

US Sailing Procedures for Denying the Right of Appeal at Sailing Events



US Sailing's Prescription to RRS 70.5(a) requires its approval if the right of appeal is to be denied in cases where "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..."

These procedures outline the process by which US Sailing's permission may be granted and the requirements with which an organizing authority and protest committee must comply once permission has been granted to balance the need for certainty of results in an event with the desirability of retaining the right to appeal to the greatest practical extent.

Please note that this process *is not* for use at Protected Competitions or Selection Competitions as defined in US Sailing Regulation 12. For those events, the Expedited Appeal procedure applies.

Please feel free to email the [Race Administration Director](#) or call 401-342-7948 if you have any questions.

1. Application

- 1.1 An organizing authority seeking permission to deny the right of appeal under RRS 70.5(a) shall apply online: [Rule70.5\(a\) No Appeal Event Application](#).
- 1.2 Permission should be sought before the notice of race has been posted or distributed and, in any case, no less than thirty (30) days in advance.
- 1.3 US Sailing will review the application and grant its permission if the requirements set forth in these guidelines have been met.
- 1.4 If US Sailing grants permission, it will advise the Organizing Authority in writing and list the event online.
- 1.5 Blanket Exceptions Granted by US Sailing:
 - (a) All events hosted by, and limited to members of, the Interscholastic Sailing Association (ISSA) and the Intercollegiate Sailing Association (ICSA) are granted blanket permission to host no-appeal events and a waiver of these requirements, provided that the denial of appeal is stated in the notice of race and posted on the official notice board of the event.
 - (b) If the organizing authority for a US Sailing Championship Qualifier complies with the requirements for a [Reopening Hearing at a Championship Qualifier](#), the right to appeal the decision of a protest or a request for redress may be denied without complying with the requirements for a no-appeal event in this document. Competitors at such events may, however, appeal the decision of a hearing under RRS 69.

2. Requirements

- 2.1 Organizing Authority – The organizing authority shall be a member of US Sailing at the time of application and at the time of the event.
- 2.2 Protest Hearing Panel Composition – The protest hearing panel shall consist of no fewer than three people, the majority of whom shall be currently-certified World Sailing International Judges or US Sailing National Judges. No member of the protest committee may have a conflict of interest as that term is defined in *The Racing Rules of Sailing*.

- 2.3 Independent Protest Committee – All members of the protest committee shall be independent of the race committee and organizing authority. No member of the protest committee may serve as a member of the event organizing committee or the race committee.
- 2.4 Chief Judge or Chief Umpire – The chief judge or chief umpire shall be a US Sailing National Judge or a World Sailing International Judge.
- 2.5 Substitution of Protest Committee Members – If one or more protest committee members are unable to participate, the organizing authority may replace them so long as the reconstituted protest hearing panel complies with these procedures and requirements.
- 2.6 Multi-Class Events: Permission Limited to Applicable Class(es) – In multi-class events US Sailing’s permission to deny the right of appeal under RRS 70.5(a) will be limited to those classes in which it is essential to promptly determine the result of an event that will qualify a boat to compete in a later stage of an event or a subsequent event.

3. Qualification for a Subsequent Event

- 3.1 Period Between Events – The event for which permission to deny the right of appeal is sought shall be no more than six months in advance of the subsequent event.

4. Qualification Series for Advancement in the Same Event

- 4.1 Permission Limited to Qualifying Series – At events with a qualification series that leads to entry into another phase of the same event (such as qualification for a gold or championship division), US Sailing’s permission to deny the right of appeal under RRS 70.5(a) will be limited to the qualifying series.

5. Notice of Race and Sailing Instructions

- 5.1 Availability of Notice of Race – The notice of race must be made readily available online at least 30 days prior to the start of the event.
- 5.2 Notification in the NoR and SI - The notice of race and the sailing instructions for a US-Sailing no-appeal event shall include one or more of the following:
 - (a) When the no-appeal status covers the whole event:

“The right of appeal from a protest committee decision is denied as provided in RRS 70.5(a). US Sailing has granted their approval. If US Sailing’s requirements are not met, the decisions of the protest committee may be appealed.”
 - (b) When the no-appeal status covers a qualifying series only:

“The right of appeal from a protest committee decision during the qualifying series is denied as provided in RRS 70.5(a). US Sailing has granted their approval. For the final series, or if US Sailing’s requirements are not met, the decisions of the protest committee may be appealed.”
 - (c) When the no-appeal status applies to a multi-class event:

“The right of appeal from a protest committee decision for the <class1>, <class2> is denied as provided in RRS 70.5(a). US Sailing has granted their approval. For all other classes, or if US Sailing’s requirements are not met, the decisions of the protest committee may be appealed.”

6. RRS 69 Hearings

- 6.1 US Sailing Contact Judge – At the time the organizing authority is granted permission to deny the right of appeal under RRS 70.5(a), US Sailing will designate a primary contact judge who will be available by phone or video conference to discuss any matters that may arise.
- 6.2 Consultation with US Sailing – Before calling a hearing under RRS 69, the protest committee shall consult with the US Sailing contact judge assigned to the event.
- 6.3 The US Sailing contact judge and the chief judge or chief umpire may decide that the protest committee should appoint an investigator in accordance with RRS 69.2(c). If so, the appointed investigator shall be approved by the US Sailing contact judge in advance of the appointment.
- 6.4 Conduct of RRS 69 Hearing – The protest committee shall follow the advice of the US Sailing contact judge with respect to the RRS 69 hearing. Depending upon the circumstances, that advice may be to proceed with the hearing using the protest committee as constituted, to add one or more members to the protest committee, to reconstitute the protest committee, or to refer the matter to US Sailing for potential action.

7. Effect of Non-Compliance with These Requirements

- 7.1 Failure to Obtain US Sailing Permission – Any provision in the notice of race or sailing instructions attempting to deny the right of appeal under RRS 70.5(a) at an event for which US Sailing's written permission has not been granted is void.
- 7.2 Failure to Comply with These Requirements – US Sailing's permission is void if the organizing authority or the protest committee fails to meet the requirements in these guidelines.

8. Special Circumstances

- 8.1 Exceptions – US Sailing may grant exceptions in rare circumstances. Requests for exceptions will be considered by a committee composed of the Chair of the Appeals Committee, the Chair of the Judges Committee, the Chair of the Race Management Committee and the Race Administration Director.
- 8.2 Notice – Notice of an exception, and the conditions of the exception, will be posted on the List of Approved Events at US Sailing's Rules/No Appeal page.

9. Qualifications and Responsibilities

- 9.1 The role of the US Sailing contact judge, who is appointed by the Race Administration Director for an individual event, is to provide guidance to the protest committee and organizing authority.
 - a) The US Sailing Contact Judge should be available to provide advice and feedback at the request of the Chief Judge (including challenging or controversial hearings and decisions).
 - b) Should a matter arise that may lead to a RRS 69 misconduct hearing or other disciplinary action, it is mandatory that the Chief Judge consult with the US Sailing Contact Judge.
- 9.2 Qualifications of the US Sailing Contact Judge:
 - a) Be an experienced WS International Judge
 - b) Have experience with RRS 69 Misconduct procedure and other misconduct actions
 - c) Have a solid familiarity with the current World Sailing Misconduct Guidance
 - d) Have a firm understanding of and commitment to the due process rights of sailors
 - e) Have unquestionable common sense and steady, unflappable demeanor

9.3 Responsibilities of the Contact Judge

- a) Contact the Chief Judge before event begins; be sure appropriate parties have contact information
- b) Discuss the tone and specifics of event
- c) Ensure that the Chief Judge understands the role of the US Sailing contact judge
- d) Be available by phone or video conference during the event for consultation
- e) If a misconduct incident arises that could lead to an investigation or RRS 69 hearing, discuss options with the Chief Judge, offer direction on procedure, assist in forming a qualified panel
- f) Offer guidance on other serious matters that may arise during a no-appeal event
- g) Ensure that the Chief Judge understands that the responsibility for managing misconduct issues lies with the event protest committee. Reinforce that the decision not to hold an investigation or hearing (RRS 69.2(k): "If it is impractical for the protest committee to conduct a hearing...") is a last resort. The protest committee should not send the case to US Sailing because they are uncomfortable hearing it or are concerned about litigation.
- h) Expect to cover one or two events a year
- i) Respond promptly when the Race Administration Director sends out requests for coverage

9.1 Responsibilities of the Chief Judge

- a) Contact the US Sailing contact judge before the event begins: swap contact information and discuss any unique issues involved in the event.
- b) If a misconduct incident arises that could lead to an investigation or RRS 69 hearing, discuss options with the US Sailing contact judge.
- c) When the protest time limits have passed each day and there appears to be no need to involve the US Sailing contact judge, let the contact judge know that they no longer need to be on call that day.

10. Modifications

10.1 Changes to These Guidelines – The guidelines will be reviewed periodically and may be modified from time to time.

10.2 Effect of Modifications – If a modification is applicable to an event for which permission has been granted, the organizing authority will be notified by US Sailing.

11. Links and References

Race Administration Director: raceadmin@ussailing.org

US Sailing No-Appeal Webpage: <https://www.ussailing.org/competition/rules-officiating/appeals/no-appeal-rule-70-5-procedures/>

Rule70.5(a) No Appeal Event Application: <https://www.ussailing.org/competition/rules-officiating/appeals/no-appeal-event-application/>

Reopening Hearing at a Championship Qualifier: <https://www.ussailing.org/wp-content/uploads/2019/02/Reopening-Procedure-for-Championship-Qualifiers-2.21.19.pdf>

Link to US Sailing By-laws, Regulations: <https://www.ussailing.org/about/our-organization/#resources-block>

US Sailing Athlete Safety and SafeSport: <https://www.ussailing.org/athlete-safety/>

WS Guidelines for Misconduct, 2021 edition

[https://www.sailing.org/tools/documents/WorldSailingMisconductGuidanceJuly2021-\[22804\].pdf](https://www.sailing.org/tools/documents/WorldSailingMisconductGuidanceJuly2021-[22804].pdf)

US Sailing Judges Manual is located on the Rules/Officiating: Judges page, under the heading

“Judge Guidelines & Documents”: <https://www.ussailing.org/competition/rules-officiating/judges/>

US Sailing Athlete Ombudsman program: [https://www.ussailing.org/about/our-](https://www.ussailing.org/about/our-organization/review-board/)

[organization/review-board/](https://www.ussailing.org/about/our-organization/review-board/)

USOPC Athletes Rights and Responsibilities: [https://www.usopc.org/athlete-rights-and-](https://www.usopc.org/athlete-rights-and-responsibilities)

[responsibilities](https://www.usopc.org/athlete-rights-and-responsibilities)

Rev. 5/2024