

### THE PROTEST PROCESS

## FROM INCIDENT TO DECISION

AND HOW TO SURVIVE "THE ROOM"

**Matt Bounds** 

**US Sailing National Judge / National Race Officer** 







#### **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**



Protest by boat against boat   Request for redress by boat or race committee   Protest by boat against boat   Request for redress by boat or race committee   Protest by protest by race committee against boat   Request for redress by protest committee   Protest by protest by race committee against boat   Request by boat or race committee   Protest by protest committee   Protest by protest committee   Protest by protest committee   Protest by protest committee   Protest by race rome   Protest by protest committee   Protest by	PROTEST FORM  Date & time received. #12.5 fro. 1500  SALLING. also for requests for redress and reopening.  Received to 25 fro. 25 fro
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#### 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

**Detroit Regional Yacht-Racing Association** 

- 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



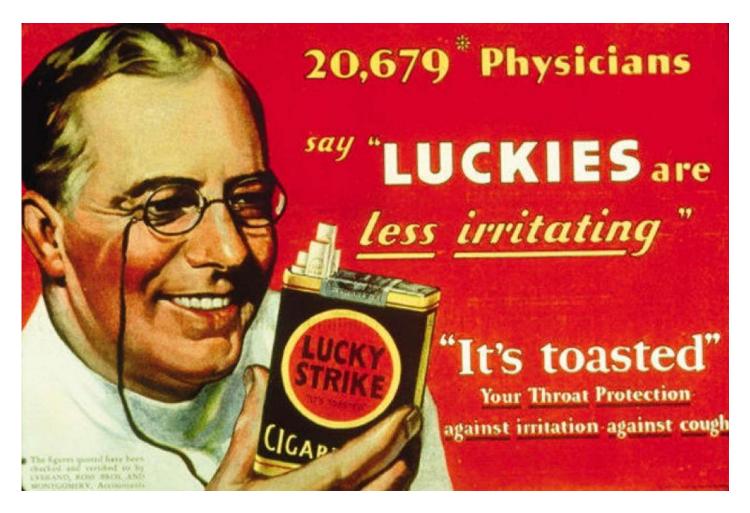


## **THE HEARING - INTRODUCTIONS**





### 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 "yachtee-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)



## **R**EDRESS





#### **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?**



