

Appeals FAQ

This document offers advice from the US Sailing Appeals Committee to competitors, race officials or clubs and organizations who are filing or contemplating filing an appeal of a protest committee or association appeals committee decision, requesting confirmation or correction of a decision, or requesting a rule interpretation. The information here is strictly advisory; the rules governing these matters are rules 70 and 71, and the rules in Appendix R in the US Sailing edition of *The Racing Rules of Sailing*.

For further assistance, contact the US Sailing Race Administration Director at:

raceadmin@ussailing.org

401-342-7900

Where do I find the rules that govern appeals?

They are in [Appendix R, Procedures for Appeals and Requests](#), rules R1, R2 and R3 in the US Sailing edition of *The Racing Rules of Sailing*. Rules 70 and 71 are also relevant.

Is there a time limit for submitting an appeal?

Yes. The decision being appealed (the protest committee or association appeals committee decision) and a letter clearly stating why the decision is incorrect must be sent **no later than 15 days after receiving the written decision** being appealed (see rule R2.1(a)). An appeals committee cannot extend this time limit, so do not be late.

What do I include in my appeal?

You are **required** to include three (3) items (see rule R2.1(a)). Items 1 and 2 **must be sent** within the 15 day time limit.

- 1) The written decision that you are appealing (note that if you are appealing the decision of an association appeals committee, you are required to include the AAC decision)
- 2) A clear statement of **why** you think the decision you are appealing is incorrect

If your appeal does not include these two items, the appeals committee cannot consider your appeal.

- 3) In addition to the two required items above, you also must send, with the appeal or as soon as possible thereafter, the [US Sailing Appeals & Requests Information Form](#) (rule R2.2).

To obtain the form, click on the link above, or go to appeals.ussailing.org and click on the *US Sailing Appeals & Requests Form*. The form will ask you for all the pertinent information required by rule R2.2.

Where do I send my appeal?

All appeals from events held in the U.S. are e-mailed to US Sailing

at: submitappeal@ussailing.org (rule R1.1),

or mailed to:

US Sailing Race Administration Director
1 Roger Williams University Way
Bristol, RI 02809

May I e-mail my appeal and supporting documents?

Yes. Email is preferred, as it cuts down on time and costs for everyone involved. However, please send your appeal only once; that is, if you send it electronically, please do not also send it in hard copy.

Is there a fee for my appeal?

There is no fee to send an appeal to US Sailing if the appeal will be considered by an association appeals committee (AAC). Appeals considered by an AAC are appeals from protest committee decisions, other than protests involving rule 69 or made at a US Sailing Championship (in which case those appeals go directly to the US Sailing Appeals Committee). After US Sailing sends the appeal to the AAC, the AAC will inform the appellant if it requires a fee.

If the appeal will be considered by the US Sailing Appeals Committee, there is a fee of \$25 for US Sailing members and \$75 for non-members (rule R3). The US Sailing Appeals Committee considers appeals from decisions of association appeals committees and the Intercollegiate Sailing Association (ICSA) / Interscholastic Sailing Association (ISSA) Appeals Committee, and appeals from protest committee decisions involving rule 69 (Misconduct) or from protest committee decisions made at US Sailing Championships.

When required, how do I pay my fee to US Sailing?

You may [pay the fee online](#) by purchasing the item in the US Sailing Web Store (search “pay appeal”). You may also send a check for the fee to US Sailing at the address above.

What format should I use for any attachments?

PDF documents are best. Alternatively, files may be saved in Microsoft Word (.doc or .docx). Documents such as the Notice of Race, Sailing Instructions and the protest or association appeal’s committee’s decision are typically scanned and attached as PDFs. Very large email files (typically those over 10 MB) may not be handled by your email provider. If you experience this problem, it is best to separate your materials into multiple emails. It is most helpful to the appeals committee if attached files are clearly marked with their contents (e.g., “protest form” or “association appeals committee decision” or “comments from Boat 234”).

What happens after I send my appeal to US Sailing?

The Race Administration Director promptly sends it to the appropriate appeals committee (rule R1). The appellant will receive an acknowledgement from the Director that the appeal has been received, and indicating to which appeals committee the appeal has been sent. When the appeals committee receives the appeal, it too will send the appellant an acknowledgement letter with further information about the processing of the appeal. In addition, the appeals

committee will send the appeal, all relevant documents it has received with the appeal, and a copy of the acknowledgement letter to all the parties and committees involved in the appeal.

Can the Race Administration Director tell me whether my appeal is timely or complete, or otherwise advise me on the likelihood of my appeal being sustained?

No. The Race Administration Director will send the appeal to the appropriate appeals committee, who will then make all decisions regarding that appeal.

Does the appeal need to be in any particular style or format?

No. Rule R2.1(a) requires the appeal to state the “grounds” for the appeal; i.e., why you think the protest or appeals committee’s decision or procedures were incorrect. Note, it is strongly preferred that the grounds be clear, short and to the point. Please remember to date the appeal. In addition, the appeal shall include the *US Sailing Appeals & Requests Information Form*, which will ask for all the relevant documents and information required by rule R2.2 that are available to the appellant, including the names, mailing addresses and e-mail addresses of the people listed in rule R2.2(e).

Should I send my appeal if I haven’t received the written decision from the protest committee?

No. Rule R2.1(a) requires that the written decision being appealed be submitted with the appeal. Note that the 15-day time limit in rule R2.1(a) for sending an appeal begins the day you receive the written decision. Rule 65.2 addresses how to obtain a written decision from the protest committee (note it contains a seven (7) day time limit). Rules 70.1(b) and R2.1(b) address what to do if your protest or request for redress was never heard by a protest committee.

Do parties to an appeal ever meet with an appeals committee?

No. All communication with an appeals committee is written.

Do the parties and committees involved in the appeal have the opportunity to see everything the appeals committee sees, and to comment on it?

Yes, pretty much. An appeals committee is required to send all relevant documents it receives to all the parties and committees in an appeal (rules R5.2(a) and 5.3). The parties and committees are entitled to comment on the appeal or request and on any documents listed in rule R2.2 (rule R6). However, rule R6 does not include comments; therefore, parties and committees are not entitled to make comments on comments, nor is an appeals committee required to consider comments on comments.

How long does it take to get a decision on an appeal?

The time will vary depending on many factors. If the appeal includes all the required material, and if the appeals committee does not need to request additional material from the protest committee, then the decision will come sooner. If the appeals committee is able to begin consideration on the appeal soon after it is received, the usual time frame for a decision is

three months or less. Keep in mind that the deliberation by an appeals committee is done primarily via e-mail and conference calls, not by face-to-face meetings.

Can I ever get an expedited appeal?

Yes, if you are a competitor at a “protected competition.” “Protected competitions” are events held in the U.S. that US Sailing uses to directly select sailors to represent the U.S. in international competition (see US Sailing Regulation 12.03). Examples are qualifying trials for the Pan American Games, Youth Olympics or Youth World Championships. If an event is a “protected competition” it will state that in the Notice of Race for the event. For those specific events, an [expedited appeals system](#) is available (see rule R8).

Can my right to appeal ever be denied?

Yes. Decisions by an International Jury may not be appealed (rule 70.5). And with the permission of US Sailing, some events may deny the right of appeal if it is essential to determine promptly the result of a race that will qualify a boat to compete in a later stage of an event or a subsequent event (rule 70.5(a)).

Who can ask the Appeals Committee for an interpretation of the rules based on a hypothetical set of facts?

Any club or organization that is affiliated with US Sailing (see rule 70.4) may request an interpretation. The request must be sent or endorsed by an officer of that club or organization (see rule R2.4), and include the required \$25 fee (rule R3.3).

Can a protest committee or association appeals committee ask for a confirmation or correction of its decision?

Yes. A request for confirmation/correction of its decision by a protest or association appeals committee must be sent to the US Sailing Race Administration Director (see address above) no later than 15 days after making its decision (rule R2.3). The committee must send its decision, the *US Sailing Appeals and Requests Information Form*, and all relevant documents and comments. US Sailing will send a protest committee’s request to the AAC in its region, and an AAC’s decision to the US Sailing Appeals Committee. There is no fee for a request from an AAC. AAC’s will inform protest committees if there is a fee.

Why doesn’t the US Sailing Appeals Committee publish all of its decisions?

Some decisions are either redundant to already published Appeals or Cases, or they hinge on situations or procedural technicalities that were essentially unique. Also, publishing an appeal requires considerable rewriting. Since decisions on appeals, requests for confirmation or correction of protest committee decisions, and requests for interpretations of rules are decided based on the facts and documentation submitted with them, the parties and committees involved have copies of that documentation. None of that needs to be repeated in the Appeals Committee decision. For these reasons, decisions that are not published are not intended for distribution or circulation beyond the parties and committees involved in the appeal.

However, when the committee decides that its decision would be useful to sailors and race officials, it rewrites the decision to describe the incident and include the facts so that readers can understand the basis for the decision. It then publishes the decision in *The Appeals Book* and posts it on the [Appeals webpage](#) on the US Sailing website.

What is the difference between US Sailing Appeals and World Sailing Cases?

A US Sailing Appeal is the published version of a final decision that resolved or settled an appeal, a request for confirmation or correction of a protest committee decision or a request for an interpretation of a rule (rule 71.4). A World Sailing Case is an authoritative interpretation and explanation of the rules for all racing, and is usually based on a decision of an appeals committee of a World Sailing member national authority such as US Sailing. See WS Regulation 31.3.

What is the status of a US Sailing Appeal in deciding protests?

A protest committee in the US whose decision is subject to appeal and is deciding a protest or request for redress that involves a situation and facts similar to those in a US Sailing Appeal is well advised to base its decision on the rules interpretations in the US Sailing Appeal (see Appeal 99).

What is the status of a World Sailing Case in deciding protests?

The World Sailing Cases do not have the status of rules but are “authoritative interpretations and explanations of the rules” (RRS, Introduction, Cases and Calls; WS Regulation 28.3; and Appeal 99). Therefore, when the relevant facts from a protest are essentially similar to the facts of a Case, the interpretations in the Case should be accepted by the protest committee as correct interpretations of the racing rules for that protest.

If an appeal decision changes the scores of a race, is the race committee required to change the scores of the race and, when appropriate, a series?

When the decision of a protest committee is changed or reversed upon appeal, the final standings and the awards must be adjusted accordingly (see Case 61).

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