



THE PROTEST PROCESS FROM INCIDENT TO DECISION AND HOW TO SURVIVE “THE ROOM”

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March 21, 2018



BASIC PRINCIPLES

SPORTSMANSHIP AND THE RULES

Competitors in the sport of sailing are governed by a body of *rules* that they are expected to follow and **enforce**. A fundamental principle of sportsmanship is that when competitors break a *rule* they will promptly take a penalty, which may be to retire.

- ▶ Creates an affirmative obligation to protest when you believe someone has broken a rule.



AVOIDING PROTESTS

- ▶ Don't hit other boats
- ▶ Don't force a situation
- ▶ Remember the basic RoW rules (10, 11, 12, 13) almost always apply.
- ▶ Hail your intentions (even when it's not required)
- ▶ Your way is not always the right way



4 TYPES OF HEARINGS

- ▶ Straight-up protest (boat vs. boat or committee vs. boat)
- ▶ Redress (boat vs. committee)
- ▶ Misconduct (RRS 69 – PC vs. a person)
- ▶ Support Persons



THE INCIDENT



THE FORM



US SAILING PROTEST FORM also for requests for redress and reopening
www.usailing.org

Date & time received: 4/25/10 1300
Received by: [Signature]
Flag no: 2

Fill in and check as appropriate

1. EVENT: JY15 MWD Organizing authority: UMSC Date: 04/25/10 Race no: 9

2. TYPE OF HEARING
☒ Protest by boat against boat
☐ Protest by race committee against boat
☐ Protest by protest committee against boat
☐ Request for redress by boat or race committee
☐ Consideration of redress by protest committee
☐ Request by boat or race committee to reopen hearing
☐ Consideration of reopening by protest committee

3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING
 Class: JY15 Sail no: UM8 Boat's name: [Redacted]

4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS
 Class: JY15 Sail no: UM10 Boat's name: Jan / AL

5. INCIDENT
 Time and place of incident: leeward mark (2nd)
 Rule(s) alleged to have been broken: R-2 Witness(es): [Redacted]

6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?
☒ By hailing When? right after Word(s) used: Protest
☐ By displaying a red flag When? [Redacted]
☐ By informing her in some other way Give details: [Redacted]

7. DESCRIPTION OF INCIDENT (use another sheet if necessary)
 UM10 and UM8 overlapped when UM8 hit the zone. Both were port tack. UM8 was inside when UM10 reached the zone. There was about one boat length distance each other then. UM10 stated by saying "leeward" and became closer and closer to UM8. Right before UM8 rounded the mark. UM8 had almost no room to the mark, and there were only several inches distance for UM10. UM10 ignored UM8's protest and rounded inside of the mark.

Diagram: one square = one hull length
 Show position of boats, wind and current direction, marks.



WHAT'S NEXT?

▶ Protestor

- ▶ Magic word was said
- ▶ Flag?
- ▶ **Get back in the game**
- ▶ Notify RC required?
- ▶ Form?
- ▶ Where do you file?
- ▶ What's the protest submission time limit?
- ▶ When's the hearing?

▶ Protestee

- ▶ Did you break a rule?
- ▶ If yes > alt. penalty
 - ▶ What's the alt. penalty?
 - ▶ "as soon after the incident as possible"
 - ▶ **Get back into the game**
- ▶ If you believe no > **Get back in the game**
- ▶ Check notice board (or your email) for protests.



ARBITRATION



THE HEARING - PREPARATION

- ▶ Protestee allowed time to prepare
- ▶ Gather evidence
 - ▶ Photos, videos, GPS tracks
- ▶ Gather your witnesses
- ▶ Leave your cocktail and food outside the room



THE HEARING - PREPARATION



THE HEARING - INTRODUCTIONS



THE HEARING - CONFLICT OF INTEREST



THE HEARING - VALIDITY

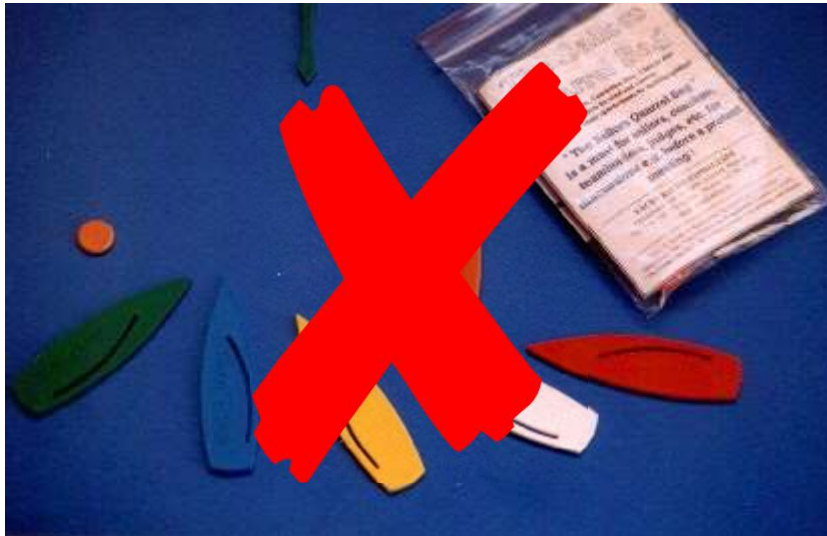


THE HEARING - PRESENTATION

- ▶ Protestor
 - ▶ Describes their side of the incident first
 - ▶ Questions protestee
 - ▶ PC questions
 - ▶ Witnesses
 - ▶ Summary Statement
- ▶ Protestee
 - ▶ Describes their side of the incident second
 - ▶ Questions protestor
 - ▶ PC Questions
 - ▶ Witnesses
 - ▶ Summary Statement
- ▶ Questions end with a “?”
- ▶ Don’t ask leading questions.
- ▶ Resist the impulse to interrupt a person’s testimony.
- ▶ Do not, under any circumstances, lecture the PC.



THE HEARING – BOAT MODELS



Don't play "yachteer-karate"



Create a static scenario

Pay attention to the physics of the scenario.
Place models at strategic rule inflection points.



THE HEARING – PHOTO / VIDEO EVIDENCE



THE HEARING - DELIBERATIONS

► Find Facts (non-appealable)

- Ann was *clear ahead* of Black Boat 45 seconds before the start
- Ann was moving slowly and had minimal steerage.
- Black Boat established an *overlap* less than 2 m to *leeward* of Ann.
- There was a black paint scuff and gel coat damage on Ann's port stern quarter after the incident.

► Reach Conclusions

- Black Boat did not give Ann *room to keep clear* when Black Boat acquired right of way, breaking rule 15
- Ann, as *windward* boat did not *keep clear* of Black Boat, breaking rule 11, but is exonerated by rule 21.
- There was contact between the boats, breaking rule 14. Ann could not reasonably avoid contact; Black Boat could have reasonably avoided contact, the contact caused damage and she is therefore not exonerated by rule 14(b).

► Render Decision

- Black Boat is DSQ from race #



THE HEARING - DECISION

- ▶ Be gracious – shake hands, thank the PC
- ▶ Don't argue with the PC about their decision – they are not going to change their minds – and you're headed down the rule 69 trail.
- ▶ If you think the PC reached the wrong decision:
 - ▶ Request a reopening (requires “significant” new evidence)
 - ▶ Appeal (ask for the decision in writing)



REDRESS



REDRESS

- ▶ . . . a boat's score or place in a race or series . . . , **through no fault of her own**, made **significantly worse** by:
 - ▶ **Improper act or omission** of race officials (but not a protest committee when boat was a *party* to the hearing)
 - ▶ **Injury or damage** because another boat broke a rule of Part 2 (When Boats Meet)
 - ▶ **Giving help** . . . in compliance with Rule 1.1
 - ▶ An action of a boat . . . resulting in a penalty under **rule 2 or . . . rule 69.2(b)**.



RULE 69 - MISCONDUCT



SUPPORT PERSONS



QUESTIONS?

