

Appeals FAQ

This document offers guidance 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, 71 and 72, 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:

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US Sailing

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Where do I find the rules that govern appeals?

They are in Appendix R, Procedures for Appeals and Requests, in the US Sailing edition of *The Racing Rules of Sailing*. Rules 70, 71 and 72 are also relevant.

Is there a time limit for submitting an appeal?

Yes. Appeals shall be sent to the US Sailing Race Administration Director no later than 15 days after receiving the written decision being appealed or a protest committee's decision not to reopen a hearing.

How do I submit my appeal?

You may submit your appeal or request by attaching it to the *Appeals & Requests Information Form* on the "Submit Appeal" page and clicking the "Submit" button (the preferred method). Navigate to ussailing.org/appeals and click on the "Appeals & Requests Information Form" link on the left side of the page.

Or you may email your appeal or request, the decision being appealed or inquired about and all other documents or links to documents (notice of race, sailing instructions, etc.) to submitappeal@ussailing.org.

What format should I use if I submit by e-mail?

The e-mail can be in plain text or html.

What format should I use for any attachments?

PDF documents are best. Alternately, files may be saved in Microsoft Word (.doc or .docx). Documents such as the notice of race, sailing instructions and the PC's decision are typically attached as PDFs. Very large e-mail files (typically those over 10 MB) may not be handled by your e-mail provider. If you experience this problem, it is best to separate your materials into multiple e-mails.

Is there a fee for my appeal?

There is no fee for sending an appeal to US Sailing. If the appeal will be considered by an association appeals committee, those appeals committees will inform the appellant if they require a fee. For appeals that will be heard by the US Sailing Appeals Committee, there is no fee for US Sailing members and an \$85 fee for non-members.

The US Sailing Appeals Committee considers appeals from decisions of association appeals committees and the Intercollegiate Sailing Association (ICSA) and Interscholastic Sailing Association (ISSA) Appeals Committees, and appeals from protest committee decisions involving rule 69 (Misconduct) or from protest committee decisions made at US Sailing national championships. All other appeals are considered by association appeals committees or the ICSA or ISSA Appeals Committees. Those appeals committees will inform the appellant if they require a fee.

How do I pay my fee?

Non-members appealing to the US Sailing Appeals Committee may pay the fee online by purchasing the appropriate item in the <https://ussailing.store/>. You may also send a check for the fee to US Sailing at the address above.

What happens after I submit my appeal to US Sailing?

The Race Administration Director promptly sends it to the appropriate appeals committee or to the US Sailing Appeals Committee as appropriate. 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, which will then make all decisions regarding that appeal.

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

No. Rule R1.1(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 *Appeals & Requests Information Form*, which will ask for all the relevant documents and information required by rule R1.2 that are available to the appellant, including the names, mailing addresses and e-mail addresses of the people listed in rule R1.2(e).

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

No. Rule R1.1(a) requires that the written decision being appealed be submitted with the appeal. Note that the 15-day time limit in rule R1.1(a) for sending an appeal begins the day you receive the written decision. Rule 63.6(b) addresses how to obtain a written decision from the protest committee. Rule R1.1(b) addresses 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. An appeals committee is required to send all relevant documents it receives to all the parties and committees in an appeal. The parties and committees are entitled to comment on the appeal or request and on any documents listed in rule R1.2. 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.

Who can ask the Appeals Committee for an interpretation of the rules based on a hypothetical set of facts, and is there a fee to do so?

Any club or organization that is affiliated with US Sailing (see rule 72) may request an interpretation. The request must be sent or endorsed by an officer of that club or organization (see rule R1.4). There is no fee to request an interpretation of the rules.

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 page on the US Sailing web site at ussailing.org/appeals

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. 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 World Sailing 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.” 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).

Published by the US Sailing Appeals Committee
January 1, 2025