

Judges Newsletter - From the Jury Desk

Notice 33 – March 2014

Rules Discussion

While at dinner with the international jury at a recent event, to start a conversation off with a 'bang' the question was asked: "What single sailing instruction drives you nuts"? That led to a great round-robin of rules discussion and shared opinions of what could, should and should not be in the Sis – of course recognizing that SIs are strictly in the domain of the race officers.

Here are two:

The SI that states when the number of an OCS boat is posted at the weather mark she shall sail off the course. If the boat files and is successful in a redress request, what options are available to the protest committee? About the only one is average points. Had the boat not been instructed to sail off the course, the protest committee would have the position in which she crossed the finish line and would be able to reinstate her. That to me would be the best "fair an arrangement as possible for all boats affected".

TLE – If you are not familiar with the term, it is Time Limit Expired. It has come into use of the last few years. Instead of being scored a DNF, the sailing instruction gives points to the boats that did not finish within the time limit – usually 2 more than the last boat to finish. In small fleets this hardly makes a difference. In large fleets, using a real life example, 40 boats in 105 boat fleet receive 62 as a TLE score. For most of the 40 boats it will be the best score they receive in the regatta and they did not finish the race. A much better choice would be to assign a finishing position on course "On Course Finish" which is being used by some PROs.

The first question to ask that has an impossible answer, did any of the boats that did not finish stop racing? As a further question, if redress is requested and granted for some other incident later in the event, do you include the TLE as part of averaging?

After the conversation on these two died down, the next question posed concerned whether the points earned in the fleet race should be carried into the 'medal' round or should the ten boats go into the last race at zero. The 'medal' race would determine positions 1 through 10 and the fleet races 11 through end.

The argument is after all, the fleet race are nothing more or less than a 'heat' or 'play-down' used in many sports to decide who play in the final rounds.

So – if you are willing to voice it, care to share your thoughts?

Redress

If you read Scuttlebutt you may notice of late there has been another round of discussion on redress – should it be granted; should it not be; should it even be allowed in the racing rules.

At that same dinner, a question was asked: name one other sport that allows redress!

The answer is quite simple – any sport that has “instant replays” for a start! An instant replay is the method by which televised sports are allowed a second look at the ‘field-of-play’ call made by the official. When the call is obviously incorrect, the call is reversed. Some other sports, like speed skating, may place the athlete that was ‘taken out’ by a competitor, into the next heat. Do we view these decisions with such an egregious view has some of our officials and sailors view redress? No, they are accepted as part of our sport.

I do believe OCS calls are the one that is most often challenged. I know I have personally sat on literally dozens of redress requests over the years based on the RC making an identification error. I know I still have fingers left over if I count the number of times the request has been granted. That does not mean the competitor should not be allowed to present their case.

When I am Chief Judge at an event and the sailor starts to procedure, my first question is “Have you talked to the race committee?” The answer is usually ‘no’ and I send them off in that direction. Far more often than not, the RC plays their tape and the competitor walks away. That said, there are some that return to the desk and complete the forms and file. (If the paper is filed outside the time limit because they were talking to the race committee, I cannot recall and incident when the time limit was not extended.)

The competitor must clearly state their case with some facts and / or empirical measurement to offer as evidence. (By-the-way, “I don’t think I was over”, or “I don’t think they could see me” is not evidence.) They cannot go on a ‘fishing trip’ by asking the RC representative a number of questions before the RC has presented their case.

When the race committee presents its evidence: tape recorders running a 1 minute plus; open mikes to hear the RC countdown; descriptions of the line as it is being watched; identification as the boat cross; independent spotters; there is a very solid case of proper identification. But, when most of or all of that is absent, “I know they were over” carries about as much weight as the sailor’s statement, “I don’t think I was over.”

The protest committee must listen to and weight the testimony of both parties and decide on the evidence presented. When there is reasonable doubt, it should be decided in favour of the sailor.

Another View

I saw this article in Scuttlebutt and wrote Tom asking for permission to reprint which he graciously granted. I sincerely wish all PROs followed Tom’s suggestions. And by-the-way, Tom is not the only race official that enjoys a pre-race cookie!

In My Ideal Race Management World

by Tom Duggan, ISAF International Race Officer/US Sailing National Race Officer

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When it comes to being your Race Officer, here is what I hope to find in my ideal race management world:

1. There would always be homemade chocolate chip cookies on the start boat.
2. Race Committees wouldn't call anyone OCS unless they were absolutely sure. Period. No if's, and's, or but's.
3. Protest Committees would follow a policy that a competitor must prove 'an error or omission' by the Race Committee (just like the rule states) in any redress. No fishing expeditions allowed. No requiring the Race Committee to prove that they are correct – unless there are extraordinary circumstances (you never know, sometimes stuff happens), such as the competitor was actually not near the start line at the start and/or the RC might have called the wrong sail number. If the competitor was on or about the start line at or about the start time, the onus would be on the competitor to prove that the Race Committee's call was not correct. The competitor should be allowed to make their case – no one should be denied the right to redress – so the competitor can feel comfortable that there is another body available to review their situation, should they desire.
4. The above policies would be followed by both Race Committees and Protest Committees – and both would have a 'tie goes to the runner' attitude to be sure competitors receive the benefit of doubt if circumstances so dictate.
5. Race Committees would always be happy to meet with competitors to allow them to listen to the line sighter's tape recording of the start.
6. Race Committees would always be happy to help competitors (even to the point of requesting redress on the competitor's behalf) if they found that they made any sort of an error that negatively affected a competitor's position in a race.

The business of calling boats OCS is one of certainty. Ordinarily we should – and we can – be sure. We train Race Officers to call over only the boats they are sure of. Period. And yes, on occasion, that results in a boat that is over early not being called, but it should not result in a boat being penalized that is not over early.

Regarding the situation where one end of a start line becomes obscured, Race Officers all have their own way to call that line, but no method should allow for the kind of guesswork that would result in the Race Officer not being sure that any boats he or she called over were – in fact – over.

In particular, I would not advise anyone to try to call a start line over a long period of time while looking through a hand held compass to try to remember where the start flag was – especially from a small rocking pin end boat. Different Race Officers use different methods – such as sometimes having a perfect land sight – but, failing that, my practice is that, once the flag has been obscured for more than a second or two, I base any further OCS calls on the position of the boat that obscured the flag.

So, a boat that pulls up alongside (or passes) the boat that obscured the flag is obviously over. A boat that is bow to traveler on that boat is not obviously over. And I will only make those calls for a short period of time (if boats obscure the line for a long period of time – it's not usually the kind of start I want to keep, anyway). After that, I stop calling numbers and decide whether it is a good start or if it is, in fact, a jailbreak – with too many boats most probably OCS undetected – and the start needs to be postponed or recalled.

So in the simple case I just made, the original boat is called OCS, the boat alongside or past is called OCS, the boat bow to traveler is not called OCS. Standard practice on our start lines is – we don't make any OCS calls that we can't be sure of – and defend successfully in the room if necessary. NO CLOSE CALLS, NO PROBABLIES, NO MAYBES. I'm from New England, so I think of this like catching lobsters – too small, throw 'em back. In line sighting – too sketchy, throw 'em back.

But sometimes stuff just happens, and you allow the system to work. You chalk it up to experience, make sure to learn from it, and move on. In the future there will be an affordable method of electronic OCS detection. I'm sure all Race Officers and sailors will welcome it. In the meantime we will try as hard as we can to do the best we can with what we've got

Test Results

Everyone's favourite pastime – writing tests.

Almost all certification programs now require the candidate to write a test to 'prove' their knowledge. Tests can be used in one of two ways – to exclude candidate or to teach. By taking a test and learning what answers you did not get correct, you can review the material and thereby improve your knowledge.

The committee that oversees that test in Canada had a discussion – do we need to develop a rules seminar? (We certainly have enough material between the members.) Having attended many rules seminars given by very knowledgeable people over many years (and given a few), I think I can honestly state that an in depth rule knowledge does not come from such a setting.

A long time ago, when I first started into this area of our sport, two-turn penalties did not exist. You either retired or went to the room. In my first years at CORK or the Miami OCR (don't think it was called that then) we spent literally hours in hearings. Starting at 1600 and finishing a 2300 was not uncommon. Juries were very large. CORK would have 5 or 6 3-person protest committees sitting at any one time. The newbie (me and others like me) were paired with senior judges that also sat on the panels. Our understanding of the rules came by the 'teaching' that went with the hearings. The conversation later or on the boat the next day filled in the parts we did not understand. (Appendix P did not exist either but we went out to watch the races and spent another 6 hours with our 'teachers'.) Even today, I will state that an international jury is a week-long seminar. Wherever and whenever possible, if you are organizing an international jury, be very sure to include as many national judges as you are able to accommodate. They will challenge you and they will learn because of it. Old protest stories serve a purpose – to pass along their experience.

Rules Question

One of the reader wrote me and suggested that I should include a rules question in the newsletter. Another suggested that I suggest some exercises that judges could do to help prepare them for an exam.

Let me know whether you think this is a good idea or not.

Here are the first two attempts at fulfilling the requests.

Redress Request Question

The RC scored Yellow DNF and Yellow requested redress.

Yellow Testimony

Yellow touched the pin as they crossed the finish line. Then Yellow gybed around the pin, tacked and crossed the line again.

Race officer Testimony

Yes, Yellow hit the mark. Yes, she did gybe around the mark. However, she was head to wind in her tack when her bow crossed the line again. She didn't finish.

Facts found:

1. Yellow touched the finishing mark and immediately gybed.
2. Yellow then luffed to tack and her bow crossed the finishing line a second time before she was on a close hauled course.

What is your conclusion and decision?

Answer follows:

Conclusions and rules that apply:

1. Yellow had not cleared the finishing line and mark when she touched the mark, therefore she was racing according to the definition *racing*.
2. While racing, Yellow broke rule 31 by touching a mark that ended the leg of the course on which she was sailing.
3. Yellow did not sail completely to the course side of the finishing line after completing her gybe and tack and before crossing the finishing line the second time, therefore she did not take the penalty for breaking rule 31 required by rule 44.2.
4. Yellow cannot be penalized for breaking rule 31 because according to ISAF Case 80, a hearing or a request for redress must be limited to the alleged incident, action or omission. There is no protest alleging that Yellow broke rule 31.
5. Yellow crossed the finishing line from the course side a second time after continuing to sail the course, in accordance with the definition Finish part (c).
6. Yellow finished in accordance with the definition, therefore it was an improper action of the race committee to score Yellow DNF. Rule 62.1(a) and A5.

Decision:

Yellow's request for redress is granted. Yellow is to be scored points according to her finishing place when she crossed the finishing line the second time.

Fact and Conclusion Exercise

For each rule of Part 2 Sections A and B, write as a conclusion that Blue broke that rule.

Examples

Fact –

Blue saw that the crew had been separated from Yellow. Blue continued to sail the course without investigating whether Yellow needed assistance.

Conclusion –

Blue did not give all possible help to Yellow, a vessel that was in danger, breaking rule 1.1

Blue did not give all possible help to a person who was in danger, breaking rule 1.1

Log Book Entry

"The practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play." –[Olympic Charter](#)

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