Leading by example
- Integrity
- Safety
- Prohibiting drug and alcohol use

Many Codes include procedures to investigate a breach of the Code and include possible disciplinary action by their MNA based on a report of an alleged breach of the Code.

With their training and ethical principles, Coaches can be valuable partners in the efficient operation of regattas. Coaches can have a calming and steadying influence on their competitors, especially in stressful situations.

### **2.2.3 Parents as Supporters**

Parents frequently accompany youths to regattas, particularly youth events, to serve a similar functions as coaches. Parents are a diverse group of individuals in terms of the training and the experience they bring in supporting competitors at regattas. Whilst some parents are experienced competitors, others have little or no experience and this needs to be kept in mind and are not bound by any Code of Conduct or Ethics. Their main object is to have the safety, well-being and their goals for their children foremost in mind.

Parents normally do not have the same comprehension of appropriate behaviour and attitude that coaches have.

### **2.2.4 Other Support Persons**

Teams, such as national teams, bring other support persons who are not Coaches or parents. These persons are a diverse group of individuals in terms of roles, training and experience. They might serve as chaperones to young competitors or be more closely linked to aspects of meteorology, boat management and sailing. Depending on their experience they might not all have the same understanding of appropriate behaviour and attitude to a regatta. As they are appointed by a Class or MNA it is possible that they are bound by a Code of Conduct of Ethics.

## **2.3 Regatta Services To Competitors**

The Organizing Authority need to provide information to competitors to assist them to prepare for the regatta. This information and entry requirements, including entry fee, are normally, these days, communicated through the event website and can include:

**Location:** Where the regatta will be based and the area where the regatta will be sailed.

**Weather and Tides:** Average weather during the period of the regatta and tide high and low water and tidal streams as well as the average air and water temperatures.

**Travel:** Details on travel options to the regatta site, with links to driving instructions, nearby domestic and international airports, railway stations, ferries and visa requirements.

**Accommodation:** Links or contact information for accommodation or billeting.

**Parking:** Specify the times before, during, and after the event when parking is available for trailers, vans and campers.

Pre-Regatta Site Access for Competitors and Support Persons: Provide information about any restrictions to the regatta site prior to the event and where launching and parking facilities are available.

On the Water for competitors: Provide information on the entry requirements, entry procedure, entry fees, accreditation process.

Facilities for Support Boats: Launching, Storage, Refuelling and Hauling Out:

Provide information on launching, storage or berthing facilities, refuelling, and haul out facilities for support boats. Requirements for pre-registration and accreditation provides the Organizing Authority with estimates of the numbers of support boats to accommodate on site.

Insurance: Most countries and regattas require competitors and coaches to have third party insurance cover and these limits, including the currency of the policy, should be stated.

Sailing Instructions: Ideally, where possible Sailing Instructions should be available for download from the regatta website at least 3 days prior to the start of the regatta, but a hard copy must always be given to the competitor at registration.

## **2.4 Initial And Daily Briefings For Competitors And Support Persons**

Normally hold a briefing of competitors before the first day of racing. Support persons competitors should also be encouraged to attend. It is also becoming common practice for a daily briefing to be held which provides additional information to competitors and support persons and provides information on what the race committee intend to do on that day.

Briefings provide an opportunity to establish communication among the organizers, race officials, competitors and their support people and to introduce the race officials involved with the regatta. A well prepared briefing by officials consolidates the foundation for good communication and is the officials' opportunity to make a good impression and to assure all present that they are knowledgeable, approachable, friendly and sympathetic to the competitors.

The initial briefing provides competitors and their support people with details of the officials they need to approach for help to resolve any problem throughout the regatta.

The briefing for support people leaders would:

- Introduce the key race officials such as the PRO, Measurers, Jury or Umpire Chairman, and Jury/Umpire Team members;
- Identify Race Committee vessels, jury boats and umpire boats;
- Highlight any local harbour navigation rules, hazards and customs;
- Indicate some of the Race Committee's intentions in the event of certain weather conditions, local shipping movements etc..;
- Request that support teams comply with any support boat instructions in the sailing instructions or other documents. This could include the display of national identification on the support boat;
- Provide details of the role of Coach boats in the on-the-water safety plan;

- Remind competitors that sailing is a self policing sport, and of their obligations under “Sportsmanship and the Rules”;
- Advise competitors that they may approach any the members of the measurement team, Race Committee, umpires and jury at any time except when racing is taking place, on or off the water;
- Invite Advise the policy on observers to protest hearings.

Other parts of the Race Officials’ Manuals include other items that could be covered at this briefing.

An appropriate Sailing Instruction wording could be:

*Coaches and Team Leaders Meeting*

*There will be a Coaches and Team Leaders meeting at xxxx hours each morning, or 2 hours before the first warning signal of the day if the race schedule is changed to start earlier. The objectives of the meetings are to receive feedback from the coaches on the regatta organization, exchange view points, and inform the coaches about any changes in the sailing instructions and regatta organization in general.*

The briefing does not replace the official communications to competitors posted on the official notice board. Competitors who do not have coaches should also attend.

Topics that can be addressed at daily meetings usually include:

**Regatta Logistics**

- Parking, local community issues, medical services, catering, social events, transport, launching and retrieving, opening and closing ceremonies, notice boards, race office, jury/umpire office locations
- Safety\_Management: On-the-water safety covering bad weather, towing of boats, leaving boats unattended and radio channels
- Racing\_Logistics: Weather forecasts, course areas, race officer intentions in the event of no wind, or other matters influencing the scheduling of races, staying on shore .
- Equipment: Where boats are supplied by the organising authority, equipment substitution, boat allocation, trash and gear boats on the water
- Drawing attention to any information for competitors published by the jury/umpires, drawing attention to matters of concern, e.g. support boats entering racing exclusion zones, boats who have finished crossing racing areas of boats still racing.
- Feedback: Raising any issues and making suggestions for improvements for this and future events.

These meetings are normally run by the Organizing Authority and include at least the PRO and the Chairman of the Jury or Chief Umpire. It is good practice for all Race Officials to attend these meetings, if possible.

**2.4.1 Other Communications during the Regatta**

Depending on the nature of the regatta, it is important to make specific provision for recognising, communicating with, and otherwise supporting support persons. Communication with support persons is made significantly easier and more effective if a relationship has been established. This is even more important at junior regattas where the role of race officials generally, and judges in particular, involve an element of

education. Communication with coaches can be quite different to parents, as coaches are not as emotionally involved as a parent.

Officials should not remain detached or aloof. The interaction provides further opportunities for good communication and the development of productive relationships. Be friendly and approachable at all times.

Officials should focus on making themselves visible, accessible, and approachable by the competitors and their support persons. Post a list of key officials (with photographs if possible) on the regatta notice board to make recognition easier.

When officials are ashore and are not required for official duties, they could visit the boat park, in pairs, and converse with competitors and their support persons or go to the main social area for a coffee or snack. It is strongly recommended that more than one official participates in any discussions with competitors to avoid any perception of bias, conflict of interest and various other reasons, particularly when dealing with junior competitors. This is particularly important where a competitor or their support person may have a close connection with an official because of friendship, club affiliation or nationality

Occasionally an informal comment made by a competitor or their support person in the boat park can be very useful in identifying a problem or issue that can be resolved before it escalates into a larger issue.

There are times when unofficial discussions with a coach can divert potential problems involving a competitor's behaviour that has not yet reached the stage of a gross breach of sportsmanship.

When competitors wish to speak with an official they should always be told that a support person is welcome to join the conversation. Often the answer to a competitor's question would be helpful for all competitors to know. In these cases the official should ask for the question to be presented in writing so that they can provide an official written answer to post on the regatta official notice board. There will be times when an official is asked a question that he wishes to consider before answering. These questions are also best presented in writing so that the race official can confer with his colleagues before providing a written answer on the official notice board.

Race Officials performing their primary duty will have the opportunity to monitor competitor's compliance with the rules that apply at the regatta. Examples of such rules may include safety equipment (e.g. wearing buoyancy aid), trash disposal, and class measurement rules. If a competitor is not in compliance, generally a polite comment will coax compliance. Before the beginning of a regatta the officials will have agreed a process for protests brought by the Race Committee, Umpire, Measurers or Protest Committee. This may be to refer the intention to lodge a protest with the PRO or the Protest Committee Chairman, before formally lodging the protest.

## **2.5 Support Boats On The Water**

Many regattas now publish Coach Boat Regulations that apply during the event. For the purpose of these regulations, a coach boat usually includes any boat that is under the control or direction of a person who is providing physical or advisory support to an athlete, including the gathering of data that may be used at a later time. The regulations might also apply to spectator boats if they are linked to competitors. Examples of Coach Boat Regulations may be obtained from the websites of events, such as Perth 2011 and other Sailing World Cup Events.

Coach Boat Regulations typically describe zones on the water where coach boats may be while racing is in progress, and describe exclusion zones. They might also describe any restrictions on equipment that may be carried on board a coach boat. They may also provide a procedure for handling an alleged breach of any of these regulations.

The normal method of identifying support boats is to require them to display the national letters of the competitors they are supporting and an identification number supplied by the organisers. The numbers are needed when there is more than one support boat per country. As an example, France quite often sends regional teams to major regattas and there can be numerous French coach boats.

Where there are limited support boats available the Organizing Authority will often require in its Coach Boat regulations that coaches from more than one country share a coach boat.

Not all competitors will have support personnel on the water. The officials should ensure that they do not show favour or bias to any particular boat.

## **2.6 Establishing Exclusion Zones On The Water**

The fairness of the competition, safety, and the facility for race officials to do their jobs requires the control of the positioning and movement of support boats around the race course. Establishing a set of clear and reasonable boundaries for support boats ensures good racing for the competitors.

It is up to classes, or the organising authority, or both, to determine the method of controlling support boats on the water. It then becomes the responsibility of the race officials to manage the positioning and movement of support boats.

“Support people typically want to observe the start then move to the windward mark to observe the mark rounding. In some circumstances, they will know how to watch races without interfering with competitors or the race management and without making excess wake as they proceed to the windward mark, particularly in light weather. Other support personnel with less experience might lack this understanding.

Exclusion zones are specified in the Sailing Instructions and should be supported by a drawing showing the exclusion zones. They can vary from something as simple as “shall not go within 50 metres of boats racing”, to a much more comprehensive set of rules which could go as far as limiting support boats to a ‘box’ or specify the routes they could take from one end of the course to the other.

Particularly with multi-starts it is becoming more common for the race committee to lay a line of buoys at the side extensions of the start line and below the start line. Support boats are not allowed to be in front of these buoys.

A simple exclusion zone would require support boats to stay:

- about 50 metres behind the start line after the first Preparatory signal for all starts of a race; and
- no closer than 100 metres to the course area bounded by the windward and leeward marks and the lay lines either side or
- within 100 metres of the course a boat may sail.

More sophisticated exclusion zones can address some of these issues could include a ‘box’ behind the start line and ‘lanes’ between the top and bottom of the course. Where a

trapezoid course is laid the exclusion zone should encompass the entire course areas, even if no boats are racing on the inner or outer loop at any time.

It is also necessary to establish procedures which prevent coaching on the water whilst boats are racing. Such outside assistance is difficult to detect with any certainty and to protest. This type of behaviour is best prevented by protocols, such as establishing exclusion zones on the race course, requiring each support boat to have support people of different nationalities on board, or specifying days when support boats are not permitted on the race course

Always check the class rules for any specific requirements or restrictions on support people who go afloat.

While the race committee is responsible for enforcement of exclusion zones, judges and umpires afloat are often in a better position to monitor support boats. They can carry out the task without waiting for specific requests from the race committee. It is good practice for the race committee, judges and umpires to discuss the preferred approach in advance, and any specific concerns as they arise. Planning will ensure consistency and compliance with the wishes of the organising authority. Observing adherence to the exclusion zones is secondary to the work of monitoring rule 42 under Appendix P, or of umpiring.

Be consistent in the approach to enforcement of these rules. Take care to apply the policy without showing favouritism. The only variation in enforcement would be as a result of differing circumstances that are readily understood. A polite but firm request will achieve the best result.

Should support boats fail to comply with the rules and regulations, the judges and other officials afloat are in a good location to remind the support boat of its obligations. Ask the boat to move back, or give a polite hand gesture.

Should a support boat fail to respond make a note of the country and identification number and post a notice on the notice board, for the coach to meet with the judges at the protest room or with the race officials at the race office, prior to the end of protest time that day.

Breaches of these rules may be addressed through protests lodged against the competitor or competitors associated with the support boat or supporters. Where the sailing instructions allow for a discretionary penalty, consider excluding the support person from the water for a period of time.

### **2.6.1 Safety Plans Involving Support Boats Afloat**

Support boats are an important, and sometimes an essential, part of the safety routine at a regatta, enhancing the safety provision at regattas. For safety plans involving support boats to be effective, there must be a commitment from them to assist when requested, an understanding of the circumstances in which such a request might be made, an understanding of 'outside help,' and good communications on the water.

Briefing support people on the safety plan and seeking their full support in the event that they are needed is critical. The safety plan should request support people to commit to provide assistance when asked to do so.

The race committee should hold a safety briefing prior to the first race and seek their assistance and suggestions on improving the plan.

A sailing instruction that restricts the placement and movement of support boats could be:

“Coach” Support Boats

*Except when participating in rescue operations, all registered support boats shall be required to stay outside the areas stated in Sailing Instruction xx from the time of the preparatory signal for the first fleet to start, until all boats have finished or retired from that race; or the Race Committee signals a postponement or an abandonment of all fleets. The area where boats are racing is defined in Sailing Instruction yy. Boats are requested to monitor VHF Channel aa<sup>1</sup> which will be used by the race committee to request safety assistance.*

Judge and Umpire boats should not tow boats to the course area before racing, even though there is no wind. However, towing boats ashore after racing in response to a request from the Race Committee is acceptable, so long as the Judge or Umpire shows no bias or preference to boats they assist.

## **2.6.2 Communication with Support Persons on the Water**

Where practical, Race Officers should broadcast information of interest to support boats, such as intentions to lower a postponement flag, shifting of a course, and wind speed.

## **2.7 Judges’ Debriefings On Rule 42 Penalties**

When judges are applying Appendix P it is important that competitors and if necessary, support people are aware of why the judges penalized a boat. Judges should be available to discuss the actions that led to the penalty and explain the actions of the competitor and why the penalty was given.

On days with multiple races, the judges should, when practicable, position their boats near the start line for the next race so that competitors and coaches can find them.

On single race days, or after the last race of the day, judges are best approached ashore before protest hearings are scheduled. When the discussion is held ashore it is best practice that two judges discuss the penalty with the competitor and their coach, if available. The judge who gave the penalty should, where possible, be accompanied by a judge who was not part of the team that gave the penalty. If that is not possible the two judges on the boat should talk to the competitor. A judge should always have another judge along when talking to competitor.

For further information on debriefings of Appendix P penalties under rule 42, see the International Judges Manual.

### **2.7.1 Umpires’ Communications to Competitors**

Between flights of match races or team races competitors or their support people might approach umpires for an explanation of penalties assigned during the flight. When time permits afloat within the schedule, umpires are encouraged to discuss the penalty to promote the competitors’ understanding of the situation. They would also hold a debriefing ashore.

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<sup>1</sup> Not the RC’s own channel but in this day and age, unless a private channel is used, support persons quickly find the channel being used

## 2.8 When Things Go Wrong

There may be incidents where a support person affiliated with a competitor creates a problem at a regatta. If officials encounter such a situation, it is important to have prior knowledge of the action available to deal with the issue. The course of action to take may differ for coaches or parents, depending on the situation.

The Racing Rules of Sailing provide for hearings involving boats that are alleged to have broken a *rule*, along with provisions for penalties and exoneration. The first step to take when an incident arises is to find out which boat or boats and which competitor or competitors are affiliated with, or supported by the person. The regatta office should have a list of support boats, coaches, and personnel associated with each competitor or team.

The second step is to determine who the person is. Is the person a coach? If so, is he or she is an employee of the MNA, or a club that is a member of the MNA, or is he employed by the competitor or a group of competitors without specific affiliation? Is the person a trained or certified coach from his or her MNA? Even coaches hired by competitors are often certified by their MNA and may be governed by them. There are more processes available for investigating and disciplining a coach than a parent or other support person.

### 2.8.1 Procedures to investigate and penalize under the *rules*

If a support person provides outside assistance to a boat that is racing, a boat may protest her for breaking rule 41. The Race Committee or Protest Committee may also file the protest, but not as a result of information arising from a report of an interested party other than the representative of the boat herself. If the protest is upheld, the penalty to the boat would be disqualification in the race or in the race sailed nearest in time to that of the incident under rule 64.1.

Sailing Instructions may specify an exclusion zone for support boats during racing. A breach of the sailing instructions by a support person could be subject to protest by another boat or by the Race Committee or by the Protest Committee. Normally, the protest is against the boat or boats affiliated with the support person that breached the exclusion zone. If the protest is upheld in the hearing, the penalty would be against the boat or boats affiliated with the support boat. Sailing Instructions may provide for a lesser penalty than DSQ at the Protest Committee's discretion.

The Notice of Race or Sailing Instructions may include clauses that govern the behaviour of coaches, parents, and other support personnel at regattas. These are rules, and any breaches may result in a protest against the boat or boats affiliated with these persons.

The Racing Rules of Sailing do not govern coaches, parents, and other support personnel. Following receipt of a report alleging a gross breach of a rule, good manners or sportsmanship, or bringing the sport into disrepute by a coach or parent or support person the Protest Committee may not call a hearing under rule 69.1 (a). However; rule 69.2(a) refers to a boat or "*other person involved*". The Protest Committee may make a report of the person's behaviour to their National Authority. An International Jury appointed under rule 89.2(b) may make a report direct to the ISAF.

## **2.8.2 Procedures To Follow For Breaches By A Support Person**

### **2.8.2.1 Incidents Involving Coaches**

If an incident involving a coach occurs at a regatta, it may be reported to the person's MNA. The MNA may investigate the matter and take any steps that are within their jurisdiction. Flag officers of the yacht club at which the incident occurs may also take action under the club's by-laws.

### **2.8.2.2 Incidents Involving Parents And Other Support Persons**

If an incident involving a person who is not a certified coach, such as a parent or other support person, it should be referred to the Organizing Authority for the event. In consultation with flag officers for the yacht club, action may be taken under the club's by-laws. Privileges extended to these people to be on club premises and use club facilities, such as boat launching and dockage could be reviewed.

## **2.9 Allegations Of Physical Or Sexual Abuse Of A Youth By A Coach, Parent, Or Support Person**

Any allegation of abuse of a youth must be taken very seriously, following the procedures legally required of adults in positions of responsibility, as defined within the laws of the country of the event. Youth are typically seen to be children aged 16 or younger, but each country defines its own age limits.

The laws within each country will define abuse. The following examples of legal definitions are provided as a guideline for the information of officials but are not universally accepted definitions. It is advisable to become familiar with definitions of abuse if you work at youth regattas. Refer also to the Section in each discipline manual referring to Junior Sailors, *e.g. Section D Judge's and Junior Sailors* in the Judge's Manual.

Abuse is any form of physical harm, sexual mistreatment, emotional harm, or neglect, which can result in injury or psychological damage. The four categories of Child Abuse have been described as:

- Physical Abuse occurs when the person(s) responsible for the child's care, inflicts or allows to be inflicted any injury upon the child. Behavioural or physical indications may be helpful in offering clues that a child may have been abused.
- Sexual Abuse refers to the use of a child or youth by an adult for sexual purpose whether consensual or not. Sexual abuse can also occur among children or youth where there is a lack of consent, or among children even with consent, where there is an age gap of more than two years.
- Emotional Abuse or psychological maltreatment occurs when the person(s) responsible for the child's care either subjects the child to or permits the child to be subjected to, chronic and persistent ridiculing or rejecting behaviour.
- Neglect is the result of serious inattention or negligence on the part of a child's care giver to the basic physical and emotional needs of the child. Child neglect may be easily confused with poverty or ignorance, or may be associated with parents who are overwhelmed with other problems. However, because chronic neglect results in physical and emotional harm to a child, it cannot be ignored, whatever its case. Neglect occurs when the parent(s) responsible for the child's care jeopardizes that care or well-being through deprivation of necessities.

Allegations of physical or sexual abuse of a youth competitor by a coach, parent, or support person must be handled expediently and carefully. All countries will have their own legal requirements on adults in positions of authority who receive such a report. Typically, the obligation is to notify the police and child protection services immediately. If you are at an event outside of your own jurisdiction, you may rely on local persons to help you to make the report. However; this will not relieve you of the obligation to make the required reports.

Reporting obligations for Adults who receive these reports include:

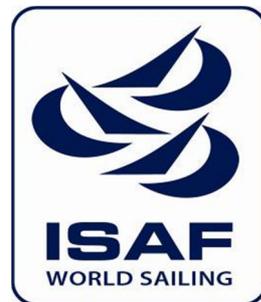
- If you have reasonable grounds to suspect that a child is or has been or is at risk of being abused or neglected, you must report your suspicions to the local child protection services.
- You should not conduct an investigation regarding the suspicion or disclosure. Any questions to the child should only clarify the nature of his or her complaint.
- Do not promise the youth that you will keep the information a secret.

Reporting requirements are clear for children aged 16 and under; all incidents of suspected physical or sexual abuse must be reported to the local child protection agency and the police.

## **2.10 Examples of Incidents That Have Occurred At Regattas:**

- Parent sees PRO and questions whether he is happy with the quality of the umpires. He states he is phoning a senior judge to get his opinion on what he just saw.
- Parent sees PRO and questions the impartiality of a certain umpire.
- Coach physically threatens an umpire.
- Coach lies to cover up a competitor's misconduct.
- Coach verbally abuses race officials
- Parent instructs a competitor to claim redress after a race.
- Parent instructs competitor to lie at a hearing. The parent advises the competitor to say, "I overheard them planning to take me out."
- A Coach on the water continues to enter the exclusion zone during racing, disregarding the boundaries set in the Sailing Instructions and other support boats also enter the exclusion zone.
- Coach approaches the competitor protesting his competitor and advises her, "*You will be sorry if you go through with this hearing.*"
- Youth competitor is crying after being told he is being protested by another boat. Parent says to the official, "Leave my child alone," and will not let her son attend the hearing.
- Parent files a protest on behalf of his son, the competitor. Parent appears to represent the boat in the protest hearing.
- Coach insists on representing his competitor's boat in a measurement hearing.
- Parent of competitor who does not speak English insists on acting as interpreter for her son in the protest hearing where son is a party.
- The wind dies to 1 knot between races. The RC displays AP to wait for better conditions. At about 1600 hours a support boat motors through the fleet encouraging the competitors to bang their tillers on the deck. The competitors do so.

- A competitor receives a yellow flag penalty for rule 42 while racing. His father in a support boat, who is not a coach makes loud comments offending the judge. Ashore, his father makes further offensive comments to the PRO.



# **ISAF RACE OFFICIALS MANUALS**

## **Common Section 3**

### **Crisis Management**

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### **3.1 Objectives**

The Objective of any safety policy to be adopted at an event is to provide efficient, competent safety cover thereby allowing competitors, officials and all those involved maximum enjoyment whilst minimizing the risks to their wellbeing, having regard for both expected and unforeseen conditions.

### **3.2 Introduction**

#### **3.3** RRS Rule 1, RRS Rule 4 and standard safety Sailing Instructions confirm that a boat accepts that it is entirely responsible for its own safety. Nevertheless, safety is an area that should be actively managed, according to 'good practice', by race officers at any event at which they are involved.

The management of safety at any one event will be governed by differing procedures dependent on many factors. These factors include the types of boats involved, the numbers of boats and competitors, the course configuration sailed, the location of the race area, the sea hazards and the conditions that competitors may experience. However, events of all types have a common initial approach to safety management - a Risk Assessment and a Crisis Management Plan. It is common practice to have the risk assessment and the crisis management plan within the same document prefixed by general information on the event and the senior officials involved.

This section outlines the various issues that concern the management of the safety resources at any specific event in order to reduce the inherent risks associated with sailboat racing to a level as low as reasonably practical (ALARP). Suggestions are made which cover most forms of racing. However, whilst these suggestions are based on models that are current practice at some events, they should be regarded as suggestions and not as guidelines that must be followed as the only means of achieving best practice. Other systems exist that are equally satisfactory. Race officers will need to address the issues applicable to their own event and adopt policies appropriate to their specific requirements.

#### **3.3.1 Risk Assessment**

A risk assessment must be carried out for every event so that potential risks can be identified and measures taken to minimize the risk to an acceptable level.

Each risk factor is identified and described together with its possible location. The probable consequences of the risk materialising are highlighted as are the control measures that are to be put in place in order to minimize that risk. An attempt to quantify or measure the risk, having implemented the control measures, is then made. It is likely that specific control measures will be appropriate to more than one risk factor.

The process of producing a Risk Assessment may reveal deficiencies in the anticipated safety management policy initially adopted and allows the race officer to implement further control measures to minimize the risk further.

#### **3.3.2 Crisis Management Plan**

Again, this is a document that must be produced well before the event is to take place. It defines the actions to be taken when a serious risk (as should have been identified in the Risk Assessment) is realised. The person(s) responsible for carrying out or supervising

the appropriate action is identified by name or position and relevant contact details are listed. Potential sources of outside help are also defined with contact details (e.g. rescue or emergency services, hospitals, etc). Dissemination of information after such an incident must also be managed so those responsible for this aspect should be identified.

### **3.4 Influence of Event Types on Safety Provision**

The safety management adopted differs according to the nature of the event. Factors influencing the type and amount of safety cover provided include:

- Boat types - the requirements of keelboats, dinghies, boards and model boats are very different from those of each other. Mixed fleets often pose complex problems of safety.
- Number of boats - both the type and the amount of safety cover is often determined by the number of boats and/or competitors.
- Location of racing - the safety requirements of ocean racing differ from offshore racing, racing inland or in an estuary.
- Ability of the competitors - it is often the ability of the less able sailors in the fleet that determines the level and type of safety cover necessary.
- Age of competitors - both the young and old have greater requirements when compared to fit adults.

### **3.5 Responsibilities**

#### **3.5.1 Competitors**

RRS 1 clearly defines the responsibility of the competitor to wear a personal floatation device, whilst that rule, in addition to RRS 4, makes it clear that it is the boat's responsibility to make the decision whether or not to race (or continue to race having started) and to carry adequate life-saving equipment for those on board. It is also mandatory for competitors to assist any person or vessel, whether racing or not, that is seen to be in danger.

Sailing Instructions will require competitors to conform to a safety system that ensures that the race committee receives confirmation that a boat either intends to race and will be on the race course or that they are safe and no longer racing.

#### **3.5.2 Race Officer**

The decision to make the wearing of personal floatation devices whilst racing compulsory is that of the race officer as defined in RRS 40, unless local regulations require a PFD to be worn at all times whilst afloat. There is therefore an implied duty of care in race management. In addition, the ISAF Code of Behaviour requires all race management personnel to be responsible for their actions concerning the safety and welfare of race participants. So whilst there may be an extensive team involved in 'safety' at an event, the responsibility for this is ultimately that of the race officer in charge even when first line management is delegated to another individual(s).

The race officer must, at all times, monitor the fleet and observe the conditions in which they are racing. Priority is always the safety of the sailors whilst their boats are of secondary importance. The timing of any intervention is also important: a capsized boat is a normal part of some types of racing and an extreme situation in others; if the race can continue in safety without intervention then it should be allowed to do so. Rescue

facilities must remain in force until all boats, racing or retired, are safely back ashore or in a safe haven such as a harbour or marina.

Medical facilities must be available either through the event itself with a doctor onsite, or through the emergency services and local hospitals. All boats involved in the management of an event should be equipped with a first aid kit as a minimum requirement.

## 3.6 Outline Structure of the Safety Plan

### 3.6.1 Dinghy and Board Events

Having completed the risk assessment the design of an appropriate safety plan is made. This is influenced by several factors.

#### 3.6.1.1 The size and location of the race area

Racing in coastal waters and estuaries is often monitored by VHF on the main committee boat itself. Inland races can be monitored perhaps from the club office with visual contact through a window. A means of communication with the safety fleet will still be required.

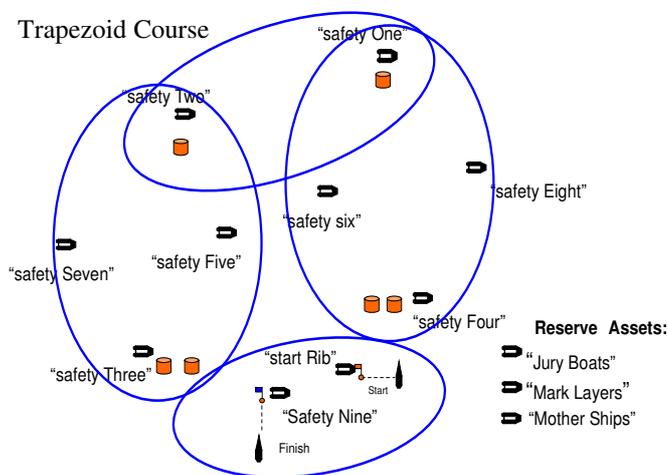
#### 3.6.1.2 Number of race areas

The requirement for a centralized system of communication and coordination of cover is determined by the number of race areas. At a major event with multiple course areas the most efficient management of the safety systems will be effected through a centralised base. Again, this could be afloat, as in the case of an event safety leader on a boat, or ashore in an office. Communication from the safety fleets to the central base is usually via VHF radio but may also be made with mobile telephones.

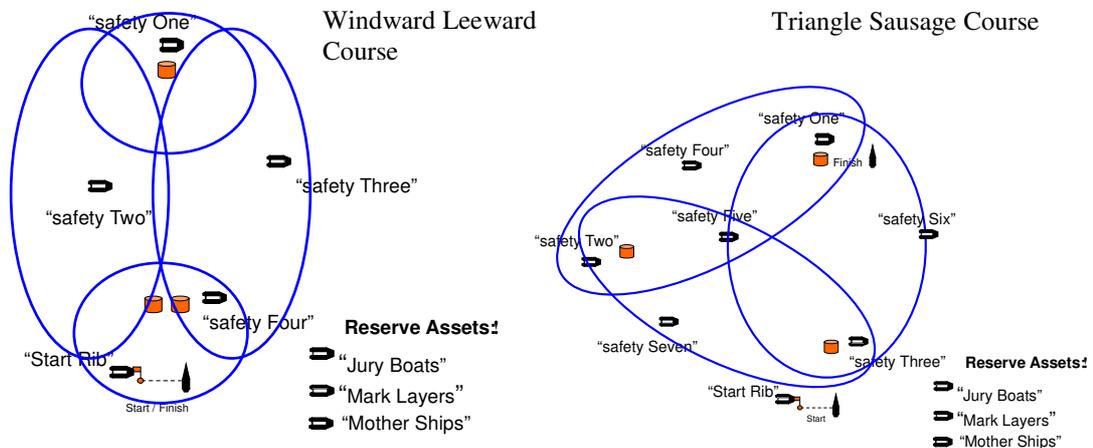
When racing is on a single course it is often not necessary to have a base other than the race officer in charge or a person delegated to manage the safety resources.

#### 3.6.1.3 Mode of assistance

Dinghies and boats that are likely to capsize are best assisted by RIBs or similar small boats. It is commonplace to have a fleet that is positioned at predetermined points on the race course. A floating base such as a mothership is a useful facility to which boats that cannot cope with the conditions are tied and made safe whilst others are rescued. A patrol plan for the RIBs is essential to effect good safety monitoring and cover. This plan must be defined and understood by all safety crews to patrol effectively when boats sail out to the race area, race and return to the dinghy park. Each safety boat will have designated area to patrol during the race and during transit of boats to and from the racing area. During the races safety boats will move to a pre-allotted patrol zone (see diagrams).



Generally 1 or 2 boats would cover each leg of the course with overlapping areas around the marks. Boats should also be stationed at gybe marks as these are often problem areas. In the event of bad visibility, heavy sea, strong wind etc., boats should also be stationed at the leeward aspect of the course to 'mop up' - this is especially important if the wind is offshore. If more safety boats are available some can have a roving role.



#### 3.6.1.4 Intention to Race and Declarations

This is a requirement of the sailing instructions that enables the race officer to know who is on the water and who is on land or in harbour. In the case of dinghies and boards a tally or 'sign in / sign out' system allows the race committee to know who is on the water and who is on land.

#### 3.6.1.5 Personnel

One individual will be assigned to the role of Safety Leader to coordinate all activity under the guidance of the race officer. There should be enough personnel in the team to provide a safety fleet appropriate to the course area, number of boats, age and ability of crews and the expected conditions. All Safety Boats should normally have a minimum of two competent adults aboard, one of whom should be dressed to enter the water to aid a rescue. There is to be no maximum number of crew but Safety Boats should not be overloaded with crew and should be able to accommodate additional sailors. It is unusual for a Safety Boat to have more than three crew members.

Other available personnel at the event should be available to help with safety issues when directed by the race officer - Jury / Umpire / Measurer / Coaches. This is not only limited to adverse conditions. Towing boats back to harbor could also be required.

#### 3.6.1.6 Equipment

VHF radios and mobile telephones are necessary for dinghy racing.

Safety boats for dinghy events also carry:

- Adequate fuel.
- A sound generator (whistle or fog horn).
- Compass
- Anchor and warp suitable for the race area.
- Sharp knife, preferably serrated and easily accessible.
- Kill cord and spare, which must be used by the driver at all times when underway.

- Personal buoyancy for the crew, to be worn at all times.
- Safety Tape to identify abandoned boats (to be issued by the ESO).
- Paddles and bailer.
- Drinking Water.
- Tow rope (preferably made of floating line) and towing bridle.
- Waterproof first aid kit and survival bag or thermal protective aid.
- Distress Flares:- 2 orange smoke and 2 pinpoint red or 2 day/night flares.

In addition it may be desirable to carry:

- Wire Cutters, to cut away rigging and trapeze wires
- Tool kit
- GPS location equipment
- Torch
- Spare radios

#### 3.6.1.7 Communication

Good communication is essential between all involved in any safety plan and, of course, the competitors themselves. Good briefings should be made by the race officer to the competitors before racing takes place and to the safety personnel, usually on a daily basis.

Where VHF radios are to be used it is important that all users are able to communicate effectively when the conditions are poor, which is when the activity of the safety team may be at its greatest. Wind noise is the curse of good communication by VHF so it is important that users are familiar with good technique. Call signs should be listed, VHF channels assigned and adhered to, with reserve channels should a carrier exist or when other users outside of the event also need significant 'airtime'. A procedure for radio checks is necessary.

#### 3.6.1.8 Emergency Guidelines

In the event of an emergency occurring (including severe injury to a sailor or event personnel or structural damage endangering the safety of a boat in the event), the first boat on the scene at a dinghy event, should inform all stations using a predetermined code (such as 'Code Red') and the location of the incident. The code itself is to be defined in the safety plan and emphasized at the briefings. An immediate assessment of the situation by the race officer is made and if appropriate the incident plan then becomes active.

If the situation is considered to be hazardous to the rest of the fleet the race officer may elect to stop racing by either shortening course or executing an abandonment as appropriate.

An emergency is only declared closed when the situation has been resolved. The race officer will only then inform all stations that 'CODE RED' is cleared.

#### 3.6.1.9 Other Issues

The following issues need to be considered as core to safety management:

- a system with which to identify boats with crews removed such as marking with streamers.
- contingency plans for a change in conditions including the onset of fog.
- a liaison with shore-side facilities and emergency services to cope with medical emergencies and injuries including a designated point for landing such incidents.
- a policy for identifying and assisting crew at a capsize and when to intervene.
- knowledge of the boats racing and how to right a capsized boat of this type (often best obtained from coaches of the class concerned).

#### 3.6.1.10 Safety Briefings

It is important that the safety team is briefed before the event commences and also on a daily basis. The latter is to ensure that the safety personnel work as a team and refine techniques as the event progresses. Whilst the RO is responsible for safety it is common practice for the safety officer to lead these briefings, but always with the RO present. At the initial briefing the following issues need to be addressed:

- introductions of the RO and other key people.
- any local hazards.
- the ability of the competitors racing.
- the tally system in place.
- the system used to identify boats that have had their crews removed such as marking the dinghy or board with streamers.
- the location of the mothership if one is available.
- the contingency plans for a change in conditions including the onset of fog and the use of GPS.
- the methods for dealing with injuries and medical emergencies.
- the location for landing injuries and medical emergencies.
- the method to be used to patrol effectively whilst sailing out to the race area, during the race and whilst returning to shore.
- the policy for dealing with capsizes and when to intervene.
- the correct method of righting a capsized boat of the type this safety team is responsible for (and those on other course areas if appropriate).
- the VHF channel to be used and backup channels should the main one become blocked.
- the correct method for using a VHF particularly when conditions are poor with strong winds.
- the definition of when and what to transmit on the VHF particularly if there is only one channel for the course area concerned - no chatter particularly during the start sequence.
- the policy for standing down at the end of the day.
- the times of daily briefings and debriefings.
- the collection and distribution of refreshments to take out on the water.

## **3.6.2 Ocean, Offshore and Yacht Racing Events**

The basic concepts of safety remain the same as with dinghies and boards but there are other issues to take into account.

### **3.6.2.1 The size and location of the race area**

Course areas are extended and may be out of sight if land. Offshore racing requires a 'base' that is responsible for monitoring the location and progress of those boats involved using all technology available - tracking devices and satellite communication systems when boats are likely to be far apart; VHF monitoring both by the competitors themselves and/or a 'base' when racing is likely to be relatively compact. The base will be either afloat, as in the case of a mothership, or on land. Whatever system is used it must have the ability to communicate with both the competitors and land based rescue services. Clearly this type of monitoring must exist at all times whilst racing is taking place so is likely to be a 24 hour watch from the start and until all boats have reached a harbour or other safe haven.

### **3.6.2.2 Mode of assistance**

The delivery of assistance to competitors is determined by the types of boats racing. Large yachts are self sufficient to a certain extent until they require the services of specialist rescue services such as is offered by coastguard agencies. In the case of injury to competitors on such yachts, they are often safer and more comfortable remaining on the yacht than being transferred to another vessel or RIB. Urgent attention is best effected by helicopter transfer.

### **3.6.2.3 Intention to Race and Declarations**

This is a requirement of the sailing instructions that enables the race officer to know who is on the water and who is on land or in harbour. Again, it is dependent on the type of boat involved.

Yachts - common policy is a requirement that boats sail close to the main committee boat in the pre-start period and call the race committee by VHF when retiring from a race or returning to harbour prematurely. Prompt submission of paper declarations after racing is a common alternative.

### **3.6.2.4 Personnel**

Fewer personnel are involved in safety for yacht and ocean racing. The skills of those involved are different, the main ability being communication and organisation - to alert the rescue services as is appropriate and coordinate activity where necessary whilst maintaining contact with the competitor and keeping them informed as to progress being made.

### **3.6.2.5 Equipment**

The equipment required for ocean racing is limited to tracking devices, satellite communication systems and VHF radios. VHF radios and mobile telephones are necessary for inshore yacht racing.

### **3.6.2.6 Communication**

Good communication is essential between all involved in any safety plan and, of course, the competitors themselves. Good briefings should be made by the race officer to the competitors before racing takes place. This is sometimes in the form of 'competitors'

notes' when boats are not located in the same place and arrive at the race area from many different locations.

#### 3.6.2.7 Emergency Guidelines

In the event of an emergency occurring, the competing yacht should inform all stations using a predetermined code (such as 'Code Red') with incident details including its location.



# **ISAF RACE OFFICIALS MANUALS**

## **Common Section 4**

### **Race Officials and Junior Sailors**

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## 4.1 Introduction

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

This section helps all race officials, but mainly judges, understand their role in the development of a child/young person centred philosophy that 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.

Adults at an event (including race officials) 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 are usually present, and have multiple roles of support, not only of their sailors, but also in communications, 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.

There is also growing national and international concern about ethical issues in sport. Of particular concern are doping, child abuse, spectator violence, sexual assault and misconduct, lack of respect for race officials and other competitors and undue parental pressure on young children. These are all issues to be aware of if asked to officiate at a junior event.

Race Officials should be aware of the policies of all major junior classes from measurement to protests, which need to be observed in order for junior sailors to compete successfully in major events in those classes

## 4.2 Definition of Junior Sailors

The rules do not prescribe any age breakdown of junior sailors. However, certain class associations (e.g. IODA 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.

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.

In addition to understanding the unique behaviour of junior sailors, race officials need to understand that certain practices at major junior events (e.g. random measurement, display protest flag and report to the Race Committee) are driven by class association policies, and need to be observed to help junior sailors compete in major international events in those classes.

### **4.3 Race Officials Role at Junior Regattas**

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

Officials should take steps to break down the sometimes detached nature of being a regatta official, and not only administer the rules but also assist the sailors and their coaches by helping interpret the rules to 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 officials 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 that they will be allowed to “get away with” breaches of the rules – however minor – on account of their age. Strict and fair instruction at the start of a sailor’s career can have an important educational effect

### **4.4 Visibility**

At junior regattas, race officials, especially judges or umpires, should focus on making themselves visible, accessible, and approachable by the sailors and their support teams. All the Race officials should be introduced at a coaches/sailors’ briefing so that sailors and their coaches can recognise them as the regatta progresses. It is also helpful for a list of judges, and if deemed helpful all other race officials (with photographs) be placed on the regatta notice board so that the identity of a particular official can be determined and contact arranged.

Particularly judges, but also other race officials, when they are ashore and 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 and any other reason which may subsequently raise itself.

## **4.5 Communication With Sailors and Their Coaches**

When speaking with sailors, use the sailor's name (ask if necessary). Also when explaining rules or interpretations with sailors, the judge or umpire should endeavour to use the vocabulary used in the rules and 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 ensure another judge or umpire is with you.

Sometimes it is more difficult for the measurer to be understood by the competitor and this is a case where the parent/coach must be present.

Particularly at junior regattas the race committee are often asked to explain when a competitor, who was scored OCS/BFD, was seen to be in front of the start line and how this was recorded. Similar to judges/umpires the race officer should endeavour to explain the circumstances in words appropriate to the rules but also add the other details he has and play either his digital recording or show the video of the start identifying the competitor.

If possible, the Organising Authority should have interpreters available at international events, as appropriate.

## **4.6 Protests**

A significant area where the judges will interface with junior sailors is in the protest room. All sailors, but especially junior sailors, should expect a consistent and fair process, in a 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. The chairman should ensure that the parties, including their coaches, are informed of the processes 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. Judges should bear in mind that 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 one or more interpreter should be recognized and dealt with prior to hearings between sailors with no common language. Otherwise qualified parents, coaches and other team supporters may be used as interpreters

## **4.7 Observers**

Observers at hearings should be encouraged at junior regattas. Besides coaches and parents being observers, it may also be beneficial for other sailors to observe the process (exclude any 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 will apply, and the observers should be made aware of these rules prior to the hearing starting

#### **4.8 Use of the Protest Flag**

Although the racing rules do not require a protest flag for boats under 6 metres (the size of most junior boats), certain Class Associations require that the protest flag be used, so sailors can learn the process (flag), and protested boats are more likely to know they may be subject to a protest and can take an alternative penalty. If a Class does not require a protest flag to be used a protest Committee cannot insist that a protest flag is used and the sailing instructions changed to bring a flag into play.

Class Associations of major junior classes including the Optimists, Sabots, Flying Ants, Flying 11, etc., sailed by sailors 15 and under have adopted policies on use of protest flags at major events. Other classes, e.g. Cadet and Laser 4.7 do not use protest flags

#### **4.9 Reporting to the Race Committee At The Finish**

It is helpful to the development of the sailors that they be the ones to decide on rule compliance on the course, and that the sailor decides whether to protest another boat or not. Certain Class Associations require that the sailing instructions contain the requirement (in addition to displaying a protest flag) that immediately after finishing the boat informs the Race Committee of their 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 prompted protests after the sailors return to shore. Other junior Class Association do not include such a requirement.

#### **4.10 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, unless the arbitrator judge is bilingual.

Observers may be allowed, especially in cross-cultural settings, provided there is no risk that they will be witnesses in a subsequent hearing if the protest is sent back to the protest committee. Arbitration is less formal and therefore may be less pressure on the young parties.

#### **4.11 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.

Apart from top level junior regattas, the Class/Organising Authority should consider changing the penalty for 3<sup>rd</sup> and subsequent penalties in accordance with Appendix L 14.4.. 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.

The judges must ensure that the Two-Turns Penalty (or retirement when required) is done correctly as described in rule 44.2. When a boat does not complete her penalty correctly she must be scored in accordance with Appendix P2.1. (i.e. DSQ).

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, after completing their on-the-water judging duties, position their boats near the finishing so that competitors may find them.

On single race days, or after the last race of the day, the judges are best approached ashore before the protest hearings start. Judges must be able to explain the actions of the sailor and why the penalty was given. The judge should refer the rule that was broken and to any relevant ISAF rule 42 Interpretation. When the discussion is held ashore, after racing, the best practice is that one of the two judges from the boat, together with another judge from the team, discuss the penalty with the sailor. If the sailor has a coach or a parent present, that will usually make the situation easier for the sailor.

Before the racing starts the judges should be out on the course in their boats, visible to all the sailors. The judge boat(s) should be near the starting line so that all the sailors can see the judges are on the water and also identify the judge boats. This makes it easier for the sailors to find the judges if they wish to communicate with them.

## **4.12 Regatta Briefings**

At the competitor's briefing the PRO/CHUMP/Chief Measurer/Protest Committee Chairman should decide who will introduce the following, as applicable to the event:

- Introduce and identify their discipline's officials;
- Make some positive comments about the club, the class and the regatta;
- State that the officials are there 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 the race office and 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 officials at any time (except when racing) on or off the water; and
- Remind sailors that sailing is a self policing sport, and their obligations under "Sportsmanship and the Rules".

For practical reasons (e.g. limited space, number of languages, class tradition.), normally only coaches will attend competitors briefings at large junior events. Clear instructions to coaches can facilitate good behaviour and rule observance by their sailors. It may be appropriate for available officials to attend the regular coaches briefing along with the

PRO and comment on rules observance and incidents, answer questions, solicit suggestions, and promote communications

#### **4.13 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 an official should always be told that coaches and parents are welcome to join in the conversation, to assist the sailor in understanding the discussion

#### **4.14 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 boats to move around the outside of the race area as 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 sailing instructions and the coach boat regulations, if applicable, the judges/umpires afloat maybe in a good location to remind the support boat of its obligations or note the identity of the coach boat, if they are busy policing the racing. It is best for the judges to avoid confrontation at the time and invite the boat's helm to meet with the judges/umpires at the protest room prior to the end of protest time that day, or if there is a gross breach to lodge a protest against the coach's associated competitors.

Not all young sailors will have support personnel on the water. The officials 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.

#### **4.15 Rule 69 Gross Misconduct**

It is important that all race officials recognise that in some cases it will be appropriate to conduct investigations and/or rule 69 hearings into allegations of bullying or abuse. If it is clear that there has been a one-off 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.

Any action beyond a warning must be reported under rule 69.1(c) to the national authority of the event location and competitor, if different.

A protest committee only has jurisdiction over the event in question from registration to prizegiving and any incidents immediately prior to or after it. It is not within the power of the protest committee to look into reports of misconduct that happened 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 event organising authority. It is important that the jury have some knowledge of the principles of the local laws and requirements for child protection. Some countries (AUS, USA and GBR for example) have very strict laws. Regardless of the extent of the local legislation the organizers should brief judges on the local protection laws.

Allegations of child abuse cannot be ignored. The appropriate local authorities must be notified promptly through the organising authority.

There may be occasions where the protest committee wishes to refer a matter to the local authorities but 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 it is preferable that they take advice from the local authorities and the organising authority.

If it is clear that a reported rule 69 matter reported is not related to a separate allegation of child abuse/bullying, then the protest committee can proceed separately with the sporting misconduct complaint, if the local authorities are in agreement.

If the rule 69 investigation proceeds and results in a Hearing, there must be NO reference to the alleged child abuse/bullying.

If the local authorities are not in agreement, or they are not available, the protest committee should not proceed. It will always be open for the national authority to proceed under RRS 69.2 if the child protection matter is subsequently dropped.

The rationale is that it will not always be in the best interest of the young sailor, who chose not to report any suspected abuse, neglect or bullying, for a full rule 69 investigation to take place during a competition. At this time he or she is under pressure to perform, particularly where the alleged suspect is at the event.

The interviewing of children is best undertaken by trained personnel to in cases of alleged abuse, and most judges do not have such training. The worst case scenario that can result from an interview by an untrained person is that a race official, however well meaning and despite acting in good faith, could jeopardise a serious investigation.

#### **4.16 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. One national authority has produced a "Junior Sailors Ethical Guidelines" poster for display in sailing clubs and regatta venues. Protest committees have found the poster a convenient tool when dealing with behavioural matters at junior regattas.

The "Junior Sailors Ethical Guidelines" poster is available at:

<http://www.yachtingnz.org.nz/cmscontent.aspx?PageID=b23d1653-663d-4d5c-b09a-5eb7cec1f5fb>

#### **4.17 Legal Obligations of Child Protection**

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

## 4.18 Outside Assistance

At a junior event with an experienced protest committee, the issue of safety on the water may make it appropriate for the sailing instructions to state that the penalty for breaking rule 41, Outside Assistance, is at the discretion of the protest committee. This can be helpful when, for example, a race committee or support boat has recovered and returned a crew member to a boat after falling overboard. Changing the penalty for such breaches of rule 41 permits the race committee or judges on the scene to promptly recover sailors without unduly interfering with the boat's race results. If protested, the officials performing the recovery will explain the incident to the protest committee, which may then impose no penalty or a penalty less than disqualification.

It is recommended that the Notice of Race and Sailing Instructions include the following:

Add to RRS 41: (e) help to recover from the water and return on board a crew member provided the return on board is at the appropriate location of the recovery

## 4.19 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:

<http://www.sailing.org/sailors/25664.php>

## 4.20 Sailing Instructions

As much as possible, sailing instructions for junior regattas should be consistent (using Appendix L or LE) 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 ideally be posted on the event 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.

### 4.20.1 Changes to Sailing Instructions

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

- Changes to Sailing Instructions (modifying L3)
- Changes to the schedule of races should be posted before the end of the protest time limit on the day before the change in schedule.
- The Start
- Boats whose warning signal has not been made shall avoid the starting area during the starting sequence for other races.

- Penalty System (modifying L14, Appendix L)
- Use the modified version in L14.4 which is recommended for junior events.
- Protests and Requests for Redress (modifying Appendix L16)
- If required by policies of the Class Association or the organizers, require all boats - regardless of length to fly a protest flag when protesting.

If required by 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.

Unless this is detailed as a requirement in the class rules, either directly in the Sailing Instructions or by inclusion on Event Rules from the class that the Notice of Race/ Sailing Instructions includes as rules for the event – it does not apply and if the requirement is written in the class rules it is not valid.

#### 4.20.2 Support Boats (modifying Appendix L 23)

Except when participating in rescue operations, team leaders, coaches, parents and other support personnel shall 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 is defined as the area inside the course and within xx metres (to be fixed by the Race Committee pre-regatta) of any mark, lay line, starting line, finishing line or any area where any boat that is racing is sailing or may sail.

The Organizers should circulate a *safety* plan to support boats in case an emergency arises. The coaches or team leader meeting is a good opportunity to discuss the safety plan.



# **ISAF RACE OFFICIALS MANUALS**

## **Common Section 5**

### **Handling Misconduct**

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## **5.1 Introduction**

All race officials, competitors and other personnel are entitled to be treated with fairness and respect and it is important that these principals are upheld. The purpose of Rule 69 is to have a rule which deals with a competitor who may have committed a gross breach of a rule, good manners or sportsmanship, or may have brought the sport into disrepute.

## **5.2 When should rule 69 be used**

The sport should not tolerate bad behaviour, and action under rule 69 is a potent way of dealing with this problem. Turning a blind eye to misconduct only serves to damage the enjoyment of those who behave properly, which in turn puts people off participating in the sport.

It is the responsibility of all race officials to deal with misconduct in an appropriate and timely manner.

If in doubt, it is better to call a hearing under rule 69, and find an allegation unsubstantiated, than not to call a hearing at all.

## **5.3 Who is subject to rule 69.1**

A 'competitor', which means the person in charge of a boat under rule 46 and any crew member.

Rule 69.1 does not apply to other people (such as coaches or parents and other persons associated with a regatta), even if associated with a competitor, but their behaviour can be reported directly to the club, class association or MNA. A MNA can hold an investigation under rule 69.2(a).

### **5.3.1 The extent of rule 69 jurisdiction (the time and location of the alleged misconduct)**

The jurisdiction of the protest committee under rule 69 extends from the time competitors arrive at the venue until they depart.

If the competitor can readily be associated with the event, or if there is brawl in a public place between competitors, or if several competitors join together in bad behaviour, then the protest committee can take action. The important question is whether the behaviour of the competitors can reasonably be said to be associated to the event or to the sport.

When a club or event receives a complaint from someone who is not associated with the event about the behaviour of one or more competitors, this indicates that a connection has already been made and the sport in general (and the event in particular) may have been brought into disrepute.

Misconduct occurring after the end of the event, possibly even away from the event location, could be considered under rule 69 if satisfactory association to the event is established.

## **5.4 Types of behaviour justifying a rule 69 hearing**

All behaviour must be considered in context – some types of behaviour should be treated as ‘zero-tolerance’ issues, others (such as bad language) require consideration of the context and nature of the event.

It is for the appointed protest committee to consider this however – what one race official perceives as acceptable may be regarded by others as clear misconduct. The same applies to competitors and a competitor from one culture may consider the actions or language of a competitor from another culture, on the race area or elsewhere extremely offensive.

Examples (which are by no means exhaustive) are included in Appendix **Error!**  
**Reference source not found..**

All competitors must be treated equally.

Any decision on a competitor’s future racing is for the MNA and ISAF, if the MNA takes further action, to make.

## **5.5 Who may make a report**

A report can be lodged by any person (who need not be a competitor). This can include:

- the race committee, or one of its members;
- the protest committee, or one of its members;
- spectators;
- passing cruising boats;
- local residents;
- the host club (if not already the organizing authority); or
- organisers or competitors of another event.

## **5.6 Form of report**

There is no definition of the form a report must take. It may be a written or oral complaint. However, it is preferable that the report is put into writing.

## **5.7 Who should the report be lodged to**

If a protest committee has already been appointed, then the report should be lodged with it.

However, the protest committee should involve the organizing authority at the earliest opportunity, as the hearing might better be conducted by a different or strengthened protest committee. It is for the organizing authority to appoint the protest committee who will conduct any rule 69 hearing, unless an international jury has already been appointed for the regatta.

If an international jury has been appointed, then the report should be lodged with this body and it would be the suitable body to conduct a hearing.

If no protest committee has been appointed, the report should be lodged with the organizing authority, which should then appoint a protest committee. Once appointed, the protest committee should be given the report to consider.

## **5.8 Reports lodged with organizing authorities/clubs/other authorities**

If a report is lodged with the organizing authority, club or race committee, there is no obligation on it to refer it to a protest committee. However it is firmly recommended that they do so.

It may be appropriate for a report also to be lodged with the host club or another authority (such as a class association) for action under their own disciplinary processes.

Action under rule 69 does not preclude action by a club or other body and vice versa. However the powers of a club (which will likely include the suspension or removal of membership) are unlikely to be powers available to the protest committee.

At an event organised by a club or a class, it may be prudent and helpful for the protest committee chairman to inform a senior officer (for example a Flag Officer or responsible member of the class committee) of a potential rule 69 hearing. A constructive dialogue between race officials and the club/class is important to maintain at all events: the club/class may be able to give important background information and inform the committee of the class' disciplinary ethos.

It may be that the protest committee considers that the misconduct is best left to the club or class to deal with under their own disciplinary procedures. The committee must be confident that the club or class will take real steps to address the misconduct, as once the event ends, it will be unable to go back and investigate if matter has not been dealt with.

It must be borne in mind that it is inappropriate to discuss the specifics of a case with anyone outside the protest committee. The committee should also be wary of being told too much about the background of the competitor as this may lead it (inadvertently) to consider irrelevant information during a hearing.

A competitor can be subject to a rule 69 hearing for matters after the event, i.e. a competitor that unfairly criticises the race officials etc. on public forums after the event that brings the sport into disrepute. If the protest committee has already left the regatta site by this time this type of breach would be dealt with by the MNA under rule 69.1(d). Depending on the time frame when the same similar issues apply before the event the protest committee could deal with the allegation on site or by the MNA under rule 69.1(d).

For rule 69 procedures please refer to the Judges Manual.

## **APPENDIX A:**

### **EXAMPLES OF GROSS MISCONDUCT**

- 1) Engaging in any unlawful activity (e.g. theft, assault, criminal damage)
- 2) Engaging in any activity which brings the sport into disrepute
- 3) Bullying, discriminatory behaviour and intimidation
- 4) Physical or threatened violence
- 5) Deliberate damage or abuse of property (including a boat)
- 6) Deliberately disobeying the reasonable instructions of event officials
- 7) Repeated breaches of rule 2
- 8) Inciting others to break rule 2
- 9) Deliberately breaking a racing rule with the intention of gaining an advantage
- 10) Deliberate interference with another competitor's equipment
- 11) Repeating a measurement offence (intentionally or recklessly)
- 12) Lying to a hearing
- 13) Other forms of cheating such as falsifying personal, class or measurement documents, entering a boat known not to measure, missing out a mark to gain places etc.
- 14) Foul or abusive language intended to offend\*

Bad language (including that not directed towards an official) has to be judged in this context. If you are uncomfortable with the language being used, then action should be taken. It is quite proper for clubs and organisers to make clear before an event that the use of inappropriate language will lead to rule 69 action. If the organisers have made this statement, then the protest committee should be prepared to enforce the standards expected. Clubs and event must set and improve their own standards.

Foul and abusive language towards race officials should be considered as dissent and forwarded to the protest committee for possible rule 69 action.



# **ISAF RACE OFFICIALS MANUALS**

## **COMMON SECTION 6**

### **Guidelines for Dealing with the Media**

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## 6.1 Introduction

In this day and age where television, newspaper and internet media aim to gather news and show/publish this virtually immediately, more pressure is being laid at the feet of race officials to provide statements on what has happened during the racing or what appears *on the surface, to be controversial* decisions by the race management, umpires or jury.

Very few race officials have been exposed to dealing with the media and based on this it was decided to include in the Common Sections of the Race Official's manuals a small section which gives guidance to race officials and the notes they need to take.

## 6.2 Definition

Reference to media in this section refers to all types of personnel ranging from journalists writing stories for printed press and internet press to reporters producing material to broadcast on television, radio and digital media

## 6.3 ISAF's Approach to the Media

The approach ISAF have to the media is that the key objectives of ISAF's media programme are to:

- Promote and develop interest and participation in all types of sailing.
- Reinforce sailing as an attractive lifetime sport with a positive image that has a global reach and is universally accessible, fun and diverse.
- Promote the role ISAF plays in managing, running and developing the sport of sailing.
- To achieve this we provide relevant, interesting and varied content through our own media communications channels and work directly with sailing and other media.
- Build long-term relationships with journalists and increasing ISAF and sailings visibility through positive media coverage is important in helping to achieve these objectives.

With this approach in mind race officials should aim to follow the guidelines laid out in the following paragraphs and ensure that race officials must be mindful when they talk to the media, if it goes badly, it affects the ISAF brand.

At the initial race officials meeting each discipline should appoint a media spokesperson who is the sole person authorised to speak at media interviews or answer questions relative to that discipline. If there is a press conference all the discipline media spokespersons should be present and identified by a name plate in front of them.

## 6.4 What to do and what not to do when talking to the media

Remember the vast majority of media contact will be perfectly straightforward. The following guidelines should cover most situations that the race official should experience and apply to direct approaches at events or if a journalist makes contact my phone or email and will help race officials to avoid some of the difficulties you might experience in these situations.

## 6.4.1 Do

Try to get as much information from the media representative(s) as you can, to help both them and yourself. This can include:

- their name,
- what broadcaster, website, newspaper or magazine they are working for,
- who their audience is,
- what information they want to know,
- when their deadline is (in the case of a journalist making contact outside of an event),
- why are they producing the story/feature,
- how much information do they need (short news story or a feature?).

Offer yourself as a source of information and comment only on your area of ISAF expertise/responsibility.

If you have time constraints, tell the media representatives at the very beginning, e.g. hearings shortly starting. Similarly, ask them if they need to leave by a certain time.

Take time to educate the media representatives on a particular subject if necessary. This may well mean they come back to you in the future.

If you can, put together two or three newsworthy views/items on your subject

Prepare for any negative issues that could come to light.

Wherever possible choose somewhere to talk to the media representatives that is quiet with no interruptions and where you feel relaxed and comfortable.

Be concise. If a media representative is writing down what you are saying, they are more likely to get it wrong if you talk quickly or at length. If you are being interviewed for the broadcast media (television, radio, internet) short 'yes'/'no' answers are not very interesting and if you talk for too long people lose interest.

Be positive, passionate about sailing. Your positive attitude will reflect in what is broadcast or what a journalist writes.

Use language that you would like to hear or see in print and attributed to you.

Be natural and be yourself.

Always be calm and courteous, even if you feel angry or frustrated or if the media representative is rude.

Broadcast interviews need to be interesting/entertaining. Talk about the interview with the media representatives first to get a feel for the type of interview they want and discuss the questions with them before you start.

If you are asked a question about something you are not comfortable answering:

- In a broadcast interview simply say you cannot comment, but do not do this to all questions.
- For print and web interviews say that you cannot comment but will arrange for a suitable person to contact them. Be honest, if you do not know an answer say you will get back to the media representatives as soon as you can or will get someone to get in contact.

In a pre-recorded broadcast, web or print interview, if you are unsure if you have understood a question properly, repeat the question to the journalist in your own words to make sure that they have explained it properly.

It is all right to ask if you have answered the question adequately, but not if it is a live broadcast.

In pre-recorded broadcast interviews, it is alright to stop and ask to start again if you make a mistake.

Make a record of the contact

#### **6.4.2 Do Not**

Do not make exaggerated claims. Media representatives will always try to substantiate all claims.

Do not assume that the media representative understands the event/situation/issue as well as you do. Find out at the start what their level of knowledge is so you can give the appropriate amount of detail.

Do not say anything you do not want to see in print or broadcast. The safest rule is to regard everything you say as 'on the record', in other words will be printable or capable of being broadcast. Treat any 'off-the-record', you do not wish it to be printed or broadcast with extreme caution. Never say anything off-the-record unless you have a long-standing relationship with the media representative and have proven evidence that you can trust them. Even if you ask not to be quoted, there are no guarantees, especially if what you say is interesting or negative.

Do not go talk about aspects that you are not involved in at ISAF only talk to them about subjects you are involved in. Tell the journalist you will get the appropriate person to call back if they want to discuss a different subject.

Never make deliberately misleading statements, even to get out of a difficult situation.

Never let your guard down, even if you feel you are getting on well with the media representative.

If there is a silence, do not feel that you need to fill it. Journalists often use this as a tactic to extract more information than you want to give.

#### **6.4.3 Understanding how Journalists Work**

Be aware of the journalist's deadlines. If you need to get back in contact with the journalist or need to get someone else to contact them make sure you know what their deadlines are and get back in contact as quickly as possible.

Journalists generate news. Always try to present your points in an interesting way that is relevant to the context of the event/situation/issue.

Journalists like facts, figures, and interesting comments to quote in their stories, so where possible try to have some ready.

If you are being interviewed for broadcast media the journalists has to make the interview entertaining as well as interesting. They will work with you as it reflects badly on them if the interview does not go well.

Do not ask to see a draft of an article before it is printed. This infringes on the journalist's independence. A useful tactic to remember is, if the story is very technical or covers a topic that the journalist is unfamiliar with, then you can ask to see it under the pretext of offering to check the details for them.

Some journalists use tape recorders since they are more accurate than notes. This is nothing to worry about.

End the meeting by thanking the journalist and giving them telephone numbers where they can contact you and/or the ISAF media team in future.

#### **6.4.4 Keeping a record of press contacts**

Please send on the following details to [newseditor@isaf.co.uk](mailto:newseditor@isaf.co.uk) when you have spoken to a journalist so we can keep a record of our media exposure.

- Name of the journalist
- Name of the publication
- Date of contact
- 
- If freelance, which publication are they writing for
- Any follow up needed

If you need help contact:

Tim Sewell – Head of Marketing, Events and Training  
[tim@isaf.co.uk](mailto:tim@isaf.co.uk)

Tel: +44 (0) 2380 635 111

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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**

The ISAF Eligibility, Advertising and Anti-Doping Codes (ISAF Regulations 19, 20 and 21) 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](http://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 rule. 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 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.

### **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 organisations. 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 recognised 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 and 31 which are reprinted below.

### **6.9.7 International Judges Sub-Committee**

#### ***Constituting the committee***

*6.9.7.1 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 59.*

*6.9.7.2 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 59.*

#### ***Terms of reference***

*6.9.7.3 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.*

## **B.2 Terms of Appointment**

### **31 International Race Officials Administration – International Judges, Umpires, Measurers and Race Officers**

- 31.1 *The provisions of this Regulation affect all International Race Officials, namely International Judges, International Umpires, International Measurers and International Race Officers, referred to collectively in this Regulation as 'International Race Officials.'*
- 31.2 *The Race Officials Committee shall appoint International Race Officials after considering the recommendations of the 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 Secretary General to list each individual event.*

#### **Term of Appointment**

- 31.4 *The term of appointment for an International 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 ROC, 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 ROC, the duration of the appointment shall be two years.*

*In light of the decision by Council in November 2009 to modify the periods within which certain requirements must be met, the Race Officials Committee will adopt a transitional plan for applications for reappointment in 2010 through 2013 inclusive.*

## **B.3 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 Secretary General 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 Secretary General 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 International 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 International 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 or a major event as designated by Regulations 25.12.17 (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***

### ***31.11 International Judge***

***31.11.1*** 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 last four years prior to 14 October of the year of application;*
- (b) *have passed a written examination designed to show an intimate knowledge of the Racing Rules within the last four years prior to 14 October of the year of application;*
- (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.*

*Candidates who fail the examination may take a new examination, but not within six months after the first one, except in special circumstances. Candidates who fail the examination more than once shall be assessed on an individual basis.*

***31.11.2*** 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 31.11.1 (except 31.11.1(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, within the last four years prior to 14 October of the year of application, have served as a member of a protest committee for at least six principal events, the majority of which shall be fleet racing events. At three of these six events the candidate shall have been a member of an International Jury. 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 31.11.1(d) which is stated above in Section M4. The reference forms are found in the ISAF web site.

The completion and submission of the reference forms is:

### **Guidance for the Candidate**

Please fill in your name, nationality and address at the top of the form. You must before the event email a soft copy to the Chairman or on arrival at the event, give the Jury Chairman this form with an envelope, marked “Private and Confidential” and addressed to:

IJSC, ISAF (UK) LTD, Ariadne House, Town Quay, Southampton, SO14 2AQ, United Kingdom

The Jury Chairman will complete pages 1 and 2 of the form and forward it to the ISAF Secretariat.

The form will be used in accordance with ISAF Regulation 31.11.1(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.

### **Guidance for the Jury Chairman**

Please complete this form at the event, discuss it with the candidate, and send to ISAF before 4 weeks of the event finishing. Please do not complete a reference form retrospectively as this undermines the teaching nature of the process.

Guidelines for completing this form are on page 2.

Once completed the form should be either forwarded to the IJSC at the ISAF Secretariat in a sealed envelope provided by the candidate or sent directly by email to Sarah, [sarah@isaf.co.uk](mailto:sarah@isaf.co.uk)



# **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 to 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, and 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 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 ISAF Race Officials Committee are undertaking a major review to provide guidelines on a Conflict of Interest and more detailed comments will be added to this subject after the review is completed.<sup>1</sup>

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<sup>1</sup> Editor's comment



# **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 development of a child/young person centred philosophy that 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.

Adults at an event (including race officials) 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 are usually present, and have multiple roles of support, not only of their sailors, 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.

There is also a growing national and international concern about 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 players, and undue parental pressure on young children. These are all issues to be aware of if asked to officiate at a junior event.

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. IODA 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.

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.

In addition to understanding the unique behaviour of junior sailors, judges need to understand that certain practices at major junior events (e.g. display protest flag and report to RC) are driven by class association policies, and 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 break down the sometimes detached nature of judging, and not only administer the rules but also assist the sailors and their coaches by helping interpret the rules to 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 that they will be allowed to “get away with” breaches of the rules – however minor – on account 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 (when sailing is postponed or abandoned due to unsuitable weather conditions) to give rules workshops. There can also be opportunities to clarify rules issues with coaches.

### **D.4 Visibility**

At junior regattas, judges should focus on making themselves visible, accessible, and approachable by the sailors and their support teams. It is helpful if the judges are introduced at a 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 and for other reasons.

## **D.5 Communication with Sailors and Their Coaches**

When speaking with sailors, use the sailor's name (ask if necessary). Also when explaining rules or interpretations with sailors, the judge should endeavour to use the vocabulary used in the rules and 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 or 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, in a 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. The chairman should ensure that the parties, including their coaches, are informed of the processes 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.

Judges should bear in mind that 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 one or more interpreter should be recognized and dealt with prior to hearings between sailors with no common language. Otherwise qualified parents, coaches and other team supporters may be used as interpreters.

## **D.7 Observers**

Observers at hearings should be encouraged at junior regattas. Besides coaches and parents being observers, it may also be beneficial for other sailors to observe the process (exclude any 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 will apply, and the observers should be made aware of these rules prior to the hearing starting.

## **D.8 Use of the Protest Flag**

Although the racing rules do not require a protest flag for boats under 6 metres (the size of most junior boats), certain Class Associations require that the protest flag be used, so sailors can learn the process (flag), and protested boats are more likely to know they may be subject to a protest and can take an alternative penalty. If a Class does not require a protest flag to be used a protest Committee cannot insist that a protest flag is used and the sailing instructions changed to bring a flag into play. Class Associations of major junior classes including the Optimists, Sabots, Flying Ants, Flying 11, etc., sailed by sailors 15 and under have adopted policies on use of protest flags at major events. Other classes, e.g. Cadet and Laser 4.7 do not use protest flags.

## **D.9 Reporting to the Race Committee at the Finish**

It is helpful to the development of the sailors that they be the ones to decide on rule compliance on the course, and that the sailor decides whether to protest another boat or not. Certain Class Associations require that the sailing instructions contain the requirement (in addition to displaying a protest flag) that immediately after finishing the boat informs the Race Committee of their 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 prompted protests after the sailors return to shore. Other junior Class Association do not include such a requirement.

## **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, unless the arbitrator judge is bilingual. Observers may be allowed, especially in cross-cultural settings, provided there is no risk that they will be witnesses in a subsequent hearing if the protest is sent back to the protest committee. 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.

In other than top tier 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 when required) be completed in compliance with rule 44.2. When a boat does not complete her penalty correctly she should be scored in accordance with Appendix P2.1. (i.e. DSQ).

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 are best approached ashore before protest hearings are scheduled. Judges should be able to explain the actions of the sailor and why the penalty was given. The judge 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 coach/parent, if available, one of whom was part of the team that gave the penalty.

Prior to racing, the judge boats should be on the course and visible. The judge boat(s) should be in the location of 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 protest committee 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), quite often only coaches will 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 communications.

## **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 told that coaches and parents are welcome 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 location to remind the support boat of its obligations and a polite conversation will often 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 the time and invite the skipper of the boat to meet 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 recognise that in some cases it will be appropriate to conduct investigations and/or rule 69 hearings into allegations of bullying or abuse. If it is clear that there has been a one-off 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. Any action beyond a warning must be reported to the national authority of the event location and competitor, if different under rule 69.1(c).

A protest committee must always be mindful of its jurisdiction, which only extends to cover the event in question (e.g. from registration to prizegiving) and any incidents immediately prior or after it. It is not within the power of the protest committee to inquire 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. It is important you are aware to an appropriate level 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.

It is not an option to ignore allegations of child abuse. The appropriate local authorities must be notified promptly through the organising authority.

There may be occasions where the protest committee wishes to refer a matter to the local authorities but 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 it is preferable that they take advice from the local authorities and the organising authority.

If it is clear that the matter reported 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. It will always be open to the national authority to proceed under RRS 69.2 if the child protection matter is subsequently dropped.

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 competition, while he or she is under pressure to perform, particularly where the alleged suspect is at the event.

It takes trained personnel to interview children in cases of alleged abuse, and judges do not have such training. The worst case scenario is that a race official, however well-meaning and despite acting in good faith, will interfere with a serious investigation.

## **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. A national authority has produced a "Junior Sailors Ethical Guidelines" poster for display in yacht clubs and regatta venues. Protest committees have found the poster a convenient tool when dealing with behavioural matters at junior regattas.

The "Junior Sailors Ethical Guidelines" poster is available at:

<http://www.yachtingnz.org.nz/cmscontent.aspx?PageID=b23d1653-663d-4d5c-b09a-5eb7cec1f5fb>

## **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.

At a junior event with an experienced protest committee, the issue of safety on the water may make it appropriate for the sailing instructions to state that the penalty for breaking rule 41, Outside Assistance, is at the discretion of the protest committee.

This can be helpful when, for example, a race committee or support boat has recovered and returned a crew member to a boat after falling overboard. Changing the penalty for such breaches of rule 41 permits the race committee or judges on the scene to promptly recover sailors without unduly interfering with the boat's race results. If protested, the officials performing the recovery will explain the incident to the protest committee, which may then impose no penalty or a penalty less than disqualification.

## **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:  
<http://www.sailing.org/sailors/25664.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 policies of the Class Association or the organizers, require all boats - regardless of length- to fly a protest flag when protesting.

If required by 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)**

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 organiser 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. This protest committee is often formed quickly with those who are available. Sometimes, although this is not recommended, a protest committee is formed with competitors who were in the race. These competitors would need to withdraw if an objection was made by a party to the protest that they had a conflict of interest.

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 people not racing in the regatta and 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.

At a major international event, it is highly desirable (and often *required* by a class association or national authority) to appoint an 'International Jury'; 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. This is not the case for protest committees, except that, 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 organisers 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](http://www.sailing.org) 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 16.3 and 18.12).

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 organisational duties.

This leads to a seemingly backward way of recruiting protest committee members. Since the regatta organisers usually know the “local” judge, he is often the first asked to help organise 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 42) 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 can 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 rule 67 or 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 N1.1 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.

A protest committee member's nationality does not make him an interested party or create a conflict of interest. If, however, a member of the protest committee should not participate in a hearing, 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 penalty is taken, the judges may protest one or more 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.

## **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 called the penalty. 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: <http://www.sailing.org>. ISAF has approved it for the use as an addendum to the sailing instructions in World Championships, ISAF Sailing World Cup, Grade 1 and Grade C1 events for umpired fleet racing in the last race of each series for the Olympic classes.

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

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

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

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

### **F.3.2 Additions to the Notice of Race and the 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 umpires 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 umpires 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 umpire 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, umpires both respond to the sailor's request for a decision, and give umpire initiated penalties.

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

Each umpire 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 umpire boat in an area, with umpires on each boat who have seen the incident. Each umpire boat would be in a different position to the incident and each could make a different decision. When an umpire sees an incident and other umpires 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 umpire raises their arm the umpire should make the call. If umpires on two boats raise their arms, one points at the other umpire and the other umpire team makes the call

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

Since umpires 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 umpires 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 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 the judges cover either the left, right or center of the beat. As they sail down wind the judges 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 a 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 photocopy of Section G and the Pre-Event Check List of this manual to the Organizing Authority. This will help to ensure confirmation of the equipment, accommodation etc. that they will provide. This list can be modified for the Event level to make it less daunting.

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

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

Long before the event begins, the chairman and vice chairman should ask to review the Notice of Race and draft Sailing Instructions, determine who should be invited to join the International Jury and agree with the organizing authority on reimbursement of expenses, housing and the requirements of the protest committee on-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 organisers of the event and the competitors. The organisers 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 organizing authority and judge will use Appendix J and the Notice of Race Guide

of Appendix K to ensure all the required information is covered, and 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 during the event, rule 63.7 instructs the protest committee to apply the rule that it believes will provide the fairest result for all boats affected.

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. 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.5 Common Problems Encountered in Notice of Race and Sailing Instructions**

ISAF Regulation 20, Advertising Code, 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.6 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, 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 available. Should a classification system be used for international events, the ISAF mandates that the ISAF Code will be the only system to be used. ISAF Classes using a classification system shall use only the ISAF Code. The ISAF Code is not applicable to the Olympic Classes.

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: <http://www.sailing.org>



# **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, 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 good first experience between the race committee and the protest committee will lead to good co-operation between the race committee and the Jury for the entire event.

### **H.1.1 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 inquiries 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 others 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 should be patient but firm. If the competitor begins to debate the answer, avoid an argument, and ask for the question or questions in writing. Individual judges should never act alone with a difficult competitor. If you are alone and an argument seems likely, delay any discussion until another member of the Jury is present or request that the competitors' question be put in writing.

### **H.1.2 Protest Committee 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. 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 should meet with the measurement personnel and review the wet clothing control equipment and equipment weighing procedure.

The jury 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 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 jury 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 taking a penalty promptly for breaking a rule, whether or not the boat is protested. 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 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 can 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](http://www.sailing.org)) 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 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.

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 Team Leaders**

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 organiser'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 Disciplining 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 69.2(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 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. However, 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 rule 42 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 prohibited actions in rule 42.2 and permitted actions 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. 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 [http://www.sailing.org/tools/documents/42interprets2005book-\[7233\].pdf](http://www.sailing.org/tools/documents/42interprets2005book-[7233].pdf)

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 about their observations among the Judges.

Before the first race, the Judges should discuss the most common breaches they will come across in specific class, 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.

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.

## **I.6 Deciding whether to penalize**

When judging rule 42 on the water, Judges should penalize a boat only when they are sure they have observed the breach of rule 42 and they are able to explain it to the competitor 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. Judges can achieve this goal best by not following the event results or yellow flag penalty count. They should rely on what they see on the water each day and how the kinetics fit within the ISAF interpretations of rule 42.

Judges will make decisions that are 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?
- Is the boat pumping 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 stopping their 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 forward or preventing it 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 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.

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 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 offense so that the competitor knows why they have been penalized. Examples include, “Sculling just before the start”, or “Body pumping at the mark”.

Keep the yellow flag flying clearly while the competitor is taking his penalty, or until you are absolutely certain the competitor will not complete a valid penalty. It is the competitor’s responsibility to know what penalty to take. If the competitor asks if the penalty taken is correct, the Judges should not answer as they may not know accurately whether the penalty is the competitor’s first, second, or third.

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; and what action the competitor took in response to the penalty.

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.

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 penalty. The judge who records will advise the Race Committee scorer 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.

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 will consider calling a hearing under rule 69.1 (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, 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 penalty.
- 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.

### **1.7.3 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.

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 the fleets. 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 far enough away to stay clear of the penalty turns that the competitor will 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

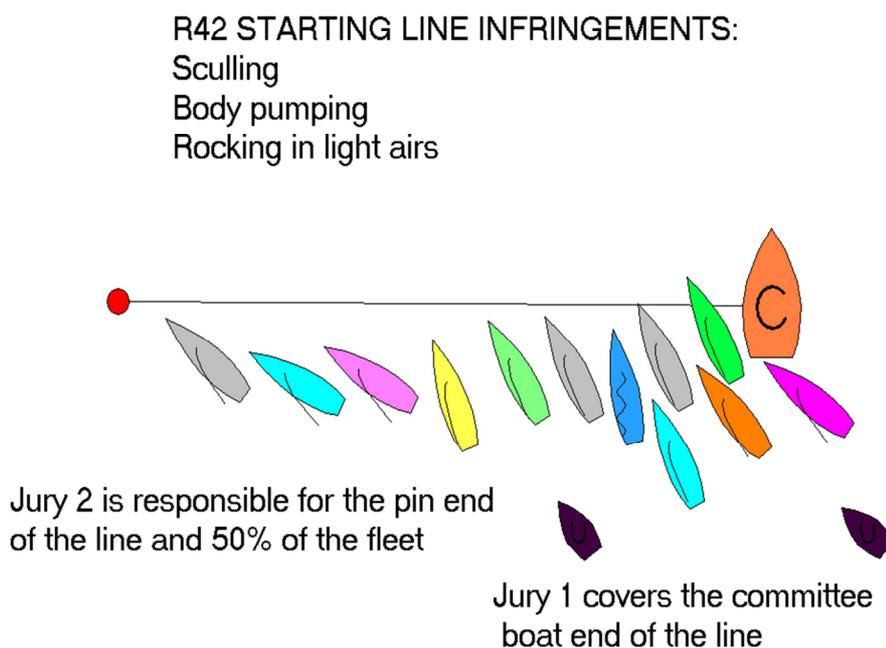
Rule 42 takes effect at the preparatory signal. Generally, rule 42 violations are rare until about a minute before the start. In light air, a boat that is having trouble reaching the starting area might use illegal kinetics after the preparatory signal, including a tow from their coach boat, to get to 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.8.2 Start

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



#### Common infractions:

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

## 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.

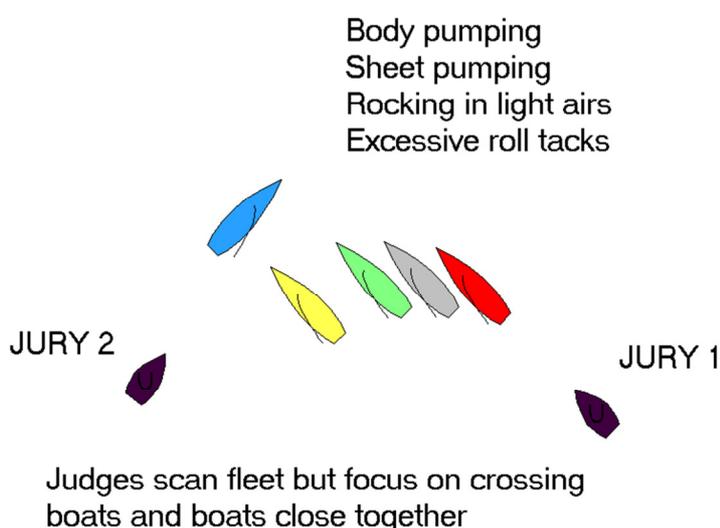
The boats should position themselves far enough behind the fleet to observe ten to fifteen boats and close enough to respond quickly, depending on the size of the fleet. Since most competitors are on starboard tack in their final positioning just before the start, Jury boats will have the best view when 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 committee boat end), Judges may well find that they can observe these competitors best by being in a position below and to the right of the entire starting line.

### I.8.3 Upwind

Judges can find it challenging to move their boats into a good position to signal a penalty without affecting other competing boats. In light wind, the sound of a hail and the whistle will carry a long distance allowing the Jury boat to signal with less movement. Immediately after the start, it may be impossible to signal promptly without interfering with other competing boats. In this case, wait 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.

#### R42 UPWIND LEG INFRINGEMENTS



#### 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.

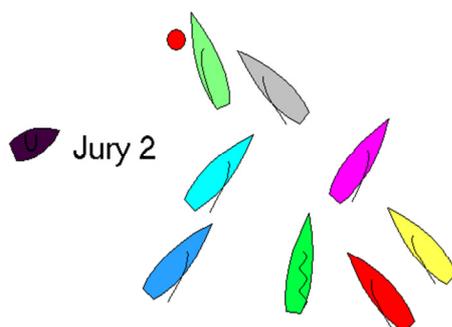
At the first windward mark the Jury boat should be highly visible. A second Jury boat, positioned to leeward of the fleet, should go with the leaders as they sail on the reach. Positioning to leeward of the fleet on the reach allows Judges to stay closer to the fleet with less negative effects from wind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

#### RULE 42 WINDWARD MARK INFRINGEMENTS

JURY VISIBILITY  
VERY IMPORTANT

Jury 1 

Sculling  
Body pumping  
Rocking in light air  
Excessive roll tacks



### I.8.4 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 leeward side of a wave).

On reaches one competitor will begin to surf by pumping illegally and start gaining on other boats. Seeing this, the other boats will also begin to pump illegally, to maintain their position. Ideally the Judges will act before that 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.8.5 Run**

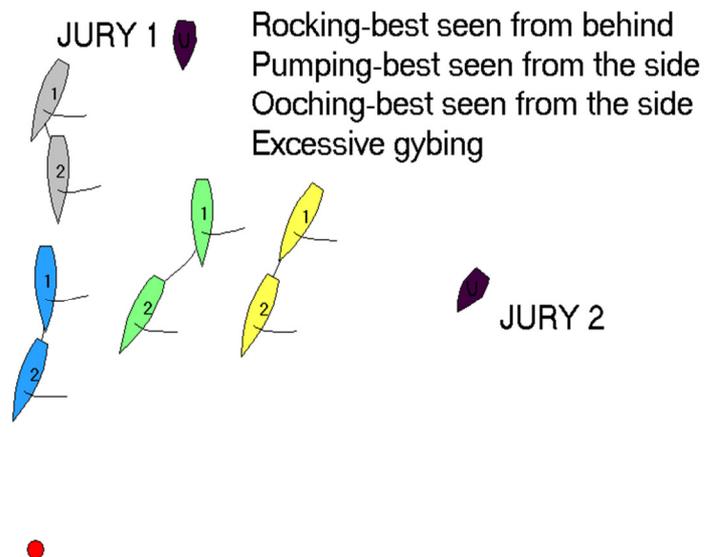
If Judges see the competitor rolling the boat by repeatedly moving their bodies the same way as the mast with no change of direction, the competitor is rocking. In positive rocking, the windward roll is caused by the competitor moving to windward first. In negative rocking, the competitor begins the 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 mix up 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 improper, watch for a little longer, and penalize only when both Judges are satisfied that the rolling is improper and that they would be able to describe clearly the prohibited body motion or trimming 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.

### RULE 42 DOWNWIND INFRINGEMENTS



### 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.

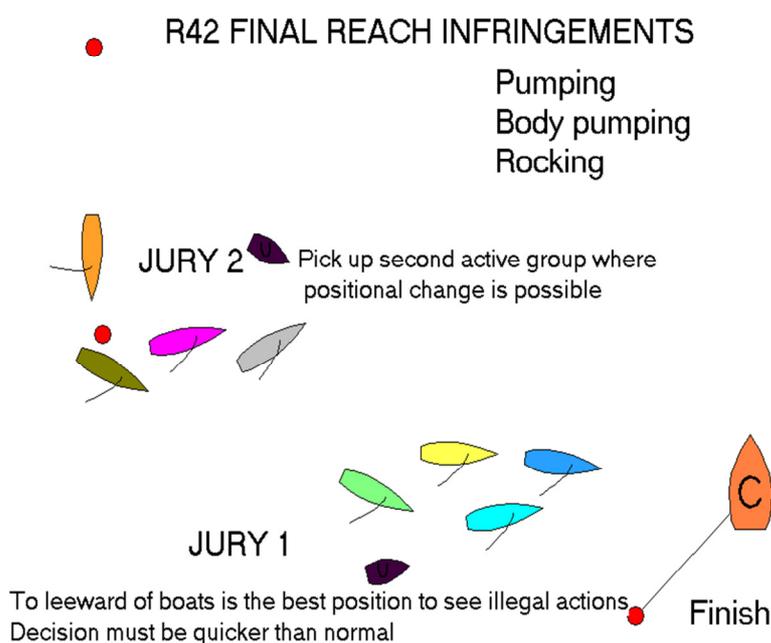
The lead boat should watch the initial roundings from the centre of the gate, staying clear of race management and press site lines

## I.8.6 Finish

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

When the Judges see an infringement right at the finish, they 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 or disqualified under rule 67.
- 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 (or disqualified under rule 67) 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**

While rule 67 permits the Jury to disqualify without a hearing, it does 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 and third penalties are severe enough to encourage competitors to stop 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 the reaction (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 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 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 in 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 chairman, race committee, results service, etc. is operating;
- when national authority prescriptions are in force, a copy in English is available for all competitors (rule J2.2 (5));
- The access code for WiFi, if needed, 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, 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 international protest committee 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 protest committee room during hearings; whether full decisions are to be typed and posted, and the format required; whether to accompany the protest committee on the protest committee boat or remain on shore.

## **J.2 General Daily Administration**

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

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

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

### **J.3 Receiving Protests**

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

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

### **J.4 Recording and Copying the Protest**

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

If there are photo-copying facilities, 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.

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. The arbitration hearing is scheduled to be heard as soon as both boats are present. Arrange an arbitration hearing if the parties accept arbitration as an alternative to a full hearing.

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 V for more detail on Arbitration.

### **J.6 Withdrawing Protests**

A protest can only be withdrawn when the protestor's request is approved by the protest committee (rule 63.1) or an arbitrator, when this system is in use. Once the protest has been received, only the protest committee or arbitrator can allow the protestor to withdraw the protest. This should be done only after seeking the reason and being satisfied it is reasonable to withdraw the protest. 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. Ask first 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 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 10 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 meal breaks). Keep the competitors waiting as little 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 a hearing took a penalty in the incident involved in the protest.

The protest committee secretary should ensure 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 time limits 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: A *Party* to a hearing includes:

- a protestor
- a protestee
- a boat requesting redress or for which redress is requested by a race committee or considered by a protest committee under rule 60.3(b)
- a Race Committee acting under rule 60.2(b)

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 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 infringed 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 (e.g. Optimist Class) or in the Class rules.

#### **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.

Appendix 5 of this manual 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. penalise (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 with the right to room, broke rule 14 but caused no damage;
- 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 rule 67, P2.2 or P2.3 applies.

Take all protest committee decisions to the scorer promptly, and keep a record kept of this action. ?? 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 Measurement Protests**

Measurement protests 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 measurement rule before the start of racing. Otherwise, measurement 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 measurement 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 measurement 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 channelled 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 organisers intend to take an active role in checking measurement checking 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 measurement rule, she must produce sufficient evidence to convince the protest committee that there may have been an infringement. 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 infringed 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 infringed). 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 Measurement Protest**

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 infringed or the nature of the alleged infringement, the protest committee should refuse to hear the protest.

### **K.25.6 Protest Committee's Responsibility in Measurement Protests**

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 measurement protest 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 infringements, 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 measurement 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 measurement 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 Drug Abuse 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, 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) A boat against which a penalty has been imposed under rule 2 or disciplinary action has been taken under rule 69.1(b).

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 seconds 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 A 10. 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 for 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 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 Redress after Disqualification without a Hearing**

When prescribed in the Sailing Instructions, rule 67 permits the protest committee to penalise a boat without a hearing when it is satisfied that the boat has infringed rule 42. However, when a boat thus penalised requests redress, the protest committee must arrange a hearing, even when the evidence is such that an infringement seems certain. The protest committee must act fairly and be seen to act fairly to all competitors.

#### **K.28.18 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.28.19 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.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), this could be any boat in the race. 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.

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 serving as the arbitrator. All parties must agree to participate, and if any party refuses, arbitration cannot proceed. The sailors tell the arbitrator what happened on the water and the arbitrator 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.

## L.2 The Penalty

Arbitration can only work if the boat that the arbitrator says broke a rule may take 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 40% of the number of boats entered 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 arbitration, the protestor does not gain by refusing arbitration.
- (c) A universal penalty available after racing allows a boat to take a penalty instead of retiring (RAF), when she realizes she broke a rule when 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 organisers and the protest committee to understand the impact of arbitration on the racing rules. When used as described here, arbitration is consistent with the 2009-2012 *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 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 subject to 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 31.1 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 40% 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. The arbitration hearing is held in a quiet location, well away from other competitors and observers. Testimony given during arbitration should not be overheard by any potential witnesses of a subsequent protest hearing. Only the arbitration judge, 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 judge 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 dismissed as being 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. 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?*" 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 followings:

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(c).
- 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 penalise the protestor in the subsequent protest hearing, but the boat that took the penalty shall not be penalised 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.

The arbitration judge must not serve as a member of the protest committee empanelled to hear that same protest. There are two reasons for this. First, the arbitration judge will be seen by the competitors to have already made up his or her mind. Second, the arbitrator could have testimony obtained during arbitration that will not be available in the protest hearing.

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 as any testimony obtained by the arbitrator is not first hand.

Some judges consider the arbitrator should also not be an observer at the hearing, and should only 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.

Some judges believe that the arbitrator's presence in the hearing room keeps the parties from changing their story. That view has to be weighed against the importance of having the arbitration process being seen by competitors as completely independent and transparent from any 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 protest committee 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 who will arbitrate protests should be a highly qualified and experienced judge 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 a 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. In that case, neither the arbitrator nor the observer will be able to sit on a panel that might later hear that protest.

## **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 makes some suggestions:

- was the market value diminished?
- was an item or equipment made less functional?
- was a crew member injured?

Under the ISAF Racing Rules Question and Answer Service Q&A 2010-31 J 013, although not binding, unlike ISAF Cases provides the following definition of Damage:

*Damage means physical harm caused in such a way as to impair the boat's value, usefulness, or normal function. The only limitation in rule 31.1(a)(3) regarding the damage is that the damage must be obvious to the boats involved.*

## 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 hospitalisation



# **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 penalised 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 Judges to educate individuals in the subject of moral behaviour. However, it is essential to the healthy development of the sport that severe penalties be imposed on competitors who knowingly infringe a racing rule. 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.

There is no rule requiring a competitor not to grossly infringe a rule or grossly breach good manners or sportsmanship. However, such actions are addressed through two rules. Rule 2 requires that 'a boat, her owner and crew shall compete in compliance with recognised principles of sportsmanship and fair play. In addition, 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 owner and any crew member. While rule 69.1 does not apply to coaches or team managers, rule 69.2 provides a method of reporting their bad behaviour directly to their national authority.

### **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 2.2.3, 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 Appendix 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 69.1(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.

## **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 'beyond all reasonable doubt' should be applied. This is quite different to a protest hearing when the test of 'balance of probabilities' would be appropriate.
- 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 69.1(a) states that if the competitor provides good reasons for being unable to attend the hearing, the protest committee shall reschedule it.

Rule 69.1(d) allows 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 69.1(c) the facts found, the decision and the reasons for it.

Under rule 69.1(e) 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 69.1(f) allows for when the protest committee has left the event and a report alleging misconduct 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 penalise 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 properly empanelled.

#### **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 69.1(c) 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.



# **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:

[http://www.sailing.org/downloads/sailors/Guidance\\_Notes\\_for\\_1\\_April\\_2010.pdf](http://www.sailing.org/downloads/sailors/Guidance_Notes_for_1_April_2010.pdf)

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 [classification2@isaf.co.uk](mailto:classification2@isaf.co.uk) 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 organisers. 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 organisers 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 <http://www.sailing.org/classification/faqs.php>) 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 penalised. 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).

## **O.5 Protests about Crew Limitations**

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

## **O.6 Changes by the Commission**

If the Commission changes a competitor's classification during an event (for example because of an interview) that change can be backdated to the start of the event by the Commission. If the Commission believes a boat would then break the crew limitation rules, it will report the matter to the race committee, which then must protest the boat. The penalty for a breach in this situation is at the discretion of the protest committee.

## **O.7 Other Complaints or Information Received**

If the protest committee receives complaints or information at an event that may cast doubt on a competitor's classification, but for whatever reason there is no protest lodged, then it should report that information in confidence to the Commission via the ISAF Office as this can influence future decisions of the Commission.