

Racing Rules of Sailing

Basic Principles, Sportsmanship and the Rules

A submission from US Sailing

Purpose

To correct a deficiency in the Basic Principle, Sportsmanship and the Rules.

Proposal

Change the Basic Principle, Sportsmanship and the Rules as follows:

SPORTSMANSHIP AND THE RULES

Competitors in the sport of sailing are governed by a body of *rules* that they are expected to follow and enforce. A fundamental principle of sportsmanship is that when competitors break a *rule* **and are not exonerated** they will promptly take a penalty, which may be to retire.

Current Position

As above.

Reason

The current Basic Principle (Sportsmanship and the Rules) says that when competitors break a rule they must promptly take a penalty, but that is not accurate. There are many times when competitors break a rule but they are exonerated. In those cases, competitors are not expected to take a penalty. The proposed change to the Basic Principle makes it clear that competitors do not have to take a penalty when they are exonerated for a rules breach.

Two other submissions from US Sailing deal with exonerated. One of these proposes changes in rules 21(a) and (b), and the other proposes changes in current rules 21 and 64.1(a).

Racing Rules of Sailing

Definition Start

A submission from US Sailing

Purpose

To word the definition Start consistently with other definitions and rules, and to solve a problem with its wording when certain courses are used.

Proposal 1

Change the definition Start as follows:

Start A boat *starts* when, having been entirely on the pre-start side of the starting line at or after her starting signal, and having complied with rule 30.1 if it applies, any part of her hull, crew or equipment crosses the starting line **from the pre-start side** ~~in the direction of the first mark.~~

Proposal 2

In Appendix F, change the definition Start as follows:

Start A kiteboard *starts* when, her hull and the competitor having been entirely on the pre-start side of the starting line at or after her starting signal, and having complied with rule 30.1 if it applies, any part of her hull, or the competitor crosses the starting line **from the pre-start side** ~~in the direction of the first mark.~~

Current Position

As above.

Reason

1. To use similar wording in similar phrases in the definitions *Start* and *Finish*. This simplifies the rules and reduces debates about the reasons for differences in wording between rules.
 2. To avoid mention of the 'first *mark*' because, for some courses, there is no 'first *mark*'. An example would be a point-to-point race, from a starting line at one club to a finishing line at another club. Also, for some courses the first leg of the course takes the fleet to and around
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a headland and from there in a different direction to the first *mark*. In that case it may not be physically possible to cross the starting line from the pre-start side 'in the direction of the first *mark*'.

Racing Rules of Sailing

Rule 14

A submission from US Sailing

Purpose

To change rule 14 so that it is fairer and also so that it is consistent with rule 21.

Proposal

Change rule 14 as follows:

14 AVOIDING CONTACT

A boat shall avoid contact with another boat if reasonably possible. However, a right-of-way boat or one ~~entitled to~~ **sailing within the** *room* or *mark-room* **to which she is entitled**

- (a) need not act to avoid contact until it is clear that the other boat is not *keeping clear* or giving *room* or *mark-room*, and
- (b) shall be exonerated if she breaks this rule and the contact does not cause damage or injury.

Current Position

As above.

Reason

1. Consider a situation where W is overlapped to windward and inside of L within the zone at a leeward mark. L has given W more than enough space, but W is not sailing within the mark-room to which she is entitled. Instead, she sails to leeward of that space, and makes contact with L (without damage). W breaks rule 11, and she will not be exonerated by rule 21. If W could have avoided the contact but failed to do so, she also broke rule 14. But will she be penalized under current rule 14? The answer is no. Since W was a boat entitled to mark-room and the contact did not cause injury or damage, she is exonerated by rule 14(b). That doesn't seem right. If a give-way boat is not sailing within the room or mark-room to which she is entitled, she should not be exonerated when she could have avoided contact but didn't. If the proposal is approved, W will not be exonerated for breaking rule 14. Cases 25 and 70 involve similar situations.
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2. The proposed added words will also affect the impact of rule 14(a) on a boat entitled to room or mark-room. If such a boat is not sailing within that room or mark-room, she will not enjoy the benefit that current rule 14(a) confers on any boat entitled to room or mark-room. Proposed rule 14(a) is fairer than the broader benefit that the current rule 14(a) confers on any boat entitled to room or mark-room.
 3. The new wording chosen for proposed rule 14(a) is the same as the wording used in rule 21. When it is possible, using the same wording in two rules makes those rules simpler. This is the case because the reader does not have to answer the question, 'Why are these two rules worded differently?'
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Racing Rules of Sailing

Rule 18.3

A submission from US Sailing

Purpose

To correct the effect of an unintended consequence of the changes made in rule 18.3 on 1 January 2017.

Proposal

Change rule 18.3 as follows:

18.3 Tacking in the Zone

If a boat in the *zone* of a *mark* to be left to port passes head to wind from *port* to *starboard* tack ~~and is then fetching the mark~~, she shall not cause a boat that **is fetching the mark and** has been on *starboard* tack since entering the *zone* to sail above close-hauled to avoid contact and she shall give *mark-room* if that boat becomes overlapped inside her. When this rule applies between boats, rule 18.2 does not apply between them.

Council is asked to consider implementing this change in rule 18.3 on 1 January 2018 as a matter of clear necessity and pressing importance pursuant to Regulation 28.1.2.

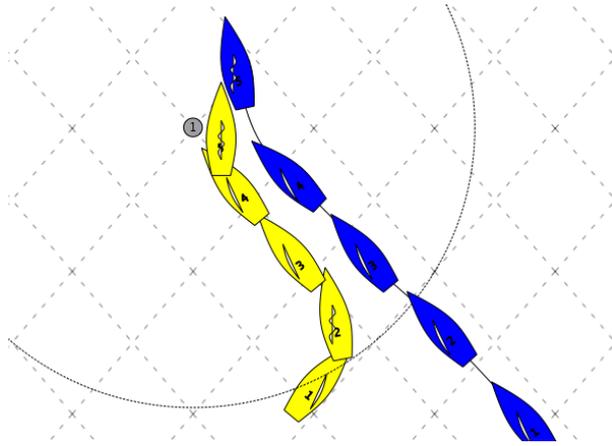
Current Position

As above.

Reason

Since 1997 rule 18.3 has been effective at significantly reducing windward mark congestion, rule 13 breaches, and collisions caused by port-tack boats tacking in the zone of a port-rounding windward mark. But now the 2017 requirement in rule 18.3 for the boat changing tack to be fetching the mark has created ambiguity about whether rule 18.3 or rule 18.2(a) applies at a port-rounding windward mark. The following example illustrates the problem.

The diagram below shows a fairly typical rule 18.3 situation. Blue is fetching the windward mark on starboard tack. Yellow passes head to wind inside the zone, is then on starboard tack and appears to be fetching the mark. Rule 18.3 applies and 18.2 does not. Yellow luffs to pass the mark and has to give Blue room to keep clear under rule 16.1. Blue sails above close hauled but cannot keep clear. Yellow breaks rules 16.1 and 18.3.



If, at position 5, Yellow stops head to wind and after position 5 has to tack to port and then tack back to starboard to round the mark, rule 18.3 did not apply since Yellow was not 'fetching the mark' at position 3. Therefore, the applicable rule between the boats is 18.2(a) and not 18.3. In this case, Blue broke rules 11 and 18.2(a). Yellow is exonerated if she breaks rule 16.1 while taking the mark-room she is entitled to.

Until there is certainty about whether Yellow will fetch the mark or not, the boats cannot know whether rule 18.3 or rule 18.2(a) applies between them. The proposed change to rule 18.3 removes this ambiguity.

On the matter of urgency, the US Sailing Racing Rules Committee is split. Shown below are the reasons given by those on each side of this issue.

Here are the reasons given by those who consider this an urgent matter and are in favour of making the proposed change take effect on 1 January 2018:

Current rule 18.3 creates significant ambiguity at the windward mark in situations that are likely to occur very often in fleet racing. Making the proposed change on 1 January 2018, with appropriate publicity, will clarify this important and frequently applicable rule for competitors for the next three years. Competitors will find the change easy to remember because it changes the wording back to wording that was in rule 18.3 from 2001 through 2016.

Here are the reasons given by those who do not consider this an urgent matter and prefer making the proposed change take effect on 1 January 2021:

It is strongly preferable to avoid mid-term rulebook changes whenever possible. Changing rule 18.3 would instantly make all printed rulebooks (and other published rule references) out-of-date.

Even with the best publicity, many sailors would not be aware of this change.

The proposed change is a sensible improvement to rule 18.3, but it is not nearly urgent enough to offset the problems described above. Even in its current form, rule 18.3 is a sufficiently strong deterrent to tacking inside the zone. The scenario where a boat tacks to starboard in the zone and then luffs past head to wind happens very infrequently because it carries a lot of risk.

Racing Rules of Sailing

Rule 21

A submission from US Sailing

Purpose

To give current rule 21(b) its intended effect, and to simplify the layout and wording of rule 21.

Proposal

21 EXONERATION

When a boat is sailing within the *room* or *mark-room* to which she is entitled, she shall be exonerated if, in an incident with a boat required to give her that *room* or *mark-room*, ~~(a)~~ she breaks a rule of Section A, **or** rule 15, ~~or rule 16,~~ or **31**.

~~(b) — she is compelled to break rule 31.~~

Clean Copy of Proposal

21 EXONERATION

When a boat is sailing within the *room* or *mark-room* to which she is entitled, she shall be exonerated if, in an incident with a boat required to give her that *room* or *mark-room*, she breaks a rule of Section A or rule 15, 16 or 31.

Current Position

As above.

Reason

1. Current rule 21(b) does not have its intended effect in the following situation: W and L are running toward a leeward mark on port tack. Both boats are required to leave the mark to port. They are overlapped at the zone with W inside L. W hails 'Mark-room' when she reaches the zone. When she is one length from the mark, it is not clear to her that L will give her mark-room as she rounds the mark, so she hails 'Mark-room' a second time. W sails between L and the mark and, because there is not quite enough space for her between L and the mark, she touches the mark. W protests L for breaking rule 18.2(b). The protest committee finds that L has broken rule 18.2(b) and disqualifies L for that breach. The committee also finds that W has broken rule 31 and decides that she is not exonerated
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under either rule 21(b) or 64.1(a) because she was not compelled to hit the mark. The committee notes that, when W was one length from the mark and it was not clear that L would give her mark-room at the mark, W could have left the mark to starboard. For that reason, the committee concludes that W was not 'compelled' to touch the mark. The intent of rule 21(b), just like rule 21(a), is that a boat entitled to mark-room will be exonerated if she breaks rule 31 while sailing within mark-room to which she is entitled. For this reason, rule 21 should treat rule 31 exactly as it treats the rules of Section A and rules 15 and 16.

2. The change simplifies rule 21 by making the criterion for its application the same whenever a boat breaks a rule of Section A or rule 15, 16 or 31 while sailing within room or mark-room to which she is entitled. The current rule has a different criterion for its application when a boat breaks rule 31 from the criterion for its application when she breaks a rule of Section A or rule 15 or 16.
3. The change in rule 21 allows a simpler format by removing the need for sub-paragraphs (a) and (b).

Two other submissions from US Sailing deal with exoneration. One of these proposes a change in the Basic Principle, Sportsmanship and the Rules, and the other proposes changes in current rules 21 and 64.1(a).

Racing Rules of Sailing

Rules 21 and 64.1(a)

A submission from US Sailing

Purpose

To relocate rule 64.1(a) in a more appropriate place in the rulebook, and, if Option 1 is approved, to simplify the wording of current rules 21 and 64.1(a).

Proposal – Option 1

21 EXONERATION

A boat shall be exonerated when

- (a) she is compelled to break a rule as a consequence of another boat's breach of a rule;
- (b) she ~~When a boat~~ is sailing within the *room* or *mark-room* to which she is entitled, and, she shall be exonerated if, in an incident with a boat required to give her that *room* or *mark-room*, ~~(a)~~ she breaks a rule of Section A, rule 15 or rule 16, or ~~(b)~~ she is compelled to break rule 31; or
- (c) rule 14(b) applies.

64 DECISIONS

64.1 Penalties and Exoneration

When the protest committee decides that a boat that is a *party* to a protest hearing has broken a *rule* and is not exonerated, it shall disqualify her unless some other penalty applies. A penalty shall be imposed whether or not the applicable *rule* was mentioned in the *protest*. If a boat has broken a *rule* when not *racing*, her penalty shall apply to the race sailed nearest in time to that of the incident. However,

- ~~(a) when as a consequence of breaking a rule a boat has compelled another boat to break a rule, the other boat shall be exonerated.~~
- (~~a~~) if a boat has taken an applicable penalty, she shall not be further penalized under this rule unless the penalty for a *rule* she broke is a disqualification that is not excludable from her series score.
- (~~b~~) if the race is restarted or resailed, rule 36 applies.

Clean version of proposed Rule 21 in Option 1:

21 EXONERATION

A boat shall be exonerated when

- (a) she is compelled to break a *rule* as a consequence of another boat's breach of a *rule*;
- (b) she is sailing within the *room* or *mark-room* to which she is entitled, and, in an incident with a boat required to give her that *room* or *mark-room*, she breaks a rule of Section A, rule 15 or rule 16, or she is compelled to break rule 31; or
- (c) rule 14(b) applies.

Proposal – Option 2

21 EXONERATION

- (a) When as a consequence of breaking a rule a boat has compelled another boat to break a rule, the other boat shall be exonerated.**
- (b)** When a boat is sailing within the *room* or *mark-room* to which she is entitled, she shall be exonerated if, in an incident with a boat required to give her that *room* or *mark-room*, ~~(a)~~ she breaks a rule of Section A, rule 15 or rule 16, or ~~(b)~~ she is compelled to break rule 31.
- (c) See rule 14(b).**

64 DECISIONS

64.1 Penalties and Exoneration

When the protest committee decides that a boat that is a *party* to a protest hearing has broken a *rule* and is not exonerated, it shall disqualify her unless some other penalty applies. A penalty shall be imposed whether or not the applicable *rule* was mentioned in the *protest*. If a boat has broken a *rule* when not *racing*, her penalty shall apply to the race sailed nearest in time to that of the incident. However,

- ~~(a) when as a consequence of breaking a rule a boat has compelled another boat to break a rule, the other boat shall be exonerated.~~
- (a)** if a boat has taken an applicable penalty, she shall not be further penalized under this rule unless the penalty for a *rule* she broke is a disqualification that is not excludable from her series score.
- (b)** if the race is restarted or resailed, rule 36 applies.

Current Position

As above.

Reason

1. Reason for making rule 64.1(a) part of rule 21: Rule 64.1(a) provides exoneration for a boat that is compelled to break a rule as a consequence of a breach of a rule by another boat. However, rule 64.1 directs protest committees to take certain actions at the end of protest hearings, so the principle of rule 64.1(a) does not, strictly speaking, apply on the water. Nonetheless, competitors, judges and umpires commonly speak and act as if a boat compelled to break a rule is exonerated, even in the absence of a protest hearing.
It is easy find examples of incidents in which a boat breaks a rule of Part 2 or rule 31 and is exonerated under rule 64.1(a), but not under either rule 21 or rule 14(b), for that breach. Examples include the incidents discussed in Cases 3, 28, 30, 51 and 140. Therefore, rule 64.1(a) should be located together with rules 21 and 14(b). Rule 21, with its simple and appropriate title 'Exoneration', is the logical rule in which all three rules that exonerate a boat should be located.
2. Reason for not moving the wording of current rule 14(b) into rule 21: Ideally, all the rules that exonerate a boat would be in a single rule. But, if rule 14(b) were moved into rule 21, it would be necessary to repeat in rule 21 the special conditions for exoneration under rule 14. It is simpler and clearer to include just a reference to rule 14 in rule 21 and to leave rule 14(b) as part of rule 14.
3. Discussion of Options 1 and 2: Option 1 simplifies the wording of current rules 64.1(a) and 21 and makes proposed rule 21 easier to read. Option 2 moves rule 64.1(a) into rule 21 without making any changes in the wording. US Sailing urges World Sailing to support Option 1; it has included Option 2 just in case the World Sailing Racing Rules Committee likes the idea of moving rule 64.1(a) into rule 21, but does not like the new wording proposed in Option 1.

Two other submissions from US Sailing deal with exoneration. One of these proposes a change in the Basic Principle, Sportsmanship and the Rules, and the other proposes changes in current rules 21(a) and (b).

Racing Rules of Sailing

Rules 64.4, 41 and 60.3(a)

A submission from US Sailing

Purpose

To solve problems and avoid undesirable outcomes created by new rule 64.4(b). To clarify the rules that permit a protest committee to penalize a boat when she gains a competitive advantage from a rules breach by her support person.

Proposal

Change rules 64.4, 41 and 60.3(a) as shown below:

64.4 Decisions Concerning Support Persons

- ~~(a)~~ When the protest committee decides that a *support person* who is a *party* to a hearing has broken a *rule*, it may
- ~~(a)~~ issue a warning **to the support person**,
 - ~~(b)~~ exclude the person from the event or venue or remove any privileges or benefits, or
 - ~~(c)~~ take other action within its jurisdiction as provided by the *rules*.
- ~~(b)~~ ~~The protest committee may also penalize a competitor for the breach of a *rule* by a *support person* by changing the boat's score in a single race, up to and including DSQ, when the protest committee decides that~~
- ~~(1)~~ ~~the competitor may have gained a competitive advantage as the result of the breach by the *support person*, or~~
 - ~~(2)~~ ~~the *support person* commits a further breach after the competitor has been warned by the protest committee that a penalty may be imposed.~~

41 OUTSIDE HELP

41.1 **While she is racing, a** ~~A~~ boat shall not receive help from any outside source, except

- (a) help for a crew member who is ill, injured or in danger;
 - (b) after a collision, help from the crew of the other vessel to get clear;
 - (c) help in the form of information freely available to all boats;
 - (d) unsolicited information from a disinterested source, which may be another boat in the same race.
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However, a boat that gains a significant advantage in the race from help received under rule 41.1(a) may be protested and penalized; any penalty may be less than disqualification.

41.2 **While she is not racing, a boat shall not receive help as a result of a breach of a rule by her support person if that help could give her a competitive advantage [] [in a race]. The penalty for breaking this rule may be less than disqualification.**

60.3 A protest committee may

- (a) protest a boat, but not as a result of information arising from a request for redress or an invalid *protest*, or from a report from a person with a *conflict of interest* other than the representative of the boat herself. However, it may protest a boat
 - (1) if it learns of an incident involving her that may have resulted in injury or serious damage, ~~or~~
 - (2) if during the hearing of a valid *protest* it learns that the boat, although not a *party* to the hearing, was involved in the incident and may have broken a *rule, or*
 - (3) **if it learns that she may have broken rule 41.2;**

Current Position

As above.

Reason

Current rule 64.4(b) appears to allow a boat to be penalized even though she has not broken a rule, which is contrary to the whole premise of the racing rules. It also allows the protest committee to penalize her without a hearing in contravention of a fundamental principle of due process.

One possible 'fix' to the conflict between rules 64.4(b) and 63.1 is to amend rule 63.1 by adding rule 64.4(b) to its list of exceptions, but that would deprive a boat of the opportunity to argue against the penalty, present facts not known to the protest committee, ask for a reopening, or appeal. The proposal above suggests a fairer approach that is consistent with the intent of the Part 5 rules.

The proposed solution in this submission is to delete rule 64.4(b) and add a new rule 41.2 that can be broken by a boat. The proposal also adds a new rule 60.3(a)(3) and makes a small addition to rule 64.4(a)(1).

A description of the proposed changes in specific rules and the associated reasons is shown below.

Deletion of rule 64.4(b)(1) and addition of new rule 41.2 – A boat that has gained a competitive advantage as the result of a breach by a support person has received outside help in the spirit of rule 41, and for that reason it is appropriate that such a competitive advantage be dealt with within rule 41.

A boat may receive help as a result of a breach by a support person either while she is racing or while she is not racing. Current rule 41 adequately deals with help that is received while the boat is racing. The proposed new part of rule 41, rule 41.2, applies only while the boat is not racing and carries the same discretionary penalty as current rule 64.4(b)(1). Under proposed rule 41.2, a boat whose support person has given her an advantage while not racing may be protested in the usual way, so no special provision for such a situation is required in rule 63.1, and the boat will receive a hearing and all the rights of a party to the hearing.

Deletion of rule 64.4(b)(2) – This rule is deleted and not replaced. A support person who commits more than one breach of a rule may be penalized under rule 69 (see item 9 in the list in new Case 138). If the support person is found to have broken rule 69.1, the protest committee may take action under current rule 64.4(a) and may also refer the matter to the national authority under rule 69.2(j), in which case severe penalties may be given. This could result, for example, in suspension of eligibility to serve as a support person at any World Sailing event for a period of years. That possibility should be a sufficient deterrent to repeated infringements by a support person and is far preferable to penalizing a boat that did not gain any competitive advantage as a result of the support person's breach.

Current rule 64.4(b)(2) could have particularly undesirable consequences if the boat penalized is sailed by a child and the support person is the child's parent, or a coach hired by the parent.

Addition to rule 60.3 - With the addition of new rule 41.2, a protest committee can protest a boat for gaining a competitive advantage as the result of a rules breach by her support person. However, without a change to rule 60.3(a), the protest committee could not protest a boat as a result of information arising from a report from a person with a conflict of interest. It is quite possible that a report about a possible rules breach by a support person could come from a person with a conflict of interest. Coaches, for example, are often in the best position to see rules breaches by other coaches. With the addition of new rule 60.3(a)(3), a protest committee can consider and act on such reports. This is consistent with their ability to act on similar reports with regard to rule 69 and incidents that may have resulted in injury or serious damage.

Change in Rule 64.4(a)(1) – The addition of the words 'to the support person' makes it clear that this warning is to be made only to a support person who breaks a rule, and not to the boat associated with the support person.

Racing Rules of Sailing

Rules 63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 64.4, 66 and 69.2(e) and the Protest Form

A submission from US Sailing

Purpose

To adjust the rules of Section B of Part 5 so that a fair and orderly procedure for a hearing under rule 60.3(d) is established and so that a support person who is a party to such a hearing will have the same rights that parties to a protest or redress hearing have.

Proposal

Make the changes shown below in the rules of Section B of Part 5.

SECTION B

HEARINGS AND DECISIONS

63 HEARINGS

63.1 Requirement for a Hearing

A boat or competitor shall not be penalized without a protest hearing, except as provided in rules 30.2, 30.3, 30.4, 64.3(d), 64.4(b), 69, 78.2, A5 and P2. A decision on redress shall not be made without a hearing. 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.

63.2 Time and Place of the Hearing; Time for Parties to Prepare

(a) All *parties* to ~~a~~ the hearing shall be notified of the time and place of the hearing, ~~the protest or redress information shall be made available to them,~~ and they shall be allowed reasonable time to prepare for the hearing.

(b) For a *protest* or redress hearing, the *protest* or request shall be made available to the *parties*.

(c) When the protest committee calls a hearing to consider whether a *support person* has broken a *rule*, a written statement from the protest committee shall be made available to the *support person* identifying the incident and the *rule* that may have been broken in that incident.

63.3 Right to Be Present

(a) A representative of each *party* to ~~a~~ the hearing has the right to be present throughout the hearing of all the evidence. When a *protest* claims a breach of a rule of Part 2, 3 or 4, the representatives of boats shall have been on board at the time of the incident, unless there is good reason for the protest committee to rule otherwise. Any witness, other than a member of the protest committee, shall be excluded except when giving evidence.

- (b) If a *party* to ~~a the hearing of a protest or request for redress~~ does not come to the hearing, the protest committee may nevertheless **conduct it without the party present** ~~decide the protest or request~~. If the *party* was unavoidably absent, the committee may reopen the hearing.

63.4 Conflict of Interest

- (a) A protest committee member shall declare any possible *conflict of interest* as soon as he is aware of it. A *party* to ~~a the hearing~~ who believes a member of the protest committee has a *conflict of interest* shall object as soon as possible. A *conflict of interest* declared by a protest committee member shall be included in the written information provided under rule 65.2.
- (b) [No changes]
- (c) [No changes]
- (d) [No changes]

63.5 Validity of ~~a the~~ Protest or Request for Redress

At the beginning of ~~a protest or redress the~~ hearing the protest committee shall take any evidence it considers necessary to decide whether all requirements for the *protest* or request for redress have been met. If they have been met, the *protest* or request is valid and the hearing shall be continued. If not, the committee shall declare the *protest* or request invalid and close the hearing. If the *protest* has been made under rule 60.3(a)(1), the committee shall also determine whether or not injury or serious damage resulted from the incident in question. If not, the hearing shall be closed.

63.6 Taking Evidence and Finding Facts

The protest committee shall take the evidence of the *parties* present at ~~a the~~ hearing and of their witnesses and other evidence it considers necessary. A member of the protest committee who saw the incident shall, while the *parties* are present, state that fact and may give evidence. A *party* present at ~~a the~~ hearing may question any person who gives evidence. The committee shall then find the facts and base its decision on them.

63.7 [No changes]

63.8 [No changes]

64 DECISIONS

64.1 [No changes]

64.2 [No changes]

64.3 [No changes]

64.4 Decisions Concerning Support Persons

- (a) **During a hearing under rule 60.3(d), when** ~~When~~ the protest committee decides that a *support person* who is a *party* to ~~the a~~ hearing has broken a *rule*, it may
- (1) issue a warning,

- (2) exclude the person from the event or venue or remove any privileges or benefits, or
 - (3) take other action within its jurisdiction as provided by the *rules*.
- (b) The protest committee may also penalize a **boat associated with a support person** ~~competitor~~ for the breach of a *rule* by ~~the~~ **a support person** by changing the boat's score in a single race, up to and including DSQ, when the protest committee decides that
- (1) the **boat** ~~competitor~~ ~~may have~~ gained a competitive advantage as the result of the breach by the *support person*, or
 - (2) the *support person* commits a further breach after the **boat** ~~competitor~~ has been warned by the protest committee that a penalty may be imposed.

65 INFORMING THE PARTIES AND OTHERS

[No changes]

66 REOPENING A HEARING

The protest committee may reopen a hearing when it decides that it may have made a significant error, or when significant new evidence becomes available within a reasonable time. It shall reopen a hearing when required by the national authority under rule 71.2 or R5. A *party* to ~~a~~ **the** hearing may ask for a reopening no later than 24 hours after being informed of the decision. On the last scheduled day of racing the request shall be delivered

- (a) within the protest time limit if the requesting *party* was informed of the decision on the previous day;
- (b) no later than 30 minutes after the *party* was informed of the decision on that day.

When a hearing is reopened, a majority of the members of the protest committee shall, if possible, be members of the original protest committee.

Consequential changes:

69.2 Action by a Protest Committee

Add '(a)' to rule 69.2(e) as shown below:

- (e) If the protest committee decides to call a hearing, it shall promptly inform the person in writing of the alleged breach and of the time and place of the hearing and follow the procedures in rules 63.2**(a)**, 63.3(a), 63.4 and 63.6 except that:

World Sailing Protest Form

Add on the first page in paragraph 2, TYPE OF HEARING, the following new entry:

Hearing under rule 60.3(d)

Current Position

As above.

Reason

Background: In 2017, new rule 60.3(d) allowed a protest committee to call a hearing to consider whether a support person has broken a rule. The rules in Section B of Part 5 were written to cover protest hearings, redress hearings and, for rules 63.2, 63.3(a), 63.4 and 63.6, rule 69 hearings. When the rules in Section B were written, the authors did not contemplate applying them to the new type of hearing allowed by new rule 60.3(d). The proposal changes the rules of Section B of Part 5 so that they apply to hearings conducted under that rule. The majority of the changes are very simple changes of one, or a few, words. The reasons for the specific changes proposed in this submission are shown in the paragraphs below.

Rule 63.1: Current rule 64.4(b) permits the protest committee to penalize a boat associated with a support person without making the boat a party to a hearing. This is inconsistent with current rule 63.1, and adding rule 64.4(b) to the list of rules in rule 63.1 would remove the inconsistency. However, US Sailing strongly supports its submission to delete rule 64.4(b) and change rules 41 and 60.3. If that submission is approved, then rule 64.4(b) should not be added to the list in rule 63.1.

Rule 63.2(c): A protest, a request for redress or an alleged breach of rule 69 requires that a written allegation or request be given to each party. These requirements are in rules 61.2, 62.2 and 69.2(c). Proposed new rule 63.3(c) adds a similar requirement for a written statement when a hearing under rule 60.3(d) will be held.

Reason for the change from 'the hearing' to 'a hearing' in seven places (rules 63.2(a), 63.3(a), 63.3(b), 63.4, 63.6 (twice) and 66): One meaning of the word 'a' is 'any'. The word 'a' is used with that meaning in many places in the racing rules; see, for example, rule 10 where the two uses of the word 'a' imply that any port-tack boat is required to keep clear of any starboard-tack boat. Changing 'the hearing' to 'a hearing' in the seven rules listed above makes it clear that those rules apply to 'any' hearing, which includes a hearing under rule 60.3(d) as well as a protest hearing, a redress hearing and, provided the rule is listed in rule 69.2(e), a rule 69 hearing.

Rule 63.3(b): The change to the wording 'conduct it without the *party* present' duplicates the wording used in rule 69.2(f)(2), and that wording states more accurately what the protest committee should do if a *party* to a hearing does not come to the hearing.

Rule 63.5: The words added to rule 63.5 are needed because that rule deals only with protest or redress hearings.

Rule 64.4:

The added words at the beginning of rule 64.4(a) make it clear that the rule applies only to hearings under rule 60.3(d).

The words 'may have' are deleted from rule 64.4(b)(1) because a penalty should only be given if the protest committee decides that the boat penalized actually did gain a competitive advantage as the result of a breach of a rule by her support person. A boat should never be penalized unless the protest actually finds that she broke a rule, and not because she 'may have' broken one.

The other changes in rule 64.4(b) were proposed because, under the racing rules, boats receive scores, not competitors. Therefore, it is a boat associated with the support person that should have its score changed if the protest committee decides that rule 64.4(b)(1) or (2) applies. Also, the wording of these changes was chosen to help avoid the confusion that

could occur under rule 64.4(b) when the support person who breaks a rule is coaching, or otherwise supporting, more than one boat in the race.

Summary: The changes proposed in this submission provide a simple way to change the rules of Section B of Part 5 so that a protest committee will know how to conduct a hearing under rule 60.3(d) and so that a support person who is a party to such a hearing will have the same rights as a party to a protest or redress hearing. This proposal adds just 61 words to Section B and is a much more straightforward way to provide procedural rules for hearings under rule 60.3(d) than to add new rules, or a new appendix, for such hearings.
