

## **MODULE 10    MANAGING PROTESTS**

### **1.    OBJECTIVE**

Following completion of this module, you will be able to manage any requests from skippers to lodge a protest, submit protests in relation to incidents the Race Committee observes and handle the outcome of protests.

### **2.    REFERENCES**

For this module, you will need access to the current versions of the following references:

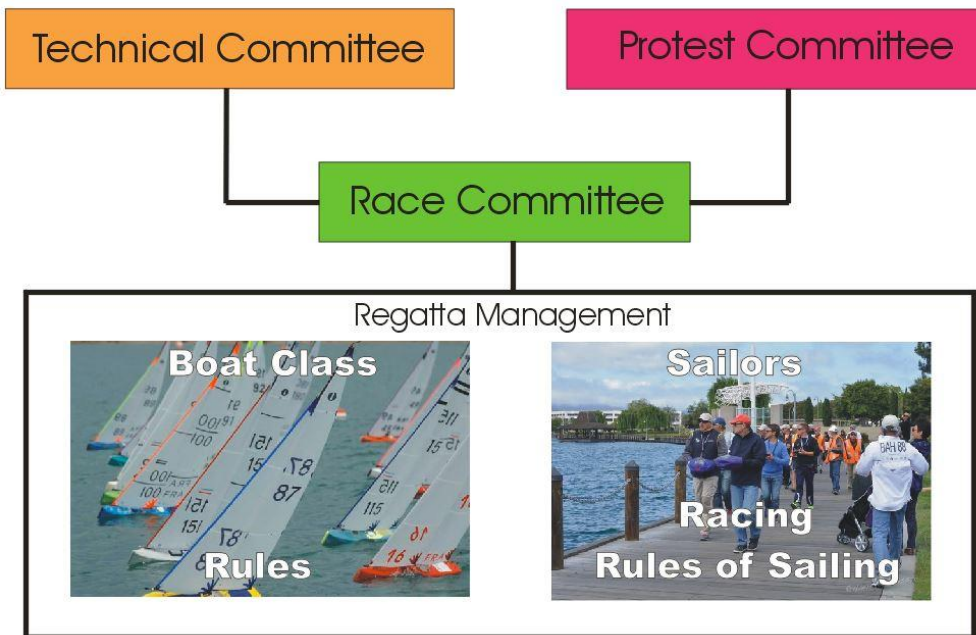
- a.      Racing Rules of Sailing 2017 – 2020 (RRS);
- b.      ARYA Race Management Manual (ARYA RMM);
- c.      ARYA Standard Notice of Race (ARYA SNOR);
- d.      ARYA Standard Sailing Instruction (ARYA SSI); and
- e.      Heat Management System 2016 (HMS 16).

### **3.    SUGGESTED READING**

Have a read of the following (most of the answers can be found here):

- a.      RRS:
  - 2      Fair Sailing
  - 60     Right To Protest etc.
  - 61     Protest Requirements
  - 62     Redress
  - 63     Hearings
  - E4.3   Taking a Penalty
  - E5     Racing With Observers and Umpires
  - E6     Protests and Requests For Redress
  - E 7     Penalties
  - M     Recommendations for Protest Committees (scan this Appendix).
- b.      ARYA RMM:
  - 16     Page 12 - Corrections due to Scoring Errors or Request for Redress
  - 17     Page 13 - Race Committee Protests.
- c.      ARYA SSI:
  - 11     Protests and Request for Redress
  - 17     Conduct
  - Appendix A - Arbitration.
- d.      HMS
  - 1.7    Protests
  - 1.8    Redress.

#### 4. REGATTA ADMINISTRATION STRUCTURE



The Technical and Protest Committee each work hand-in-hand with the Race Officer though they are not under the direction of the Race Officer.

The opening paragraph of RRS is titled BASIC PRINCIPLES under SPORTSMANSHIP AND THE RULES. It states:

*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.*

The Race Officer heads the Racing Committee to run an event in accordance with the rules and procedures. The Race Officer has no authority to change RRS or introduce 'Local Rules' or enforce what he thinks the rule should be. The Race Officer's powers are restricted by the rules and their role is to enforce those rules.

If there is a misunderstanding of the rules then we need an adjudication system for disagreements. A Protest Committee is formed to interpret the facts and apply the rules in a protest hearing under the Racing Rules of Sailing (RRS). The Protest Committee is independent of the Race Committee, but is appointed by either the Race Committee or the Organising Authority

#### 5. WHO CAN LODGE A PROTEST?

In RC sailing, we may do fifteen races in a day. That's fifteen starts, fifteen finishes, and 60 or more mark roundings multiplied by the number of fleets and boats in each race. Add to that the additional problems of depth perception and the speed with which incidents come and go and the opportunity for a contact is greatly magnified ... protests are going to happen!

The sport of RC sailing is a sport of skill and part of that skill is understanding the RRS. Since fleet racing is based on competitors following and enforcing the rules, this makes a thorough understanding of the rules a very important part of racing skill.

Primarily RC sailing utilises the 'self-policing' aspects inherent in the Racing Rules of Sailing. The following parties may call a protest for an infringement of the Class Rules or Racing Rules of Sailing:-

- **1. A technical committee** may protest a boat, if it decides a boat or personal equipment does not comply with the class rules (Reference: RRS 60.4).
- **2. A protest committee** may protest a boat
  - (i) if it learns of an incident involving her that may have resulted in injury or serious damage, or
  - (ii) if during the hearing of a valid protest, it learns that the boat, although not a party to the hearing, was involved in the incident and may have broken a rule.  
(Reference: RRS 60.3)
- **3. A race committee** may protest a boat. The Race Officer should limit protests to incidents they observe where:
  - (i) there is a gross infringement of the rules or;
  - (ii) a contact called by the Race Officer/Observers has not been resolved; or
  - (iii) if the boat gained a significant advantage in the heat or race by her breach despite taking a penalty (E4.3b).  
(Reference: RRS 60.2)

The Race Observers or Race Officer may call contact between boats or with marks, but have no powers to direct an individual boat to undertake a penalty.

In the event of a boat sailing on the incorrect side of a buoy, Race Observers are not permitted to alert the skipper, but to note down which buoy, which lap of the course and which boat was involved and report to the Race Officer. The RRS places the burden on the skipper to sail the correct course (RRS 28.2) and does not allow outside assistance under RRS E4.2.

When a Race Officer protests a boat/s they should prefix their hail with “RO” or “Race Officer” so it will not be mistaken by a skipper as a protest from a competitor. While observing an incident the Race Officer should consider the following:

- (i) Was a valid protest hail made at the time of the incident?
- (ii) Did the boat get well clear of the fleet before commencing its penalty turn?
- (iii) Was the penalty taken as soon as possible?
- (iv) Did the offending boat gain a significant advantage because of the breach?
- (v) Was any boat damaged in the incident?

Since the operative word in RRS 60.2 is ‘*may*’ the Race Officer is under no obligation to protest a boat when the competitors themselves fail to do so, even when he knows the facts that would justify a protest.

As a general rule, a Race Officer should not get involved with inter-boat issues. These should be left to the skippers to resolve. However, skippers involved in an incident may argue between themselves for an extended period of time with the aim that it will all become ‘too hard’ to resolve and result in neither of them doing a penalty. This behaviour is against both the intent and spirit of the RRS in general and RRS 2 (*Fair Sailing*) in particular. The Race Officer should make every effort, which may include protesting both boats, to stop this practice.



- **4. A boat** **may protest** another boat, but not for an *alleged* breach of a rule of Part 2 (*When boats meet*), Part 3 (*Conduct of a Race*) or Part 4 (*Other Requirements When Racing*) unless she was scheduled to sail in that heat. (Reference: RRS 60.1, E6.1).

  - (i) A skipper, involved in an incident, where another boat has broken a rule is entitled to protest.
  - (ii) When a skipper is NOT involved but was scheduled to race in the heat/race in which an incident occurred, sees another boat breaking a rule and not taking a penalty, is entitled to protest.
  
- **5. A boat may protest** to seek redress. A request for redress or a protest committee's decision to consider redress shall be based on a claim or possibility that a boat's score or place in a race or series has been or may be, through no fault of her own, made significantly worse by:-

  - (i) external radio interference acknowledged by the Race Committee, (Reference RRS E.6.6)
  - (ii) becoming disabled because of the action of a boat that was breaking a rule of Part 2 (*when boats meet*) or of a vessel not racing that was required to keep clear.
  - (iii) In all heats the finishing place of a boat may only be adjusted if the boat was on the last leg of the course when the incident occurred. (Reference HMS 1.8)

The request is to be submitted on the standard protest form with the Request for Redress box ticked.

- (i) The request must be received in the time frame for a protest and shall be based on a claim that a boat's score in a heat/race or series has been made significantly worse by one or more of the actions listed (Reference RRS 62.1).
- (ii) There is no provision within the rules for a boat to protest the Race Committee or Race Officer for breaking a rule. A boat may seek redress under RRS 62.1(a) but is

required to show, that through no fault of her own, her score in a heat/race or series has been made significantly worse by an act or omission of the Race Committee or Race Officer.

If a boat makes contact with another boat and does not think it has broken a rule it is not compelled to protest. Even if it does protest there is no requirement within the rules that compels the protester to go through with it.

Another boat can be protested without filing a written report. The hailed boat (*protested*) boat may take a voluntary penalty that will usually resolve the incident.

Note that neither a boat nor a committee may protest for an alleged breach of rule 5 (*anti-doping*) 6 (*betting & anti-corruption*) 7 (*disciplinary code*) or 69 (*misconduct*) (Reference RRS 60.5).

## **6. ALTERNATIVE PENALTY** (Reference: RRS E4.3)

Protests are time consuming, and participants often are dismayed when sailing time is lost to these procedures. The Race Officer should make every attempt to encourage skippers to sort their disputes out on the water. This can be done under the racing rules using Alternative Penalties.

A boat may take a One-Turn Penalty when she may have broken one or more rules of Part 2, (*when boats meet*) or rule 31(*touching a mark*) in an incident while racing. However,

- (i) when she may have broken a rule of Part 2 and rule 31 in the same incident she need not take the penalty for breaking rule 31;
- (ii) if the boat gained a significant advantage in the heat or race by her breach despite taking a penalty, her penalty shall be an additional One-Turn Penalty; Reference E4.3(b).

RRS 44 does not prohibit doing a penalty while carrying out another manoeuvre such as rounding a mark. The penalty can be performed while re-rounding the mark but must be completed before crossing the line.

If the boat caused serious damage, or as a result of breaking a rule of Part 2 she caused another boat to become disabled and retire, her penalty shall be to retire.

When a boat takes a penalty at or near the finish line, she shall sail completely to the course side of the line before finishing.

Completing a penalty turn does not always mean the incident cannot be the subject of a protest hearing. In some cases a turn does not exonerate the incident and a boat or Race Officer may protest because the boat taking the penalty:

- (i) did not get clear or keep clear of other boats before taking the turn;
- (ii) did not attempt to do the penalty as soon as possible after the incident;
- (iii) did not complete the penalty turn;
- (iv) caused serious damage (*this may be considered to include damage that prevents a boat from continuing in a heat/race or adversely affects its result*).
- (v) gained a significant advantage; or
- (vi) breaches RRS 2(*Fair sailing*).

## **7. AFTER THE FINISH**

The Race Officer shall check with Observers for any outstanding infringements.

- (i) A boat that finishes, but has been observed not to have sailed the course correctly (*missed a buoy, hit a buoy etc.*), must be recorded as finishing and assigned a position.
- (ii) The RO must protest the boat under RRS 28(*Sailing the course*) for it to be disqualified.
- (iii) Prior to protesting the Race Officer should approach the skipper and advise them that they have been observed to sail the course incorrectly. The Race Officer may say:-



***“You were observed to have not sailed the course in that  
you \_\_\_\_\_;  
Do you wish to retire or for me to take you to protest  
under RRS 28?”***

**The Race Officer cannot disqualify** a competitor unilaterally. There must be a protest hearing.

#### **8. INFORMING THE RACE COMMITTEE OF THE INTENTION TO PROTEST**

A protesting skipper is to inform the Race Officer of the intention to protest and to lodge a valid protest or to request redress. It is important to note the finishing time of the race, as there are time limits specified as to how long a skipper has to lodge a protest after the last boat finishes.

- (i) RRS E6.4 is amended by the ARYA Sailing Instructions 11.3 so that a boat intending to protest or request redress about an incident in the racing area or control area shall inform the Race Officer as soon as reasonably possible after finishing or retiring and, in multiple fleet racing, prior to the preparatory signal for the next race.
- (ii) RRS E6.5 allows a competitor ten minutes from the time the last boat finishes in the heat to physically lodge their protest form.

In a multi-heat RC regatta under HMS, a protest that affects boats scheduled to start in the next heat must be settled before the next heat can start.

#### **9. ARBITRATION:**

Depending on the provisions in the Sailing Instructions for protests where a rule of Part 2 (*when boats meet*) is alleged to have been broken, an arbitration hearing may be offered prior to any formal protest hearing.

If the matter cannot be resolved by the competitors, the RO may nominate an arbitrator if applicable or form a protest committee to hear the matter.

The ARYA arbitration system is set out in the Sailing Instructions. The system is supposed to take only a very short time, and the recommendation of the Arbitrator is not binding on either skipper. An arbitration/protest is not about who made a mistake but rather, it is often the result of someone not understanding the rules or which rule to apply. Arbitration is therefore a learning opportunity and the best outcome is that everyone benefits from understanding the rules better.



## **10. PROTEST PROCEDURE**

When the Race Officer is advised that a boat intends to protest or request redress, they are to:

- i. determine if an Arbitrator or Protest Committee is required;
- ii. issue a Protest Form;
- iii. write the time the last boat finishes and the time the RO was informed of the protest/redress on the top of the form;
- iv. determine if the protest/redress has to be heard immediately or advise those concerned of the time and place of the hearing;
- v. select an Arbitrator/Protest Committee; and
- vi. advise Scorers of the outcome of the hearing.

How the Protest Committee interprets the facts and applies the rules in a protest hearing is beyond the RO's control. The RO's job is to refer the incident to the Protest Committee and allow them to process the information.

It is vital to remember to advise the Scorer of the outcome of any Protest Committee decision.

**END OF MODULE 10**