

# RRS 68

The Latest News from  
the Judges' Committee



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## **WELCOME TO THE JUDGES' NEWSLETTER**

**Sarah Ashton**

The summer sailing season is commencing! I hope you have your summer filled with sailing, judging and fun.

If you have any tips for your fellow judges, I will start a JUDGE TIP section with your contributions. Please feel free to send me your ideas for preparing for an event, working with the OA and RC, organizing hearings, etc.

If you have any topics you would like addressed or articles to include in the newsletter, please send them to your RAJ or me. Pertinent photos will also be appreciated.

Thanks to Priscilla Parker for the fabulous action shots.

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# CHAIRMAN'S CORNER

## Wayne Balsiger

These Newsletters can now be found on the Judges page, just above the minutes of the Judges Committee meetings. The Arbitration reporting form is updated to the current 30%. Other postings include the April JC meeting minutes.

### **Certification Expiring in 2022?**

If your Judge Certification expires at the end of this year, you are now queued in the Club Judge or Advanced Test portal so that you may take your test at any time. Just enter your US Sailing ID. There is a practice test as well that you can take any time. Seminar instructors are not exempt from the test requirement. Only if you are an IJ and pass your IJ recert test: we accept this test, and you are not required to take the US Sailing Advanced test.

### **Working on your Initial Certification?**

Remember we want your references to be sent in within 30 days, so your performance is fresh in the mind of your reference. Let them know at the beginning of the event that you would like a reference from them. This helps you so they can see you perform needed activities such as hearings or chairing a hearing. This info is in the Judge Certification Requirements document on the website.

Check the Judge Certification Requirements (under Judge Guidelines and Documents section) and your SOARS records to ensure that you meet all the recertification requirements before November 15. This allows the JC to smoothly recertify you at our December meeting.

Misconduct Important changes are highlighted in the Misconduct Initiative Guidance article by Nancy Glover. Our goal is to have misconduct information from all hearings resulting in any penalty (including a warning) submitted to US Sailing. That data will be available only to judges holding rule 69 hearings in which a party is found to have violated rule 69 again.

### **Race official Insurance**

US Sailing is still working on the insurance issue. Progress is slow with tough insurance market conditions. They have reached out to a number of underwriters. They are looking at whether coverage is different if you are on the water or not and whether it's different depending on your role as a race official, for example, RC, Judge, Umpire.

Matt Hill, Race Administration Director, is working on an "Infographic" about insurance. The intent is to have several templates; one for the OA to let you know what coverage for Race Officials they have, and two for you to ask what insurance coverage the OA has for Race officials. Current insurance information is here [Insurance for Race Officials](#).

### **Rule 42 Clinics**

We held the first Introductory Clinic in May and plan a second Introductory clinic in July. Work is beginning on the more advanced training as well as an endorsement for rule 42, so OAs and Judges know who is qualified for Rule 42 on the water.

### **Good Practices**

I think a number of Judges have good practices they use. Some are in the Judges' Manual, of course. Other techniques may be known regionally but maybe not be known more nationally. Some of these are discussed and spread via Judges Round Tables. If you have a good practice that you think more judges should know about, let me and Editor Sarah Ashton know about them. We also plan to use this RRS 68 newsletter to help disseminate them.

**Thanks for all you do as Judges**

# MISCONDUCT

## Nancy Glover

The Misconduct Initiative Guidance aims to track repeated instances of behavior that violate the requirement not to commit an act of misconduct. As defined in rule 69, misconduct is “conduct that is a breach of good manners, a breach of good sportsmanship, unethical behavior or conduct that may bring or has brought the sport into disrepute.” While most sailors do not ever engage in misconduct, there are a few “bad apples” that continue unacceptable behavior even after warnings given under rule 69.2(h) or 69.2(i).

To better understand the problem and address repeated acts of misconduct, we ask US Judges to provide to US Sailing Misconduct Information whenever it decides in a hearing that a competitor, boat owner or support person has committed an act of misconduct. The Misconduct Information will include the facts found, the conclusions and the decision taken under rule 69.2(h). If an investigation or a hearing results in a finding that no misconduct occurred, no information should be sent to US Sailing. The Misconduct Information will be kept in a confidential database administered by the US Sailing Director of Race Administration and Director of Compliance. The reports will be retained for seven years in the case of adults and five years in the case of juniors.

When a protest committee finds a person subject to rule 69 to have committed an act of misconduct, the chair is advised to contact US Sailing to request a copy of any Misconduct Information in the database before any further action is taken related to that person. The protest committee may then read the Misconduct Information, if any, and determine if there is a pattern of repeated misconduct behavior. If so, the action taken under rule 69.2(h) or 69.2(i) may include consideration of prior misconduct documented in the database. See World Sailing Case 139 and World Sailing Misconduct Guidance 43.4.1, July 2021, aggregating factors.

The Judges Committee believes the database will be an important tool in helping protest committees determine the appropriate level of penalty (including whether to impose a warning, changes in a boat’s score in one or more races, including disqualification that may not be excluded, exclusion from the event or venue, removal of privileges or benefits or any other action within its jurisdiction). There have been incidences of repeated warnings when a protest committee is unaware that there has been repeated misconduct at several events or venues. This has left protest committees uninformed of behavior that may deserve a more significant action than a warning.

The Misconduct Initiative Guidance does not change rule 69 as it is Guidance and, therefore, not mandatory. Rule 69.2(j) requires the protest committee to report its facts found, conclusions and decision when it imposes a penalty greater than one DNE, excludes a person from the event or venue, or in any other case, it considers appropriate. In this situation, a “report” will be made, and the US Sailing Review Board will review the penalty. In all other instances, the Misconduct Information, which will not be considered a “report” under rule 69 69.2(j), will not be sent to the Review Board.

A protest committee is limited in the penalties it may impose to “actions within its jurisdiction.” Further penalties, including suspension of eligibility, may be imposed by US Sailing under 69.3. In the extremely rare case that a person has demonstrated an unwillingness or inability to avoid misconduct, US Sailing Review Board, after due consideration, may impose further penalties, including limitations on eligibility to compete in US events for a specified period of time.

Nancy Glover  
Member at Large, US Judges' Committee

# APPEALS POINTERS

Dave Perry

## Some Ways to Minimize the Chances your Decision will be Appealed, or Changed on Appeal

In the United States there is a two-tier appeals system. If parties to a protest or redress hearing wish to appeal the decision or procedures of the protest committee, they can appeal to a regional appeals committee of which there are approximately 30 in the U.S. (see rule 70.1). And if they wish to appeal the decision of the regional appeals committee, they can appeal to the US Sailing Appeals Committee whose decision is final (see rule 71.4). The procedures for appealing are in Appendix R, Procedures for Appeals and Requests.

Each year there are approximately thirty appeals filed to the regional appeals committees and six to the US Sailing Appeals Committee. So not many given the number of protests there are each year.

Here is a list of some of the common reasons a party appeals the decision of a protest committee, in no particular order:

### **1) The protest committee did not follow the procedural rules in Part 5, Section B of The Racing Rules of Sailing.**

The common errors are:

- Deciding protests were valid when the hail "Protest" or the flag was made or displayed too late (see rule 63.5, Validity of the Protest or Request for Redress)
- Not permitting a party to call a witness (see rule 63.6, Taking Evidence and Finding Facts)
- Not holding a hearing when a protest or request for redress has been submitted (see rule 63.1, Requirement for a Hearing)

Most procedural errors can be eliminated if the person chairing the hearing has Appendix M, Recommendations for Protest Committees, open in front of them throughout the hearing.

### **2) Not finding sufficient facts to support the conclusions and decision of the protest committee (see rule 63.6).**

- The facts found should tell the story with enough detail so that someone not familiar with the incident will have a clear picture of what happened. When the facts do not provide enough detail to support the conclusions or decision, they are "inadequate," and on appeal, an appeals committee will likely ask the protest committee to supply additional facts and information (see Appendix R, rule R5.4, Facts and Other Information, and Appeal 114).

### **3) Not applying the rules correctly to the facts found.**

- It is important that the protest committee consider all the rules that might apply, and then apply those that do. For instance, an incident in the zone of a finishing mark will begin with the Right-of-Way rules in Part 2, Section A, and the General Limitations in Section B; but the rules at Marks and Obstructions in Section C will also likely apply, as well as the exoneration rules in Part 4, Section A (see rule 43, Exoneration).

Dave Perry  
Chairman, US Sailing Appeals Committee



# THE INTERNATIONAL JUDGE CERTIFICATION PROCESS

## Darryl Wascow

International Judges (IJ) are appointed by World Sailing, and if you are interested in the process, the Judges Committee has appointed an IJ Candidate Mentor. I can answer questions and help you along the path.

International Judges serve at World Championships and other principal events where there is no appeal, and the winners are definitively announced. Appendix N in the rule book lays out the details, and in many cases, an International Jury is five from three different countries. They also serve at many other levels of regattas and share their experiences.

Studying to become an IJ can raise your game no matter if you ultimately complete the entire process. I took the IJ Seminar to learn more about judging as a first step. As I completed each requirement, I became a more experienced and better judge.

The process can take a few years to meet all the requirements, and I recommend taking it one step at a time as you progress. Some make it a priority to work through it all quickly, and others take the full four-year window the process allows.

Briefly, you need to attend an IJ Seminar and pass the test, be a PC member at four principal events with two being an International Jury and one in another country, have three positive recommendations, and the recommendation and approval of US Sailing. Often the first step is finding a seminar and studying to pass the test.

All of the details are laid out in this document. I've just laid out a quick overview.

[https://d2cx26qpfwuhvu.cloudfront.net/sailing/wp-content/uploads/2022/02/09142357/RaceOfficials\\_RQC2022\\_Final-3.pdf](https://d2cx26qpfwuhvu.cloudfront.net/sailing/wp-content/uploads/2022/02/09142357/RaceOfficials_RQC2022_Final-3.pdf)

When future IJ Seminars are scheduled, they can be found here: [https://site-isaf.soticcloud.net/raceofficials/internationaljudge/seminars\\_clinics.php](https://site-isaf.soticcloud.net/raceofficials/internationaljudge/seminars_clinics.php)

The deadlines each year are as follows: June 1st to US Sailing for approval and recommendation to World Sailing. The US Sailing deadline to submit the recommendation to World Sailing is September 1st. The application period covers the last four years October through October.

When ready to get into the details, read these documents carefully. The process can be bureaucratic, and the requirements and deadlines are specific and have to be met. I can help if you have any questions.

Good luck,

**Darryl Wascow**  
**Judges Committee IJ Candidate Mentor**  
**dswaskow@gmail.com**  
**cell 609-462-3278**



# HAPPENINGS IN AREA D

## Edith Collins

Area D stretches from the NC/VA border across to the Mississippi River. Down to the Gulf and across to the Atlantic Ocean. It has the greatest number of US Sailing members of any of the Areas. Most, if not all, of the clubs in the area sail year-round.

We have 3 RSAs in Area D: Florida Sailing Association, The Gulf Yachting Association (which also includes areas of Texas), and the South Atlantic Yacht Racing Association. We did lose an RSA in the last year. Dixie Inland Yacht Racing Association had been inactive for a while, and most of the clubs had been members of one of the other three RSA's.

We currently have 66 judges in Area D. They are as follows:

12 Judges in Training, 23 Club Judges, 15 Regional Judges, 16 National Judges, and 3 International Judges (included in the National Judges count).

Most of our judges are in Florida, with 39. North Carolina and South Carolina each have six judges. Georgia comes in next with five judges. Louisiana has four judges. Alabama, Mississippi, and Tennessee each have one judge.

We had an excellent three-session round table earlier this year with participation from all over the area. Area D judges are very active in the judge training classes, including the seminars and protest days. We have three certified instructors.

Speaking of instructors, Jerry Thompson, a National Judge out of the NC coast, has a wonderful rules seminar that he is happy to offer at no cost. This is in addition to the "Around the Race Course" offering included in the certification courses.

18 of our judges are candidates for renewal this year (including me). If you are one of these folks, please make sure you look at your SOARS account and that it is up to date. You must also meet all renewal qualifications, including passing a test at your certification level during the current rules quad and current safe sport certification. You must submit a renewal application as well. Information on the recertification requirements can be found on the web page at:

<https://www.ussailing.org/competition/rules-officiating/judges/programs/>

Please do not wait until the last minute to meet your requirements.

If you know anyone interested in becoming a judge in training, please let me know. We are always looking for folks to get into the process.

Please let me know if your club is hosting a regatta and needs judges. There are many judges needing events to continue or upgrade their certification. You can find all of the judge's contact information on the "find a race officer" page.

Let me know how I can help.

**Edith Collins, RAJ Area D**

## USEFUL LINKS

- [US Sailing Judges' Page](#)
- [The Racing Rules of Sailing 2021-2024 with the corrections and updates for Jan 1, 2022](#)
- [SOARS](#)
- [Safesport](#)
- [World Sailing](#)

## RESOURCES

- [Find a Seminar](#)
- [US Sailing Judge Certification Requirements](#)
- [2021-2024 US Prescriptions to The Racing Rules of Sailing](#)
- [Appendices KG & LG - NoR and SI Guides & Templates](#)
- [The Judges' Manual for 2021-2024](#)
- [Guidelines for Online Hearings](#)
- [Continuing Education Events and CEUs Table](#)
- [Race Officials Certification Forms](#)

### SafeSport Training Tip

When taking SafeSport training, please access it via the [USSailing.org](https://ussailing.org) site and not via the SafeSport site. This ensures you take the correct training and allows your results to flow back to US Sailing and SOARS automatically, saving you and the office time and headache.

