

RACING RULES AND PROTESTS

With A New Plan For NYC



Why do we have The Racing Rules of Sailing?

We know we need to have rules to avoid collisions, so why not just use the Marine Collision Regulations? Because it is a **race**, and we are trying to get to the finish line before our opponents, it would take much of the fun away if in every encounter both boats were obligated to give way. When we have managed to put ourselves in an advantageous position (starboard, leeward, clear ahead, inside), The Racing Rules of Sailing allow us to influence the course and/or speed of an opponent boat, by requiring only the give-way boat (port, windward, ahead, outside) to **keep clear**, even if that means it has to sail a longer or slower course. While we always try to sail faster than our opponents, it adds to the fun to be able to influence our opponent's race, to hold or increase our advantage, or to pass them.

Why do boats break rules?

Nobody intentionally breaks a racing rule. A boat breaks a rule most often due to a miscalculation of speed, distance, or boat-handling. While racing we push our boats, and ourselves, as hard as we can to win. In many situations, to determine if our boat is the right-of-way or give-way boat, it is a matter of only a short distance or time, and it can change quickly. Boats also break rules due to a misunderstanding of how the rules apply in a close situation.

What happens when a boat breaks a rule?

The rules are very clear as to what **SHOULD** happen when a boat breaks a rule: "A boat may take a ... penalty when she may have broken one or more rules of Part 2 ...". The section of the rules that discusses voluntary penalties does not mention the word "protest". The very first paragraph in the text of the rules says: "A **fundamental principle** of sportsmanship is that when competitors break a rule they will promptly take a penalty...". If you think you **MAY** have broken a rule, don't wait for another boat to protest, just take the prescribed voluntary penalty!

Important! For NYC Club racing, the "Turns" penalty is changed. If the incident is not within the three-length Zone at a mark, a boat may take a One-Turn Penalty. If the incident happens within the Zone, it requires a Two-Turns Penalty.

Important! If the Y-flag is in use, there are **NO** Turns penalties! To take a penalty you must promptly display your yellow flag, call attention to it when you finish, and accept a 20% Scoring Penalty. Remember: Y-flag on Maushope = Yellow-flag penalties

What if I think the other boat broke a rule, but I'm not sure which of us did?

If you have a close encounter with another boat, and it is apparent that at least one of you broke a rule, and the other boat is not promptly taking a penalty, you may take your own penalty and protest the other boat. Taking a penalty does not mean you admit fault! While you are "getting well clear" to take your penalty (or displaying your yellow flag), you may also hail "protest" and display your protest flag, then take your penalty. Don't wait until after your penalty! When you do this, and file your protest, it's like going to Tribal Council wearing the immunity necklace. You can't be voted off the island, or even penalized (unless there was damage or injury).

Why should I protest if the other boat didn't slow my progress?

A boat that breaks a rule, and does not take a penalty, gains an unfair advantage. Even if your boat stays ahead of the culprit, every other boat in the race is affected. Going back to

the opening sentence of the rules text: “Competitors ... are governed by a body of rules that they are expected to **follow and enforce**.” It is part of our sport’s fundamental principals that we are obligated to enforce our own rules. Unlike other sports, we do not have referees watching our every move ready to throw a flag. We have to “throw” our own flag. This is an obligation of the *Corinthian Sailor*.

May I wait and think about it?

No. If you are going to take a penalty, it must be “**as soon as possible**”. If you are going to protest, it must be “**at the first reasonable opportunity**”, which is usually immediately. If you wait, your penalty, or your protest, will be invalid. If you hail protest and display your flag, you may later change your mind and drop the protest, but you should only do that if you become convinced that the other boat did not break a rule, not just because you finished in front of them. Remember, when a boat breaks a rule and does not take a penalty, it affects everybody in the race.

I hailed “protest” and displayed my protest flag. What happens next?

It is helpful to tell the RC that you intend to protest, and the identity of the boat you are protesting.

We are encouraging all parties involved in a protest to consult with other knowledgeable sailors, either right after the race, or ashore during “protest time”. With Tuna Wullschleger no longer with us, we do not have the luxury of an arbitrator waiting for us in the Club lobby.

You may decide, either on your own or after consulting with others, that you may have broken a rule. Assuming you did not take a penalty during the race, you should inform the Jury Secretary that you “retire” from the race.

Get a Protest Form from the Jury Secretary, and fill it out. Keep it simple. As long as you state the identity of the protestor and protestee, the incident in brief, where and when (on the course) it happened, then your protest form will be valid. Everything else, including which rule may have been broken and a diagram is optional. Return the form to the Jury Secretary within the posted time limit.

What is Consultation?

Consultation is not in the rulebook, but it is part of the new plan for dispute resolution for NYC Club racing. Whether you are protesting a boat, or being protested yourself, you are encouraged to talk about it with other knowledgeable sailors. Specifically, Eric Robbins and/or Justin Assad will be available to you, although you may need to find them in their offices. Or, you may consult with anyone you feel would be helpful. The person who advises you may tell you what they think will happen if the protest goes forward, how strong or weak they think your case is, or even how best to present your testimony in “the room”.

Nobody took a penalty during the race. When will my protest be heard?

Starting this year, the sailors at NYC have volunteer to staff protest committees on every race day. Protest hearings may begin as soon as a protest form is filed, and both parties are available. All skippers need to check the Notice Board to see if they have been named as a party or a witness to a protest.

What are the new procedures for protest hearings?

The procedures listed in Appendix M will be followed. The Protest Committee will first determine the validity of the protest, then conduct a hearing. Protest hearings will be open to all who wish to observe, but observers may not speak, and may not leave the room until the conclusion of all testimony.

Who will hear the protest?

Knowledgeable sailors from the NYC racing program have signed up to serve on Protest Committees. While they may not be certified Judges, they are motivated to improve our racing program with fair and impartial hearings.

What if I think the Protest Committee made a mistake?

You may request within 24 hours for the Protest Committee to reopen the hearing, but they will do so only if you can show that new evidence has become available, or that they have made a significant error.

US Sailing provides for an avenue of appeal. While the facts found by the PC cannot be appealed, you may appeal the PC's interpretation or application of the rules. The Appeals procedures can be found in Appendix R.

How can we learn more about protest committee procedures, and how to be a good Judge?

On **Wednesday, July 3**, from 2:30-4:30pm, Eric Robbins will offer a seminar on how to run efficient, effective protest hearings at the NYC. This seminar will include step-by-step actions for the protest committee, how to maintain decorum when emotions rise, how to write a protest decision, what to ask and what not to ask the parties.

On **Friday, August 8**, US Sailing will present a full-day, 8:00am-5:30pm, seminar designed for sailors who wish to learn about judging and become certified as a Club Judge. This seminar will include a written exam.

SUMMARY

- 1 Racing sailors are obligated by our basic principles to follow and enforce the rules of our sport.
- 2 A voluntary penalty during the race is a One-Turn Penalty, unless the incident happens within the three-length Zone. Under Y-flag, the penalty is 20% instead.
- 3 Protests should be reported to the Race Committee upon finishing or retiring.
- 4 Competitors are encouraged to seek consultation after racing.
- 5 Either with or without consultation, a protestor may:
Drop the protest **OR** Proceed to a protest hearing
- 6 Either with or without consultation, a protestee may:
Retire from the race **OR** Defend at a protest hearing
- 7 Protest hearings will be held every race day, as soon as possible.
- 8 Protest hearings will be open to observers.
- 9 Seminars will be offered on July 3 and August 8.