

TO: US SAILING SPRING MEETING ATTENDEES

FR: DICK ROSE, CHAIR, RACING RULES COMMITTEE

There are some important proposals under consideration that would make substantial changes in Part VI of the racing rules. Without arguing pro or con, I present these ideas and invite your comments. Please refer to the proposals by the names given below (e.g., "Penalties 2"). Place your comments in the box labelled "Racing Rules Committee" at the Registration table. Thanks!!

PENALTIES

The Status Quo: Fundamental Rule D requires you to take a penalty promptly if you realize you have broken a rule while racing. The rule requires you to retire promptly unless the sailing instructions state, as they often do, that you can take an alternative penalty, either a 720 or a scoring penalty, for an infringement of a right-of-way rule.

Possible Changes: (Penalties 1) Having thought about his surveys (See Rules Corner, Feb. & Apr. '94), Bryan Willis now recommends that Fundamental Rule D be changed "so that there is no obligation to retire (or take a penalty) when [you] realize that [you] have infringed a rule of Part IV." He believes that Fundamental Rule D is extensively ignored today and that this leads to two undesirable consequences: Those who sail by that rule are, obviously, at a disadvantage compared to those who do not. Also, when any rule, particularly a "fundamental" rule, is ignored, this "leads to disrespect for the rules in general." The change Bryan recommends would solve these two problems.

(Penalties 2) A second possibility being discussed is moving the alternative penalties from the appendices into the racing rules. We would then specify in the sailing instructions whether System 1, the 720, or System 2, the scoring penalty, applied in a given event. This change would recognize that one of these two penalties is used in virtually all events today.

(Penalties 3) A third idea under consideration is the addition of an alternative penalty for handicap racing in the form of a time penalty. This could be a fixed amount of time, say 30 seconds, or a percentage, say 1/2%, of elapsed or corrected time.

PROTESTS

The Status Quo: Any boat can protest any other boat. If the protesting boat files a valid protest (i.e., correctly surmounts all the barriers that rule 68 imposes), then an often lengthy hearing is held with both parties enjoying many of the protections offered by courts of law. If the protest committee finds that any boat broke a rule, that boat is disqualified.

Possible Changes: (Protests 1) Bryan Willis has made a second recommendation based on his surveys. He suggests that a boat should not be permitted to protest under a right-of-way rule unless she herself was involved in the incident. This means that right-of-way incidents are strictly between the boats involved in the incident. If they choose to ignore an infraction, it's their business and there would be no penalties. Bryan asks why, if two boats are involved in an incident, should a third boat benefit? If the two in the incident are ahead of the third and can stay there despite their incident, then they have beaten that third boat, and there is no reason why she should be able to protest them. The change Bryan suggests could be accomplished by removing rule 33 and rewriting rule 68.

(Protests 2) Graeme Hayward has developed a "Fast Track Protest Procedure." It differs from the current procedure in several ways. No written protests are required. The skippers of the boats involved are each allowed just two minutes to present their evidence and one minute for final summation. Only a member of the protest committee may call a witness. The time for questioning is not restricted. Witnesses will often be a member of the protest committee, all of whom are on the water observing the race. Requests for reopening a hearing will generally not be accepted. The facts found need not be recorded, and no written decision is made available to contestants. No appeals are permitted. This procedure was tested at two major team racing events in Canada. In the first, with six teams competing, eight protests were decided in 1 hour 45 minutes; in the second, seventeen protests were decided in 3 hours. That works out to about twelve minutes per protest! Hayward results that the competitors' reactions were very positive.

(Protests 3) Another idea: when there was obviously contact between boats, remove the requirement for the immediate display of a protest flag be flown and hail of "Protest". This would allow protest committees to hear protests now found to be invalid on what many competitors feel is a technicality.

(Protests 4) Allow lesser penalties than disqualification for offenses that the protest committee judges not to have had a significant impact on the race results.

APPEALS

The Status Quo: A boat may appeal a protest committee's interpretations of the racing rules, provided she follows the procedure set out in rule 78. In the USA, the appeal will go first to a local association appeals committee, and their decision can be appealed to US SAILING. This process often takes months. If the appellant prevails, the results of the race will be changed. If an appeal to US SAILING is judged to be of general interest, it will be published. The more interesting national-level appeals find their way into the IYRU Case book. Such published cases and appeals are studied by competitors and can be cited as authoritative interpretations in protest hearings.

Possible Changes: Two possibilities are being discussed.

(Appeals 1) Under the first, an appeal would be handled as it is now, the appeal decision could change the race results, but no appeals decisions would be published. Instead, appeals decisions made by a national governing organization, such as US SAILING, would be forwarded to that body's racing rules committee so that ambiguous rules could be improved when the rulebook was next revised. This plan would have the advantage that competitors would no longer need to study immense volumes of appeals decisions.

(Appeals 2) Under the second plan, an appeal of a rule interpretation would be permitted, but the results of the race would not be changed. As in the first plan, no decisions would be published, and decisions would be forwarded to the rules committee. This would permit both competitors and protest committees to obtain authoritative interpretations of the rules from US SAILING, but it would make decisions made at the regatta final. Race results would not depend on appeals decisions made months later.