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**Judges Newsletter - >From the Jury Desk**

**Notice 32 – January 2014**

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**Welcome to the New Year.**

**ISAF New Rules – Appendix B**

CHANGES AND CORRECTIONS  
MADE BY ISAF IN  
*THE RACING RULES OF SAILING FOR 2013-2016*  
*This is version 4 issued on 29 November 2013.*

**RULE CHANGE #1**

On 16 November 2013, ISAF authorized an urgent rule change to RRS B3.31 as permitted by ISAF Regulation 28.1.2. The rule change is stated below and will come into force on 1 January 2014.

The text in double strikethrough is to be deleted and the text in bold underline is to be inserted.

**B3 CHANGES TO THE RULES OF PART 3**

**31 TOUCHING A MARK**

~~Rule 31 is deleted.~~

**Rule 31 is changed to ‘A board may touch a *mark* but shall not hold on to it.’**

**CORRECTIONS**

The following proofreading errors should be corrected.

Deleted material is shown struck through and replacement material is shown in bold and underlined.

**Appendix B – Windsurfing Competition Rules**

**Rule B10:**

**29 RECALLS**

- (b) If the race committee acts under rule ~~29.1(a)~~ **29(a)** and the board is identified, she shall be disqualified without a hearing, even if the race is *abandoned*. The race committee shall hail or display her sail number, and she shall leave the course area immediately. If the race is restarted or resailed, she shall not sail in it.

- (c) If the race was completed but was later *abandoned* by the protest committee, and if the race is resailed, a board disqualified under rule ~~29.1(b)~~ **29(b)** may sail in it.

**Rule B12:**

**64.1 Penalties**

- (c) Any breach of the verification rules may result in exclusion from one ~~of~~ **or** more rounds or from the competition.

**A 1 SPEED COMPETITION SCORING**

- (c) If there is a series-score tie between two or more boards, it shall be broken in favour of the board(s) with the fastest run during the competition. If a tie remains, it shall be broken by applying rules ~~A8.2(b) and (c)~~ **A8.2 and A8.3** in rule B8.

**Judges Write Back**

**Reference Notice 31 - Oops!**

**Identification of the Photo: - From Tony O’Gorman - IRL-IJ**

Hi Leo,

Some information on the photo. It was taken in Cork Harbour (IRL) with the Spit Longhouse in full view, and the oil refinery top left corner attached to the port side of the entrance of Cork Harbour as one is departing.

Decisions

Tony continued with his facts and decision. Several other judges wrote facts and decisions on the photo, some serious, some very much in fun – one even included a UFO sighting offering that as the reason that the crews were not watching the other boats.

The consensus was both boats would be DSQd – rule 11 and 14 most often cited and a possible 16.1 depending on how you think the situation developed.

Thanks for contributing  
Tony O’Gorman IJ – IRL  
Bob Grimshaw CJ – CAN  
Mike Dawson NJ – USA  
John Holmes Judge Emeritus - CAN

**Reference Notice 31 - Are we a Self-Policing Sport**

From Bob Grimshaw CAN-CJ

I, too, am frustrated in Club Racing by my observations of incidents, in the lack of Protest hails/Turn penalties taken/Protests submitted. Only 1 Protest Hearing on Wednesday nights at

Sarnia this year, and that was for a contact & damage incident, only to provide the paperwork for the insurance folk, since one boat had already verbally admitted fault and withdrawn from the race.

I work very hard to avoid putting my J22 into a bunch of C&C 35's at a mark, (being blanketed is so slow!), so I rarely initiate or get a protest call. But I do hail for my rights when I need to, and I get them, because I know them, and they know that I know them!

I've been working on Part 2 Rules education ... and on encouraging people to hail the other boat when getting close, whether or not it's "required". I also encourage them to talk to me about situations after the race, with some success. Tried a simple "voluntary, no-penalty" arbitration process this year, which failed for lack of publicity & promotion. May try again next year.

Regarding a more active role for the PC while doing Appendix P on the water, my experiences are solely at youth regattas. Yes, I have seen lots of Part 2 incidents, but I have also heard some "Protest" hails, seen a lot of turns done, and there are usually a few hearings in each regatta. The 2 judges in the boat invariably watch these incidents unfold, track them to see if turns are done, and talk about them: and could be called as witnesses, although I'm guessing most competitors don't realize that.

Personally, I'm against a more active role for PC's for Part 2 rules at the youth level. While there are some immediate benefits, it also creates a dependency on 3rd party intervention that cannot be maintained when these kids go racing in the normal sailing world, which they inevitably do. Then they become a bad example to the 'normal' guys trying to race.

If I was forced to make a choice between your options, I'd go for option "C". It's the most effective in punishing offenders (because that's what we're trying to do here, isn't it?), and the other 2 options just add confusion for the nearby racers.

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Having said all that, I still don't like it!

I'm assuming that these actions can be taken by a single Judge. Unlike the Rule 42 work, agreement of both Judges should not be required, because there is no DSQ-without-a-hearing involved.

I guess my last thought is that if something additional must be implemented, I expect that it would be at least Ontario-wide, better if it's Canada-wide, rather than leaving it up to the individual Regatta OA to decide.

Thanks for listening,

**From** John Holmes – CAN-Judge Emeritus  
Reference - On Self-Policing

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On the issue of sailors failing to protest when they (obviously) should, this problem has always been with us, although, do I get the impression that it is worse now? Some help can be provided by the officer in charge of racing at a club, the fleet captain, chair of the sailing committee or

whoever, by their making the case for the proper self-policing of sailboat racing. He/she can do it by example, as well as by argument, and if the individual is well respected by his/her club-mates, then it can only do good. (As you might expect, Livius (*ed* Sherwood) was very effective in this regard).

The commonest complaint is that “it was only a minor bump and we do not want to hang around forever waiting for the (miserable) business of a protest hearing”. The alternative, of a third party protesting both boats who clearly breached the rules, tends to involve the odium of being labelled a whistle-blower. But someone has to do it, or else a form of anarchy prevails.

I think that a careful public address on the problem, in person at an appropriate meeting or on some other suitable occasion, or indeed in the club magazine, can at least shame a few miscreants into behaving in a sportsmanlike manner. Rules 2 and 3 seem to adequately cover waiving-the-Rules.

In my earliest sailboat racing (in the 50's---long ago!), we were *encouraged* to whistle-blow competitors who thought the Rules did not matter very much; but that was indeed long ago! The then penalty was automatic DSQ for both parties and it had a salutary corrective effect.

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**From:** Michael W. Dawson - USA-NJ

**Subject:** Notice 31

The magnetic boat issue going thru check-in has caused me to take them out of my carry on to placing them in the trays going thru X-ray machines. I have been stopped so many times at airports on this.

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The policing on the water is something classes need to look at. I just judged a Melges 20 regatta in Miami this past weekend (*ed*. late fall of 2013) involving 45 Melges 20s: hit marks, mark room, hit finish pins were all observed and boats did not do their penalties. I will approach the class officials on a more proactive approach but I can already hear their answer-NO.

Editor's Comment / Question - Can you name another sport in which the players decide when penalties will be called? The point about the Melges 20 is an illustration of what was in the newsletter – we are no longer a self-policing sport. Maybe the real question to be asked is:

Is it time the officials of our sport set the tone?

### **Judges Round Table**

Mark your calendars – April 26<sup>th</sup>.

Bayview Yacht Club is hosting the **Bill Thorpe Judges Roundtable**. While everyone is welcomed, this will be of particular interest to sailing officials who are serious about our sport with attendees to be drawn from not only YRA Area E (Michigan, New York and Ontario) but from eastern part neighbouring Area K and western part of Area C.

This is not a seminar or lecture format but a “guided” roundtable discussion about current and emerging issues within our sport involving the racing rules, judges and judging. Steve Wrigley, Chairman of the US Sailing Judge Committee, will attend this first (and hoped to be) annual event bringing with him his experience as both an international judge and international umpire.

More details will follow.

For those not knowing Bill, Bill Thorpe (1938 – 2012), a past Commodore of the Bayview Yacht Club (1993), was a fiercely competitive sailor who raced big boats and small for decades. He was active in the International Etchells fleet at Bayview for many years and proud to be an 'Old Goat', an honor reserved for those who have completed at least 25 Bayview Mackinac Races. Bill became a well-respected and much sought-after judge and umpire. He was a US SAILING-certified Senior Judge (from 1999) and Umpire (from 2004) and certified as an international judge in 2006. Bill was a US SAILING Regional Administrative Judge from 2007 to 2012 and a frequent instructor in its judges training and certification program. This is just the type of event where Bill would be sitting in the front row.

### **Withdrawing a Protest**

A story came to me the other day, you know, the kind that every judge is told about something that happened at an event. This one was no different in that I only heard one side of the story, but it had points worth considering.

Background: This involves a known keelboat fleet that had a regatta and did not prepare by having a protest committee of certified judges. A race officer who had no official status at the event (certified as a Club Judge) became involved with the protest hearing process.

Boats A & B were in a collision at a mark (damage unknown) and boat C saw the incident. B indicated her intent to protest and displayed a flag. The story teller’s version (C) had B as the give-way boat. B, who could win the regatta, filed the protest. It is assumed on reflection, B realized that she could be DSQd (thus not win the event), asked to withdraw the protest. The PC (read the RO/CJ above) allowed the protest to be withdrawn.

Boat C, when learning of this, filed a protest on the incident between A and B. When this was known, B requested and was allowed to reinstate her protest. The PC heard Cs protest first and ruled that since boat C did not display a protest flag her protest was invalid. The PC then allowed B to withdraw her protest again.

Rule 63.1 – Requirements for a Hearing – states in part: “... The protest committee shall hear all *protests* and requests for redress that have been delivered to the race office unless it allows a *protest* or request to be withdrawn.”

The ISAF Cases are silent with respect to acceptable reasons for a protest to be withdrawn but the ISAF Judges Manual has this:

### **J.6 Withdrawing Protests**

Once the protest has been received, a protestor’s request to withdraw the protest must be approved as a decision of the protest committee (rule 63.1). This involves a brief hearing in which the protestor provides the reasons for the request. The protest committee would allow the

withdrawal of the protest if it is satisfied that the request is reasonable. The competitor should also sign the protest form confirming withdrawal of the protest.

The US Judges Manual offers more information and guidance:

#### **6.4 Accepting and Withdrawing Protests and Redress Requests**

A PC shall hear all protests and requests for redress that have been received. However, rule 63.1 allows a protest to be withdrawn if approved by the PC. The PC should carefully consider any request to withdraw a protest.

When considering the request, the PC may decide:

To approve the request to withdraw the protest when:

- The protestor has subsequently decided that no *rule* was broken.
- Either *party* has taken a penalty for the incident.
- Either *party* retires prior to the request for withdrawal.
- Arbitration or a similar process is being used that allows withdrawal of a protest.
- The protest is obviously invalid.

To disapprove the request to withdraw the protest when:

- There has been contact, other than incidental.
- A boat may have gained a significant advantage as a result of the incident.
- There is another protest relating to the same incident (counter protest), even if invalid.
- The protestor may have been be pressured to withdraw his protest. This might occur when a top-of-the-fleet competitor pressures a middle-of-the-fleet protestor to withdraw it, or when the host club pressures a competitor to withdraw a protest that might hold up the trophy presentation.

The PC may allow a single judge to approve the withdrawal of a protest. This may be a single judge working at the protest desk, or a judge conducting an arbitration hearing. Otherwise, a request to withdraw a protest should be carefully considered by the full PC.

A request to withdraw a protest should be recorded by fully completing all the spaces provided on the protest form.

What went wrong? Although not stated in either ISAFs or US Sailing's document I would think withdrawing a protest is a 'one-way street'. Thus once withdrawn, and signed to that effect, the PC would be hard pressed to entertain a request to reinstate.

This scenario leaves a number of questions regarding the rules:

- Should the rules allow for C's protest to be valid because B signalled her intentions to the fleet?
- Is it time to bring back the old rule 33 (from the 1970's) which provided that both boats be DSQd if contact occurred unless either one or the other (or both) took a penalty or filed a valid protest?
- Should B's actions be considered a violation of rule 2, Fair Sailing? She indicated to the fleet her intention to protest and even followed through with the paper, only at the last minutes decided "only kidding!" (Twice!).
- Could C's request redress because the PC erred in allowing the protest to be withdrawn?

- Could any boat request redress for the same reason?

It seems that the judge who made these decisions only had the thought of not hearing protests in mind. It is decisions like this that give the impression to sailors that the method in which we adjudicate our sport is not really working.

### **More on Trash**

The Sail Canada Rules Committee was asked to come up with or endorse and SI regarding trash. During our discussions we considered a number of variations but settled on:

SI XX - A boat found to have broken rule 55 may be given a warning or a penalty at the discretion of the jury. This changes rule 64.1

This does not change rule 55 leaving it open for a competitor, OA, RC or PC to protest. It does allow for a warning to be given but does not change the possibility of a penalty.

As a side note - a couple of sail-makers are now offering an option of an integral spinnaker stop system to circumvent the use of elastic bands or ties.

### **USA Judges Manual**

For information, the USA Judges Manual is available in a PDF format at:

<http://raceadmin.ussailing.org/Assets/Race+Admin/Judges/Judge+Documents+2013-2016/Judges+Manual+2013-2016.pdf>

### **Sailfest Sarnia Looking for a National Judge**

Sailfest 2014 in Sarnia, Ontario is one of the OSA Youth Regatta Series venues. Sponsored by the Sarnia Yacht Club, and sailing on Lower Lake Huron, it features Laser classes, as well as 29er, 420 and others.

The dates are Saturday & Sunday, July 5th & 6th, 2014.

We are also one of the OSA Grand Prix Development events. Per OSA requirements, our Organizing Authority, chaired by Olympic Sailor Joanne Abbott, invites interested & qualified National level or higher Judges to consider leading our Protest Committee.

More information:

Skipper's meeting Saturday at 8:30am

Appendix P will be in effect, with 2 boats of 2 Judges each plus a driver. Proficiency in Rule 42 is a requirement. (There will be at least 2 other Judges that are reasonably proficient)

2 courses on Lake Huron. On-the-water from 10am - 5pm Saturday, 10am - 3pm Sunday, with hearings thereafter both days. Lunch provided both days, Dinner provided Saturday.

Travel allowance is provided.

Billeting with SYC members is available. Billets include breakfast.

Arrival can be either Friday evening, or Saturday morning.

Attending the Regatta Awards on Sunday at 5pm is optional.  
All paper flow, postings, notifications, etc. will be handled by a Committee Secretary.  
All set-up work, hearing space, etc., has be prearranged  
If desired, I can act as the Chief Judge, under the applicant's supervision  
Other members of the Protest Committee are obtained by the Organizing Authority, and usually include a Rule 42 experienced USS Judge.  
Please contact Bob Grimshaw, Sarnia Club Judge  
For more information email [sailorbuoyplus1@cogeco.ca](mailto:sailorbuoyplus1@cogeco.ca) or phone 519-339-9735

**Log Book Entry**

"The difference between the impossible and the possible lies in a person's determination." - Tommy Lasorda – Manager of Los Angeles Dodgers 1977 to 1996

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