
From The Jury Desk – The CYA Judges Newsletter

Notice 26 – June 2010

Atlantic Canada Certification Committee

Lead by an initiative of the Nova Scotia Yachting Association, and in agreement with the PSA's of Newfoundland & Labrador, Prince Edward Island and New Brunswick, the region has pooled their resources and formed the **Atlantic Canada Certification Committee**. Its members are Frank Denis, the Executive Director of NSYA, Judy Lugar, a Regional Judge, and Warren Nethercote, an International Judge.

The Atlantic Canada Certification Committee is responsible for the training and certification of Club Judges for the four provinces participating. A Club Judges Application should be sent to the NSYA Office.

Protest Philosophy

Dave Dellenbaugh recently wrote an article, directed at sailors, entitled "Protest Philosophy". In it he describes the difficult decision that a sailor faces when fouled – to protest or not. His solution to the sailor was to establish a 'protest philosophy' and decide before hand under what circumstances they would protest and under what circumstances they would not protest. This same dilemma also is faced by a judge.

A judge on-the-water often sees an incident where a boat has clearly broken a rule, yet no hail of protest is heard and no protest flag displayed. We know that sailing is one of the few sports where rules are expected to be enforced by the competitors themselves, so every boat has a certain responsibility to protest when another boat breaks a rule. We also know that there is no rule that requires a boat to protest. Right to Protest, Rule 60, reads, "A boat may protest another boat ...". The same rule also makes it optional for a protest committee (read judge) to protest a boat. In other words, protesting is optional. Since it is optional, as a judge, you must make a choice – protest or not!

How you decide whether to protest or not will depend on a number of factors, not the least of which is your personal approach to this question. Some might answer "That's the competitor's responsibility – not mine". This judge will likely never protest no matter how grievous the situation. Another judge might decide to protest only if there is no other boat in the vicinity to see it – example – a boat touches a mark with no other competitor nearby and does not take a one turn penalty. As chair of the protest committee or jury, this question should be discussed before the event. You must know how your panel is likely to react.

Finally, there are classes that are asking the on-the-water judges to be active and whistle a boat that has broken a Part 2 rule. How will you respond to an invitation to an event of that class if you hold a contrary philosophy? It would certainly be inappropriate to accept the invitation and then not follow the wishes of the class. As judges, we really do not have the luxury of applying only those rules on which we agree.

If you care to share your thoughts on this subject, that may help the new judge wrestling with their approach.

Use of a Camel-back

At the beginning of June a request was received by an OA asking to allow a sailor to use a 'camel-back' drinking container full of orange juice because the young sailor was a diabetic. It would appear that the sailor had been allowed to use this type of beverage container locally but now he was entering a championship of major importance.

The coach who made the request was informed that such a device was prohibited. Rule 43.1a prohibits 'clothing or equipment for the purpose of increasing their weight.' As well, Case 89 was also cited:

CASE 89

Rule 43.1(a), Competitor Clothing and Equipment

A competitor may not wear or otherwise attach to his person a beverage container.

Question

Does rule 43.1(a) permit a competitor to wear or otherwise attach to his person a beverage container while racing?

Answer

No. Except on a sailboard, there is no necessity for such a practice, and therefore its primary purpose must be considered to be to increase the competitor's weight. (Note that rule B2.1(b) modifies rule 43.1(a) for windsurfing competition.)

ISAF 1997/1

Although reluctantly accepting of the decision, the coach asked whether this matter should be pursued with ISAF. The OA complied and contacted Alastair Fox, ISAF Competition Manager. ISAF responded the day after receiving the question. The pertinent information is repeated:

"... At the 2009 ISAF Annual Conference the Medical Commission decided that a diabetic sailor should be advised that they cannot use a camelbag. Some of the arguments for this decision were that a sailor can carry sugar in the boat and they can arrange that a coach is always as close as possible to look after them. Medically seen a diabetic never needs a permanent sugar supply. Also they can always tell the organisers as well to keep an extra look.

It is also recommended by ISAF that the sailor should apply for a TUE (Therapeutic Use Exemption) as insulin is on the WADA prohibited list, particularly if they are planning to compete regularly in major championships."

As the newsletter is sent to the Provincial Sailing Associations, a number of coaches as well as judges, the information is worth sharing. Although acceptance may be shown at a local level, the athlete, coach (and perhaps the parents) should be prepared for what is and is not allowed at a higher level of competition.

New US PRESCRIPTIONS, EFFECTIVE JULY 1, 2010:

The prescriptions that are about to take effect in the United States may have some cross border implications for protest committees in Canada. A US athlete participating in a Canadian event might assume that they have the same rights in Canada. As a PC chair you might be placed in the position of having to explain to an athlete or coach that the US prescriptions only applies in the US.

Similarly, Canadian coaches and athletes should be aware of the new prescriptions if you are attending an event in the US where the prescriptions are being used. It may be necessary to have your voice heard when redress is being considered and the prescription contains the vehicle to do that. Of course filing a request for redress on your own is always an option.

USSA Prescriptions Effective July 1, 2010

Prescription to rule 60:

US SAILING prescribes that when redress has been requested or is to be considered, any boat may participate in the hearing provided she makes a written request before the hearing begins. When she does so, the protest committee shall act under rule 60.3(b) to consider redress for her at that hearing.

Prescription to rule 63.2:

US SAILING prescribes that when redress has been requested or is to be considered, the protest committee shall make a reasonable attempt to notify all boats of the time and place of the hearing and the nature of the request or the grounds for considering redress. Before holding the hearing, the committee shall allow reasonable time for boats to make written requests to participate.

Prescription to rule 63.4:

US SAILING prescribes that when practicable:

(a) no person who brings an incident to the attention of the protest committee or who will give evidence at the hearing shall be a member of the protest committee; and

(b) if a boat files a request for redress based on a protest committee decision, her request for redress shall be heard by a new committee that contains no members of the original committee.

National Judge Seminar

The 2010 CYA Judges Program requires that a Regional Judge or a National Judge attend a sanctioned Judge Seminar within their four year certification cycle. The seminar will target those who are seeking certification or recertification as a Regional or National Judge within the next four years.

CORK has offered to host a National Judge Seminar and is subsidizing the event.

The seminar will run Thursday evening and all day Friday.

August 19, 2010 – 1800 to 2100

August 20, 2010 – 0900 to 1700

The cost for the seminar is \$25 payable to CORK. Details will be posted on CORK’s website.

Meals and accommodations are extra.

This is a unique opportunity. Anyone who is planning to attend the seminar, and who would like to be part of the jury for CORK International should make their intentions known by e-mailing the CORK Office at sail@cork.org. CORK International runs from August 16 to 19. As part of the jury, CORK will contribute to their travel and accommodation costs for successful candidates.

There may be additional opportunities to volunteer for CORK.

There are three events:

International August 16 – 19 inclusive

CORK OCR August 21 – 25 inclusive

CORK Offshore August 26 to 29 inclusive.

To attend the course or to volunteer for one of the events contact the CORK Office - sail@CORK.org

Protest Form Completion Reminder

The little boxes on the ‘back’ of the protest form leading to the test of validity are completed at the start of a hearing. Many protest committees complete this area with a simple check mark (✓) in the box and no comments written. That indicates the question was asked. Some offer a little more information but no details like the answers below.

Example

	Remarks
No objection about interested party	<input checked="" type="checkbox"/> No
Written protest or request identifies incident	<input checked="" type="checkbox"/> Yes
‘Protest’ hailed at first reasonable opportunity	<input checked="" type="checkbox"/> Yes
No hail needed; protestee informed at first reasonable opportunity	<input type="checkbox"/> Not Applicable
Red flag conspicuously displayed at first reasonable opportunity	<input checked="" type="checkbox"/> Yes
Protest or request valid; hearing will continue <input checked="" type="checkbox"/>	Protest or request invalid; hearing is closed <input type="checkbox"/>

For the first two questions, “No Objection about an Interested Party” and “Written Protest Identifies Incident”, a yes or no answer is a fact.

For the next the next three questions however, a “yes” or “no” answer is a conclusion not a fact. The questions require a fact to be written – but only as it pertains to the validity. The example below illustrates possible answers.

Example

		Remarks
No objection about interested party	<input checked="" type="checkbox"/>	No
Written protest or request identifies incident	<input checked="" type="checkbox"/>	Yes
‘Protest’ hailed at first reasonable opportunity	<input checked="" type="checkbox"/>	within 1 second
No hail needed; protestee informed at first reasonable opportunity	<input type="checkbox"/>	Not Applicable
Red flag conspicuously displayed at first reasonable opportunity	<input checked="" type="checkbox"/>	within 3 seconds
Protest or request valid; hearing will continue <input checked="" type="checkbox"/>		
Protest or request invalid; hearing is closed <input type="checkbox"/>		

If a longer description is required to answer the question, “See Facts Found” under remarks would direct the reader to the longer explanation.

Example

Red flag conspicuously displayed at first reasonable opportunity See Facts Found

Facts Found

1. The protest flag was displayed about 2 minutes after the incident, immediately after recovering the crew member who fell overboard during the crash-tack.

In the conclusions you might write:

“Since the hail was made immediately after the safety of the crew had been assured the protest flag was the first reasonable opportunity.”

If your protest goes to an appeal this type of detail becomes important.

Log Book Entry

Growing older is mandatory
Growing-up is optional
Laughing at your self is therapeutic

Certification Renewals

All CYA Judge Certifications expire on Dec 31 of the four year cycle. The data base of judges held by the office is set to automatically drop anyone whose certification has expired. **Have you checked yours lately?**

Race Officials

Have you checked your Member Profile? Are you listed? In order for you to be listed as an available judge on the CYA website, you must respond YES to “**List CYA Certifications (in member's area)**” within your member profile. Please take a moment to update your Member Profile on our website at www.sailing.ca. If you require assistance or are not sure of your username and password, please contact admin@sailing.ca.

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*From the Jury Desk* is posted on the CYA Website. Previous issues can be found at [http://www.sailing.ca/education\\_and\\_training/race\\_officials](http://www.sailing.ca/education_and_training/race_officials)

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You have received this message because you are recognized as a certified judge by the CYA, your MNA, or ISAF.

From the Jury Desk is also distributed to Provincial Sailing Associations that may want to distribute it to their provincial team members or to their provincial team coach. Coaches, by request, may receive the newsletter directly.

If you have received this message from a colleague or other organization, your e-mail information contained in our database is not current. To receive it directly please reply and provide your address details.

If you have received this message in error or if you prefer not to continue receiving e-mails containing information for the judging community, please reply to this message and request your address be removed from the group list.

Keeping your e-mail address current will allow us to continue to provide updates. Please notify us of any change.

This newsletter may be copied, in whole or in part, or re-distributed providing the source is acknowledged.

If you have a question regarding the Judges Program, RRS, or have information you think should be shared, reply to this e-mail.

CYA Judges Committee

Lynne Beal	Lorne Chapman	John Holmes	David Pelling
David Covo	Peter Wood	Warren Nethercote	