

EVENT PROTEST FOLDER

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THIS SIDE FOR PROTEST COMMITTEE USE

Number Heard together with numbers

Fill in and tick as appropriate

Withdrawal requested Signature Withdrawal permitted

Protest time limit

Protest, or request for redress or reopening, is within time limit Time limit extended

Protestor, or party requesting redress or reopening, represented by

Other party, or boat being considered for redress, represented by

Names of witnesses

Interpreters

Remarks

No objection about interested party

Written protest or request identifies incident

'Protest' hailed at first reasonable opportunity

No hail needed; protestee informed at first reasonable opportunity

Red flag conspicuously displayed at first reasonable opportunity

Protest or request valid; hearing will continue Protest or request invalid; hearing is closed

FACTS FOUND

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Diagram of boat is endorsed by committee Committee's diagram is attached

CONCLUSIONS AND RULES THAT APPLY

.....
.....

DECISION

Protest: dismissed Boat(s) is (are) disqualified
penalized as follows :

Redress: not given given as follows :

Request to reopen a hearing: denied granted

Protest committee chairman and other members

.....

Chairman's signature

Date and time

PROTEST PROCEDURE CHECKLIST RADIO SAILING

1. Follow Appendix M of the rules.
2. Introductions. (Are any witnesses to be called, are they available)
3. Declare any Conflicts of interest.
5. Any objection to any Protest Committee members?
6. Sufficient time to prepare?
7. Confirm validity (If competitor, was he scheduled to sail in the heat? was he within the control area? valid hail at time of the incident? Protest Form sufficient and submitted within the time limit?).
8. Close if invalid. Proceed if valid.
9. Committee members advise if they may be giving evidence.
10. Protestor tells his story.
11. Protestee tells his story.
12. Protestor and Protestee question one another.
13. Protest committee members ask necessary questions
15. Witnesses called in to tell what they saw. (If competitor, was he scheduled to sail in the heat, was he within the control area at the time of the incident)
16. Invite protestee to question the protestor's witnesses first (and vice versa).
17. Allow Protest Committee member/s to give evidence. (Parties must be present)
18. Protest Committee member/s that give evidence may be questioned.
19. Final statements (Protestor first).
20. All parties and observers leave.
21. Protest Committee deliberates in private.
22. Agree and record facts, conclusions, and rules that apply, and reach a decision based on
23. Call parties back and inform them of the decision.
24. Complete protest and sign and record results in the schedule of protests
25. Advise RO and scorer of the decision.

Received by race office: Number Date and time Signature
.....

PROTEST FORM – also for requests for redress and reopening

Fill in and tick as appropriate

1. **EVENT** **Organizing authority** **Date** **Race no.**

2. TYPE OF HEARING

- | | | | |
|---|-------------------------------------|---|--------------------------|
| Protest by boat against boat | <input type="checkbox"/> | Request for redress by boat or race committee | <input type="checkbox"/> |
| Protest by race committee against boat | <input checked="" type="checkbox"/> | Consideration of redress by protest committee | <input type="checkbox"/> |
| Protest by protest committee against boat | <input type="checkbox"/> | Request by boat or race committee to reopen hearing | <input type="checkbox"/> |
| | | Consideration of reopening by protest committee | <input type="checkbox"/> |

3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING

Class **Sail no.** **Boat's name**

Represented by **Tel., e-mail**

4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS

Class **Sail no.** **Boat's name**

5. INCIDENT

Time and place of incident

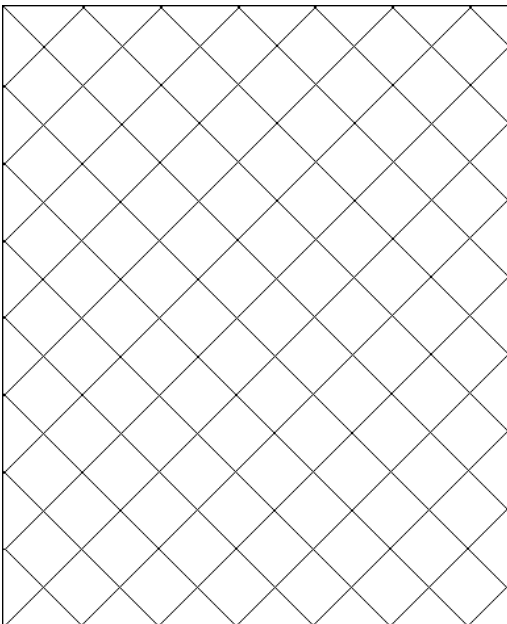
Rules alleged to have been broken: Rule 2 **Witnesses**

6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?

- | | |
|-----------------------|--|
| By hailing | <input checked="" type="checkbox"/> |
| When? | At time of incident |
| Word(s): used: | RO protests Rule 2 |
| | RO protests Rule 2 |

7. DESCRIPTION OF INCIDENT (use another sheet if necessary)

Diagram: one square = hull length; show positions of boats, wind and current directions, marks.



As RO I felt the conduct of the protestee was unacceptable and in breach of the principles of sportsmanship and fair play required by RRS rule 2. I advised him that his behaviour was unacceptable. When the bad behaviour continued, I offered him the 720-discretion penalty provided for in para 17.2 of the Sailing Instruction for this event.

The protestee chose not to accept the discretionary penalty, which is his choice, and sailed on. I waited an acceptable time to allow him to complete the penalty. When this did not happen, I withdrew the offer and protested the boat under RRS rule 2. In accordance with SI 17.2.

The manner in which the potestee handled the situation was unacceptable under the rules and in contradiction with the accepted principles of sportsmanship and fair play.

This protest is not concerned with which boat was right or wrong in the situation and is addressed solely to the conduct of the protestee at the time of the incident and the unacceptable manner in which he managed the situation.

THIS SIDE FOR PROTEST COMMITTEE USE
Fill in and tick as appropriate

Number Heard together with numbers

Withdrawal requested Signature Withdrawal permitted

Protest time limit

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Protestor, or party requesting redress or reopening, represented by

Other party, or boat being considered for redress, represented by.....

Names of witnesses.....

Interpreters

Remarks

No objection about interested party

Written protest or request identifies incident

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FACTS FOUND

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Diagram of boat is endorsed by committee Committee's diagram is attached

CONCLUSIONS AND RULES THAT APPLY

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.....

DECISION

Protest: dismissed Boat(s) is (are) disqualified
penalized as follows :

Redress: not given given as follows :

Request to reopen a hearing: denied granted

Protest committee chairman and other members

.....

Chairman's signature

Date and time

Appendix A: ARBITRATION

- 1 RRS rule 44.1 is changed to permit a boat that has broken a rule of Part 2, Part 4 or RRS 31 to take a penalty after racing but prior to any protest hearing. Her penalty shall be a scoring penalty equal to a finishing place mid-way between the boat's actual finishing place and the score for a disqualification. Half points shall be disregarded and the points of other boats shall not be adjusted. For fleet racing and the application of HMS 3.3(b), the boat accepting this penalty will be given a finishing place in the heat equivalent to RET. RRS 63.1 is changed such that an arbitrator may allow a protest to be withdrawn.
- 2 An arbitration hearing will be conducted for protests lodged in accordance with RRS 61 which allege an infringement of a rule of Part 2, Part 4 or RRS 31. Such hearings will be held subsequent to the protest being lodged and prior to a protest hearing. For the purposes of the arbitration hearing, RRS 61.2 is amended so that a written protest form is not required.
- 3 The time and place of the arbitration hearing will be decided by the arbitrator and such advice may be given verbally. One representative of each boat will attend the arbitration hearing and no witnesses will be allowed. The arbitrator will decide the manner in which testimony is given.
- 4 After taking testimony, the arbitrator will make one of the following conclusions:
 - (a) The protest does not comply with RRS 61 (as amended) and the protestor should withdraw the protest.
 - (b) The matter shall proceed to a protest hearing. This may be because rules not suited to arbitration may be involved or because evidence is too complex or divergent or because injury, serious damage or a significant advantage may have occurred or because of the apparent severity of the alleged infringement or for any other reason decided by the arbitrator. The protestor shall have ten minutes from the conclusion of the arbitration hearing in which to complete and lodge a formal protest form.
 - (c) No rule was broken and the protestor should withdraw the protest.
 - (d) A rule was broken by one or more of the boats involved, the infringing boat(s) may accept a scoring penalty as detailed above and if so accepted, the protestor should withdraw the protest.
- 5 An arbitration hearing shall not be re-opened. No conclusion of an arbitrator shall be subject to appeal or be grounds for redress.
- 6 The decision of the arbitrator is non-binding, and either skipper may elect to progress to a full protest hearing. Protesting skippers shall have ten minutes from the conclusion of the arbitration hearing to complete and lodge a formal protest form.
- 7 Failure to attend an arbitration hearing may, at the discretion of the arbitrator or protest committee, result in an additional points penalty being added to the boat's score for that race.
- 8 Should the protest proceed to a protest hearing then the arbitrator may be a member of the Protest Committee. Any evidence given by an arbitrator during a protest hearing shall be given only in the presence of the parties to the hearing.

- boats' representatives were on board when required (rule 63.3(a)). When the *parties* were in different events, both organizing authorities must accept the composition of the protest committee (rule 63.8). In a *protest* concerning class rules, obtain the current class rules and identify the authority responsible for interpreting them (rule 64.4(b)).

M2.2 Determine if any members of the protest committee saw the incident. If so, require each of them to state that fact in the presence of the *parties* (rule 63.6(b)).

M2.3 Assess *conflicts of interest*.

- Ensure that all protest committee members declare any possible *conflicts of interest*. At major events this will often be a formal written declaration made before the event starts that will be kept with the protest committee records.
- At the start of any hearing, ensure that the *parties* are aware of any *conflicts of interest* of protest committee members. Ask the *parties* if they consent to the members. If a *party* does not object as soon as possible after a *conflict of interest* has been declared, the protest committee may take this as consent to proceed and should record it.
- If a *party* objects to a member, the remainder of the protest committee members need to assess whether the *conflict of interest* is significant. The assessment will consider the level of the event, the level of the conflict and the perception of fairness. It may be acceptable to balance conflicts between protest committee members. Guidance may be found on the World Sailing website. Record the decision and the grounds for that decision.
- In cases of doubt it may be preferable to proceed with a smaller protest committee. Except for hearings under rule 69, there is no minimum number of protest committee members required.
- When a request for redress is made under rule 62.1(a) and is based on an improper action or omission of a body other than the protest committee, a member of that body should not be a member of the protest committee.

M3 THE HEARING

M3.1 Check the validity of the *protest* or request for redress.

- Are the contents adequate (rule 61.2 or 62)?
- Was it delivered in time? If not, is there good reason to extend the time limit (rule 61.3 or 62.2)?
- When required, was the protestor involved in or a witness to the incident (rule 60.1(a))?
- When necessary, was ‘Protest’ hailed and, if required, a red flag displayed correctly (rule 61.1(a))?
- When the flag or hail was not necessary, was the protestee informed?
- Decide whether the *protest* or request for redress is valid (rule 63.5).
- Once the validity of the *protest* or request has been determined, do not let the subject be introduced again unless truly new evidence is available.

M3.2 Take the evidence (rule 63.6).

- Ask the protestor and then the protestee to tell their stories. Then allow them to question one another. In a redress matter, ask the *party* to state the request.
- Make sure you know what facts each *party* is alleging before calling any witnesses. Their stories may be different.
- Allow anyone, including a boat’s crew, to give evidence. It is the *party* who normally decides which witnesses to call, although the protest committee may also call witnesses (rule 63.6(a)). The question asked by a *party* ‘Would you like to hear N?’ is best answered by ‘It is your choice.’
- Call each *party*’s witnesses (and the protest committee’s if any) one by one. Limit *parties* to questioning the witness(es). (They may wander into general statements.)
- Invite the protestee to question the protestor’s witness first (and vice versa). This prevents the protestor from leading his witness from the beginning.
- Allow members of the protest committee who saw the incident to give evidence (rule 63.6(b)), but only while the *parties* are

- present. Members who give evidence may be questioned, should take care to relate all they know about the incident that could affect the decision, and may remain on the protest committee (rule 63.3(a)).
- Try to prevent leading questions, but if that is impossible discount the evidence so obtained.
- The protest committee chairman should advise a *party* or a witness giving hearsay, repetitive or irrelevant evidence that the protest committee must give such evidence appropriate weight, which may be little or no weight at all.
- Accept written evidence from a witness who is not available to be questioned only if all *parties* agree. In doing so they forego their rights to question that witness (rule 63.6(c)).
- Ask one member of the committee to note down evidence, particularly times, distances, speeds, etc.
- Invite questions from protest committee members.
- Invite first the protestor and then the protestee to make a final statement of her case, particularly on any application or interpretation of the *rules*.

M3.3 Find the facts (rule 63.6(d)).

- Write down the facts; resolve doubts one way or the other.
- Call back *parties* for more questions if necessary.
- When appropriate, draw a diagram of the incident using the facts you have found.

M3.4 Decide the case (rule 64).

- Base the decision on the facts found. (If you cannot, find some more facts.)
- In redress cases, make sure that no further evidence is needed from boats that will be affected by the decision.

M3.5 Inform the *parties* (rule 65).

- Recall the *parties* and read them the facts found, conclusions and *rules* that apply, and the decision. When time presses it is permissible to read the decision and give the details later.

- Give any *party* a copy of the decision on request. File the *protest* or request for redress with the committee records.

M4 REOPENING A HEARING (rule 66)

M4.1 When a *party*, within the time limit, has asked for a hearing to be reopened, hear the *party* making the request, look at any video, etc., and decide whether there is any significant new evidence that might lead you to change your decision. Decide whether your interpretation of the *rules* may have been wrong; be open-minded as to whether you have made a mistake. If none of these applies refuse to reopen; otherwise schedule a hearing.

M4.2 Evidence is ‘new’

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

M5 MISCONDUCT (rule 69)

M5.1 An action under this rule is not a *protest*, but the protest committee gives its allegations in writing to the competitor before the hearing. The hearing is conducted under rules similar to those governing a protest hearing but the protest committee must have at least three members (rule 69.2(a)). Use the greatest care to protect the competitor’s rights.

M5.2 A competitor or a boat cannot protest under rule 69, but the hearing request form of a competitor who tries to do so may be accepted as a report to the protest committee, which can then decide whether or not to call a hearing.

M5.3 Unless World Sailing has appointed a person for the role, the protest committee may appoint a person to present the allegation. This person might be a race official, the person making the allegation or other appropriate person. When no reasonable alternative person is

available, a person who was appointed as a member of the protest committee may present the allegation.

- M5.4** When it is desirable to call a hearing under rule 69 as a result of a Part 2 incident, it is important to hear any boat-vs.-boat *protest* in the normal way, deciding which boat, if any, broke which *rule*, before proceeding against the competitor under rule 69.
- M5.5** Although action under rule 69 is taken against a competitor, boat owner or *support person*, and not a boat, a boat may also be penalized (rules 69.2(h)(2) and 64.5).
- M5.6** When a protest committee upholds a rule 69 allegation it will need to consider if it is appropriate to report to either a national authority or World Sailing. Guidance on when to report may be found in the World Sailing Case Book. When the protest committee does make a report it may recommend whether or not further action should be taken.
- M5.7** Unless the right of appeal is denied in accordance with rule 70.5, a *party* to a rule 69 hearing may appeal the decision of the protest committee.
- M5.8** Further guidance for protest committees about misconduct may be found on the World Sailing website.

M6 APPEALS (rule 70 and Appendix R)

When decisions can be appealed,

- retain the papers relevant to the hearing so that the information can easily be used for an appeal. Is there a diagram endorsed or prepared by the protest committee? Are the facts found sufficient? (Example: Was there an *overlap*? Yes or No. ‘Perhaps’ is not a fact found.) Are the names of the protest committee members and other important information on the form?
- comments by the protest committee on any appeal should enable the appeals committee to picture the whole incident clearly; the appeals committee knows nothing about the situation.

M7 PHOTOGRAPHIC EVIDENCE

Photographs and videos can sometimes provide useful evidence but protest committees should recognize their limitations and note the following points:

- The *party* producing the photographic evidence is responsible for arranging the viewing.
- View the video several times to extract all the information from it.
- The depth perception of any single-lens camera is very poor; with a telephoto lens it is non-existent. When the camera views two *overlapped* boats at right angles to their course, it is impossible to assess the distance between them. When the camera views them head on, it is impossible to see whether an *overlap* exists unless it is substantial.
- Ask the following questions:
 - Where was the camera in relation to the boats?
 - 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? Fast panning causes radical change.
 - Did the camera have an unrestricted view throughout?

PROTEST COMMITTEE CHAIRPERSON/ ARBITRATOR LIST.

EVENT:.....

Note:

- 1. Suitable protest chairpersons/arbitrator can be identified prior to the event and listed on this table. They can then be assigned as required to hear a protest together with the additional members of the committee and recorded on the protest committee roster.**
- 2. Protest can be arduous on the protest committee/arbitrator. Care should be taken to shear the burden where possible not to allocate members who may have a conflict of interest.**

SER	COMMITTEE CHAIR	COMMENTS
1.		
2.		
3.		
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11.		
12.		
13.		
14.		
15.		

PROTEST COMMITTEE ROSTER

SER	RACE/ HEAT	COMMITTEE CHAIR	PROTEST COMMITTEE
1.			A. B.
2.			A. B.
3.			A. B.
4.			A. B.
5.			A. B.
6.			A. B.
7.			A. B.
8.			A. B.
9.			A. B.
10.			A. B.
11.			A. B.
12.			A. B.
13.			A. B.

PROTEST COMMITTEE ROSTER

SER	HEAT/ RACE	COMMITTEE CHAIR	PROTEST COMMITTEE MEMBERS
1.			A. B.
2.			A. B.
3.			A. B.
4.			A. B.
5.			A. B.
6.			A. B.
7.			A. B.
8.			A. B.
9.			A. B.
10.			A. B.
11.			A. B.
12.			A. B.
13.			A. B.
14.			A. B.
15.			A. B.



STATEMENT BY COMPETITOR
VALID CERTIFICATE RRS 78.2

78.2 When a *rule* requires a valid certificate to be produced or its existence verified before a boat *races*, and this cannot be done, the boat may *race* provided that the race committee receives a statement signed by the person in charge that a valid certificate exists. The boat shall produce the certificate or arrange for its existence to be verified by the race committee. The penalty for breaking this rule is disqualification without a hearing from all races of the event.

In accordance with RRS 78.2, I confirm that a valid certificate exists for

boat number

I agree, that a condition of my sailing in this event, is that I will produce the certificate within a reasonable time should it be requested by the race committee and understand that failure to do so will result in the penalty specified by the rule.

Skipper:

Race Officer:

Printed Name:

Printed Name:

Signature:

Signature:

Date:

Date:

NOTICE TO COMPETITORS

Competitors be advised that _____

Signed: _____

Race Officer:

Dated: _____

NOTICE TO COMPETITORS

Competitors be advised that _____

Signed: _____

Race Officer:

Dated: _____

NOTICE TO COMPETITORS

RESIZING FLEET (REF HMS)

Competitors are advised that the fleets will be resized on completion
of the A fleet heat in race

Signed: _____

Race Officer:

Dated: _____

.....

NOTICE TO COMPETITORS

RESIZING NUMBER OF FLEETS (REF HMS)

Competitors are advised that the number of fleets will be changed on
completion of the A fleet heat in race

Signed: _____

Race Officer:

Dated: _____