

# Protests

by John Ball

---

## How to Protest successfully – What happens in a Protest Hearing

Yacht Racing is a multi-faceted sport. You need to be an Engineer to build a good boat and rigs. You need to be a Meteorologist understand and predict the wind and water conditions. You need to be a Lawyer to understand the rules. You need to be a Sailor to handle and maneuver the boat. You need to be a Saint to not kill the competitor that just T-boned your shiny new yacht! We all have some of those attributes in different measure – and the one we are all weakest on, is understanding and applying the Racing Rules of Sailing, the RRS.

Winning a race is a combination of going fast, in the right direction, and applying tactics to gain (or not lose) position when maneuvering close to other boats. The RRS allow us to apply tactics to a racing situation – or to put it another way – Without the RRS there would be no tactics – just mayhem. But what happens when two skippers see a given situation differently, or apply different rules to an incident on the course? Frequently, we end up with a collision or a wild avoidance, and a hail of “Protest!”

Some skippers take offence at being protested and taking a penalty turn – but why? I suspect that it is human nature – that part of us that is unwilling to accept that we may have made a mistake – “It couldn’t be me! – It must be the ‘other’ guy”. But I take a different view. To me a protest is not about who made a mistake or who can yell the loudest. Rather, it is the result of someone not understanding which rule to apply. So I see each protest as a learning opportunity. And the best outcome is that everyone benefits from understanding the rules better. This is why I always advocate that Protest Hearings be held in public and all competitors be made welcome to listen in as observers.

In some ways, the current rules have reduced the learning opportunities of the Protest Hearing. Go back to the rules of 30 years ago, and the consequence of breaking a rule was harsh. It was either retire from the race, or go to a Protest Hearing. But then there was a major change of philosophy in the rules with the concept of the ‘Alternative Penalty’. With that change, you could now take a penalty on the course and carry on racing. As a result, now there are fewer Protest Hearings; but in consequence, the learning opportunities have been lost. Frequently, following an incident, I see the wrong boat take a penalty turn. From that incident, there is no learning – just a reinforcement of poor practice and two skippers who did not learn anything and may repeat the mistakes again.

Protests can be intimidating, but they don’t have to be. Protests are resented by some; but instead, they should be appreciated as a way of clarifying and fostering a better understanding the rules. Big boats have few protests – they may do one race in a day, with one start, several mark roundings and a finish. Then they can go back to the club house and hold a protest hearing, and the only consequence may be a late dinner. In RC sailing, we may do fifteen races in a day. That’s fifteen starts, fifteen finishes, and 60 or more mark roundings. Add to that the additional problems of depth perception and the speed with which incidents come and go and the opportunity for a contact is greatly magnified. Additionally, in a multi-heat RC regatta, usually a protest must be settled before the next heat can start. So we have the added pressure to cut corners and complete the hearing as soon as possible.

But if we want to race, we need rules. And if there are rules, then we need an adjudication system for disagreements. At special major events, like a World Championship, we utilize a team of Umpires – certified ISAF International Judges, to make calls on the spot. This gives a high quality of racing for the world’s best sailors, with quick, high quality decisions, and keeps the regatta moving. But a team of Umpires comes at a high price for a regatta, often in excess of \$20,000, just to cover their travel, hotel, meals and other incidental costs. So for the rest of our events which have very limited budgets, we have to utilize the ‘self-policing’ aspects inherent in our rules, and hold occasional Protest Hearings when an incident is not resolved by an on-course penalty.

Here are some extracts from the RRS that cover various aspects of Protests, from the initial Hail, to notifying the Race Committee, to filling out the Protest Form. But what happens next? In this article, I will go over what happens behind the ‘closed doors’ of the Protest Hearing. If you understand the process, you can present your evidence in the best way and relate it to the applicable rules. This will help you ‘lead’ the Protest Committee to the correct finding. I will cover how to give evidence and how to cross examine the other party, and what to focus on to help the Protest Committee arrive at the facts. How the Committee interprets the facts and applies the rules is beyond your control, but I will show you how to summarize your position, to emphasize the rules that you believe apply and help your case.

## **From the RRS – How to protest**

### **E2.1 Hailing Requirements**

(a) A hail shall be made so that the competitors to whom the hail is directed might reasonably be expected to hear it.

(b) The individual digits of a boat’s sail number shall be hailed; for example ‘one five’, not ‘fifteen’.

### **E6.3 Informing the Protestee**

Rule 61.1(a) is changed to:

A boat intending to protest shall inform the other boat at the first reasonable opportunity. When her protest concerns an incident in the racing area that she was involved in or saw, she shall hail twice ‘[Her own sail number] protest [the sail number of the other boat]’.

### **E6.4 Informing the Race Committee**

A boat intending to protest or request redress about an incident in the racing area or control area shall inform the race officer as soon as reasonably possible after finishing or retiring.

### **E6.5 Time Limits**

A protest, request for redress or request for reopening shall be delivered to the race officer no later than ten minutes after the last boat in the heat finishes or after the relevant incident, whichever is later.

### **61.2 Protest Contents**

A protest shall be in writing and identify

- (a) the protestor and protestee;
- (b) the incident, including where and when it occurred;
- (c) any rule the protestor believes was broken; and
- (d) the name of the protestor’s representative.

# The Hearing

---

You may be in a Protest Hearing as the Protestor, Protestee, or as a Witness, or you may have been 'volunteered' to serve as a Protest Committee member. If you have some experience in such hearings, you may be asked to be the Protest Committee Chairperson and chair the meeting. Being on a Protest Committee is a fantastic way to learn more about the rules, so don't be afraid to volunteer, and be willing to serve, if asked. The Chairman has a few extra responsibilities, such as directing the sequence of the hearing and keeping good order, and completing the Protest Hearing form. If there should be an Appeal, then the chairman may have to write a summary for, or answer questions from the National Appeals Committee.

If you examine a Protest Form (There is a sample form at the back of the RRS), it is a series of Questions or comments with Check Boxes and space for a diagram and comments. But if you follow the form as it is laid out, it will lead you through the Hearing in the correct order.

If you are to be Chairperson, make sure you have a current copy of the RRS and a set of miniature boats and marks available. I keep a copy of the RRS as a pdf file on my lap top computer, along with a copy of the ISAF Case Book, in case a bit of research is required. Both files may be downloaded for free from the ISAF, and it is easy to 'save' them on your computer for reference. The 'keyword' search function is especially useful in the ISAF Case Book to help you find relevant cases.

Here are the major steps extracted from the Protest Form.

- 1. Introductions.** The Chairperson introduces the Committee and the protagonists to each other. Establish if there are any witnesses and have them close by, but not in hearing range of the proceedings.
- 2. Objection to 'Interested Party'.** As many Protest Committees are made up of sailors from the fleet, it is important that the Protestor and Protestee have an opportunity to object to any of the Committee members with 'grounds'. The objection cannot be spurious (e.g. he does not like me); but a concern that a Committee member's place in the heat or regatta may be improved by the decision may be 'grounds'.
- 3. Validation of Protest.** This is an important step to ensure that we have a valid protest. If any of the steps has been missed and without adequate explanation, the Protest Committee may dismiss the protest on a 'technicality'. For example, if you did not hail loudly "Your sail number – Protest - His sail number" (and repeat), then you did not give the other skipper the opportunity to take an R 44 alternative penalty. If you handed in the protest form after the time limit, be ready to explain why – e.g., "My boat was entangled out on the course and had to be rescued before I could do the form."

So did you clearly hail "Your sail number –Protest – Other boat sail number" – twice, in a loud voice? Did you notify the Race Committee as soon as reasonably possible after finishing or retiring? Did you file the Protest Form within the time limit? Does the Form clearly identify the incident (Where, When, What), and the parties involved and which rule the Protestor believes was broken? It does not matter if the Protestor gets the 'rule' wrong at this point – the PC can correct that during the hearing. If the Protest is ruled 'invalid' the matter normally ends there.

#### **4. Giving Evidence- the meat of the hearing**

With the formalities out of the way, we can now get to the evidence phase of the hearing. RRS Appendix M 3.2 outlines a procedure to follow. The order of the steps shown here have been shown to work well to keep good order as the evidence is presented.

##### 4.1 Protestor describes incident

Protestee asks questions of clarification

##### 4.2 Protestee describes incident

Protestor asks questions of clarification

##### 4.3 Committee members ask both parties questions of clarification

(this order allows the participants to speak without being 'led' by the Protest Committee).

##### 4.4 Protestor calls Witness to describe incident

Protestee cross examines for clarification

(this order prevents the Protestor from 'leading' his witness).

Protestor cross examines for clarification

Committee Members cross examines witness

##### 4.5 Protestee calls Witness to describe incident

Protestor cross examines for clarification

(this order prevents the Protestee from 'leading' his witness).

Protestee cross examines for clarification

Committee Members cross examines witness

##### 4.6 More Witnesses- ONLY if they can add additional pertinent facts – not just repeat existing information. A lot of time can be wasted, hearing the same story over and over.

#### **5. Closing Statements**

Protestor summarizes facts and suggests applicable rules and ISAF Cases.

Protestee summarizes facts and suggests applicable rules and ISAF Cases.

#### **6. Deliberations.** Committee deliberates in private. Parties are dismissed – but stay close. Any observers are dismissed.

Committee prepares a diagram and finds facts –

What happened (or what probably happened as best they can tell from the evidence)

Committee reaches a conclusion and decides which rules are applicable-

Who did what, which rules apply, and which boat if any, broke a rule or what Redress is appropriate.

#### **7. Decision is communicated to parties.** Protestor and Protestee are informed of the decision. Decision is communicated to the Race Committee to update the score sheet.

**8. Appeal.** If a party to the hearing thinks the Committee has made an error in applying the rules, there may be grounds for an Appeal – ask for the Committee Findings in writing. An Appeal is a Big Deal. It goes to the 'big boat' National authority of your country. The Appeals Committee is a formal committee of at least National Level Judges. Examples of the National authority are - the Canadian Yachting Association, the CYA; the United States Sailing Association, US Sailing, and in the UK, it is the Royal Yachting Association, the RYA.

However if you think the Protest Committee have got the 'facts' wrong, then you may ask for the hearing be re-opened. You cannot file an appeal about an error in the facts, only about the way the rules have been applied to the established facts.

# A simulated Protest Hearing

---

Now let's take a hypothetical incident and apply the Protest Hearing guidelines. For our 'pretend' Protest let's say that Yellow and Green are sailing close hauled on stbd tack and are fetching the weather mark for a port rounding. Yellow is ahead, and to weather of Green. As Yellow reaches the mark, she bares off to round the mark to sail to the next mark which is down wind. Green hits Yellow's port side and also hits the mark. Yellow hails that she is protesting Green. Green hails that she is protesting Yellow. Neither boat takes a penalty turn. Both Yellow and Green notify the Race Committee of the Protest at the finish line, as they finish. Protest forms are filled out and presented to the RC within the time limit. On her Protest form, Yellow lists another boat, Red as a witness.

From the above general description, we cannot tell which was the 'Keep Clear' boat. So the purpose of the hearing is to establish the facts so that we can determine which rule or rules apply, and then decide who should have kept clear. For this situation as described, it is quite obvious that the issue will involve R 18 Mark Room, and so the main fact to establish is the relative positions of the two boats at the point where the first boat 'touched' the zone. For each protest, it is important for the committee to figure out in general terms what type of situation they are dealing with and then ask questions relative to the rules that may apply for that type of situation to zero in on the key facts.

For a Mark Room situation, the key facts will be the heading of the boats (close hauled, or off the wind), which tack (or gybe) for each boat, and were the boats overlapped when the first one reached the zone. For a Port/Stbd or Tacking too close, the distance between the boats and their closing angle and speeds, and probable impact point would be important. For Overtaking to leeward from astern, the separation between the boats at the point that the overlap began – was there room for the (now) weather boat to keep clear in accordance with the definitions and was there a proper course for either boat? From this summary, you can see that for each type of situation, there are key factors that the PC needs to determine.

**Now we have organized a Protest Committee and convened a Hearing.**

## **Step 1. Introductions**

**Chairman.** "Good afternoon, Gentlemen. My name is Tom, and I will chair this hearing. My committee members are Dick and Harry. We appear to have simultaneous protests from Yellow and Green for the same incident, so we will hear them together. As the protest form from Yellow was handed in first, for this hearing, we will say that Yellow is the Protestor, and Green is the Protestee. Is that acceptable?"  
Pause – "OK, let's continue."

## **Step 2. Interested Party Challenge**

**Chairman.** "Do either Yellow or Green object to any members of the Committee?" Pause – "No objections, then we may continue."

If there is an objection to any committee member, the objector explains the alleged conflict. The Committee may consider the objection in private and then announce the decision – if the decision

is upheld and there is a potential for a conflict of interest; that committee member is withdrawn, and an alternate is substituted, until there are no more objections.

### **Step 3 Validation of Protest**

**Chairman.** “Yellow, please tell us how you protested?”

Note – this is a good example of an OPEN question, and is not leading the Protestor. A poor question would be a CLOSED question such as “Did you hail Protest in a loud voice.” The answer is either Yes, or No, and is leading the Protestor as to what the committee wants to hear.

**Yellow.** “As soon as Green hit me, I hailed “My sail number – Protests - His sail number” in a loud voice, and then repeated the hail.

**Chairman.** “Green, did you hear the hail?”

**Green.** “Yes”

**Chairman.** “So to summarize, your hail was immediately following the contact and you hailed both sets of sail numbers in a loud voice, and repeated the hail – so the requirement was met. We may continue.”

Note. - If the Committee felt that there was an unnecessary delay in the hail, or if the hail was not done correctly or in a way that the other party may not hear the hail, the Committee could decide to declare the protest ‘Invalid’, and reject it.

Upon hearing the announcement that the protest was declared invalid, another competitor in that heat could file a new protest against both boats on the grounds that there was a contact and that no penalty turns were taken and a proper protest was not filed. The time limit for such a protest usually starts when the current protest finding is announced.

**Chairman.** “Did either of you take a penalty turn?” –pause - “No – ok, let’s continue.”

**Chairman.** “Yellow, how did you notify the Race Committee about the protest?”

Note. - Another good open question.

**Yellow.** “As soon as I crossed the finish line, I hailed to the Race Officer who was recording the finishes that I was protesting Green.”

**Chairman.** “Very good, that is acceptable – and the RC reports that they were notified at the finish, and a written protest was filed within the time limit.”

(The chairman briefly consults the other committee members who nod in agreement)

**Chairman.** “So we have a valid Protest and may continue with the hearing.”

#### Step 4. Giving evidence.

**Chairman.** “ Now we are ready to hear about the incident. Yellow as the protestor, you go first, so in your own words, please explain what happened.”

**Yellow.** “After tacking near the shore, with Green to leeward, I was beating towards the weather mark on stbd and was easily laying the mark. After the tack, which was about 8 boat lengths from the mark, Green was behind my transom. At about six lengths from the mark I hailed “No overlap.” At the zone, Green was still clear astern. As I reached the mark, I started to bare away around the mark, when Green hit my stern quarter. I hailed “Protest” and sailed on to the next mark which was back downwind.”

**Chairman.** “ Green, do you have any questions of clarification for Yellow?”

**Green.** “I was sailing towards the mark when Yellow turned . . .” - Chairman interrupts.

**Chairman to Green.** “Sorry to interrupt you, but you will have a chance shortly to describe the incident in your

own words. For now, do you have any questions for Yellow about how he described the incident?”

**Green to Yellow.** “Why did you turn down in front of me right at the mark- I had nowhere to go?”

**Yellow to Green.** “I was clear ahead at the zone and was entitled to mark room; so I was turning around the mark when you ran into me.”

**Green to Yellow.** “But when you turned, you did not give me any opportunity to keep clear. . .”  
Chairman interrupts again.

**Chairman to Green.** “Again sorry to interrupt – but you are asking Yellow to justify her actions. At this point in the meeting, do you have any questions about how Yellow positioned the model boats as he described the incident?”

**Green.** “Sorry Chairman. No, I have no more questions of Yellow.”

**Chairman.** “ Green, now it is your turn. Please use the model boats and show us the incident from your viewpoint?”

**Green.** “I was sailing towards the mark with Yellow a bit to weather. As Yellow got to the mark, she started to bare away in front of me. As we were overlapped and she was to windward, I hailed her to stay up, and then hailed for room – but I had nowhere to go and ran into Yellow and hit the mark – So I

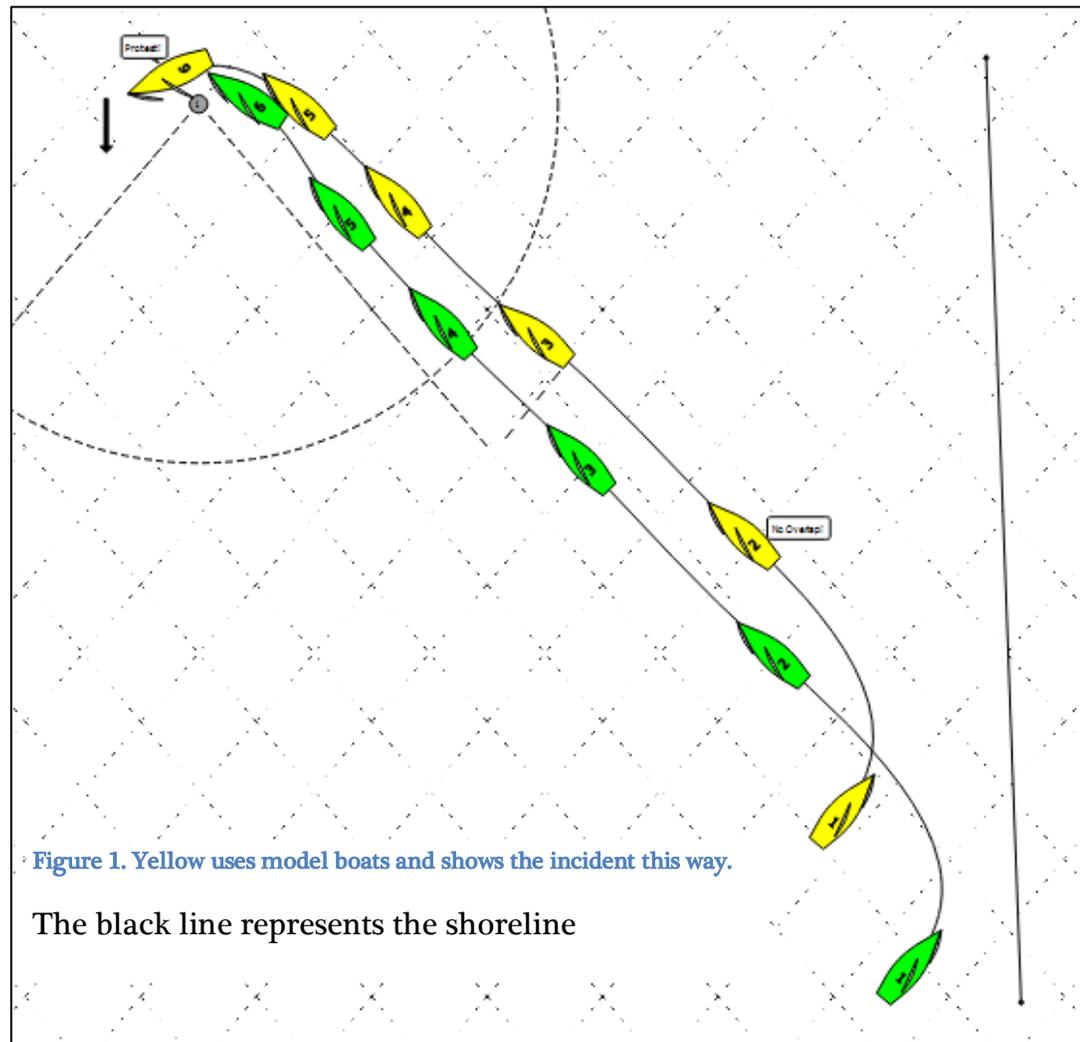


Figure 1. Yellow uses model boats and shows the incident this way.

The black line represents the shoreline

hailed protest under R 11,  
windward/leeward and because Yellow  
altered course and did not give me any  
opportunity to avoid her.”

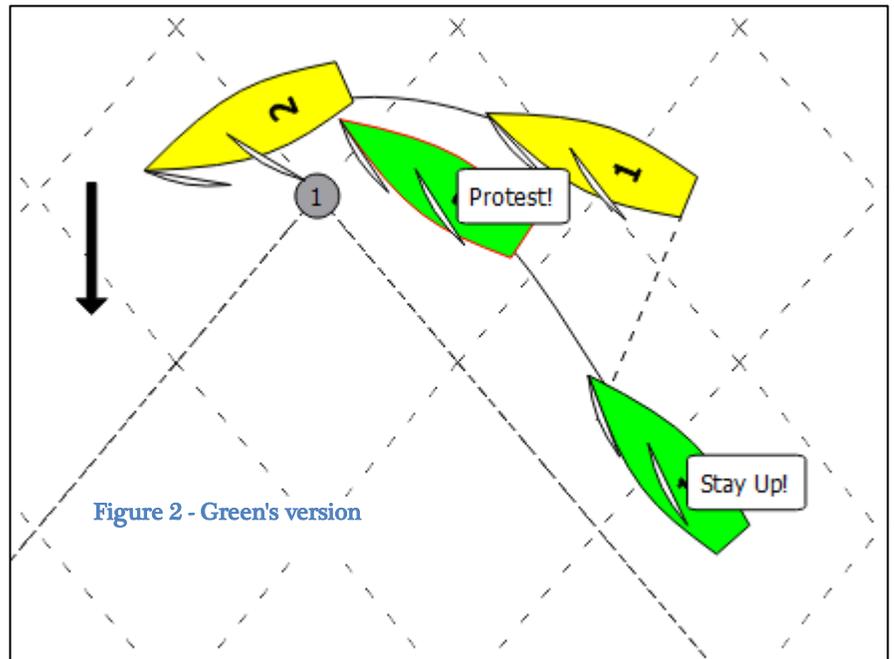
**Chairman.** “Thank you. Now Yellow, do  
you have any questions of Green?”

**Yellow.** “Green, did you hear me hail  
“No overlap” as we approached the  
mark?”

**Green.** “Yes.”

**Yellow.** “Can you place the boats in  
position when you heard that hail?”

Note. This is an important type  
of question as it causes the  
opponent to place the boats in a  
position that may help support your claim;  
i.e. they convict themselves.



Green places the boats outside the zone, but is unclear as to their relative positions. So Yellow comes at it from a different perspective.

**Yellow.** “Can you show where the boats were when we both tacked to stbd?”

Green places the boats in positions similar to pos. 1 and 2 of Figure 1 (Yellow’s diagram)

**Yellow.** So at that point, Yellow was clear ahead of Green?”

**Green.** “Yes, I suppose so.”

**Yellow.** “From the point of contact at the mark, can you back up the boats to the point where we entered the zone?”

Note. Another very important question. Having Green place Yellow clear ahead of Green at the zone supports Yellow’s case under R 18. Walking the boats backwards from the contact is a good technique to help establish relative positions. Sometimes there is a difference of opinion and this helps the Committee understand what happened. For example, if Green collided with Yellow’s transom, then Green was probably clear astern of Yellow at some point, however if the collision was near the bow of Yellow, then it is more likely that an overlap may have existed for some time.

Green is unsure, but walks the model boats backward from the collision at the mark and places Yellow clear ahead of Green at the zone.

**Yellow.** “Thank you. No more questions.”

**Chairman to Committee members.** “Do you have any questions of Yellow?”

**Dick.** “Yes – I would ask Yellow where he was standing and what was his view of the incident?”

Note – this is an important question. Often RC racing involved depth perception and perspective, and so a clear view of an incident helps support any claims.

**Yellow.** “The control area extended along the bank, and I was standing about 12 boat lengths from the mark and level with the boats when I called ‘No overlap’. And I was level with boats when they entered the zone, so I had a clear view.”

**Harry.** “You show that the contact occurred right at the mark, and Green hit your port quarter. Can you say exactly where the contact point was?”

**Yellow.** “He hit my port side a couple of inches forward of the transom, about level with my rudder post.”

**Harry.** “Was there any damage?”

**Yellow.** “No.”

**Harry.** “Good. Now, from the contact point can you back up the models and show me where the boats were when you first touched the zone?”

- Yellow moves the models back to position 3 as shown in Yellow’s version diagram, figure 1 above.

**Harry.** “Thank you. No more questions.”

**Chairman.** “Where were you and Green relative to the stbd lay line?”

**Yellow.** “After I tacked, I was above the lay line, maybe about one length and Green was behind and below me, about right on the lay line.”

**Chairman.** “Are there any more questions for Yellow?” pause – “No more questions. Very good we will continue.”

**Chairman to committee.** “Do either of you have any questions for Green?” pause - Dick and Harry have no questions of Green.

**Chairman.** “ Yellow, do you wish to call a witness?”

**Yellow.** “Yes, I call Red?”

Note. Chairman sends a committee member to fetch the witness – do not allow either participant to bring the witness so that there is no possibility of collusion. The model boats are gathered in so the witness cannot see any positioning. Red arrives.

**Chairman.** “ Red, we understand that you saw an incident at the weather mark in the last race. Please tell us where you were and what you saw happening?”

**Red.** “I was walking up the bank, level with my boat, so I was maybe 4 boat lengths away from my boat. I was approaching the bank on port and tacked onto the stbd lay line right behind Green. As I completed my tack to stbd, Yellow was just about at the zone, and Green was about a boat length behind Yellow, and I was about the same distance behind Green.”

Red moves the model boats as shown in figure 3.

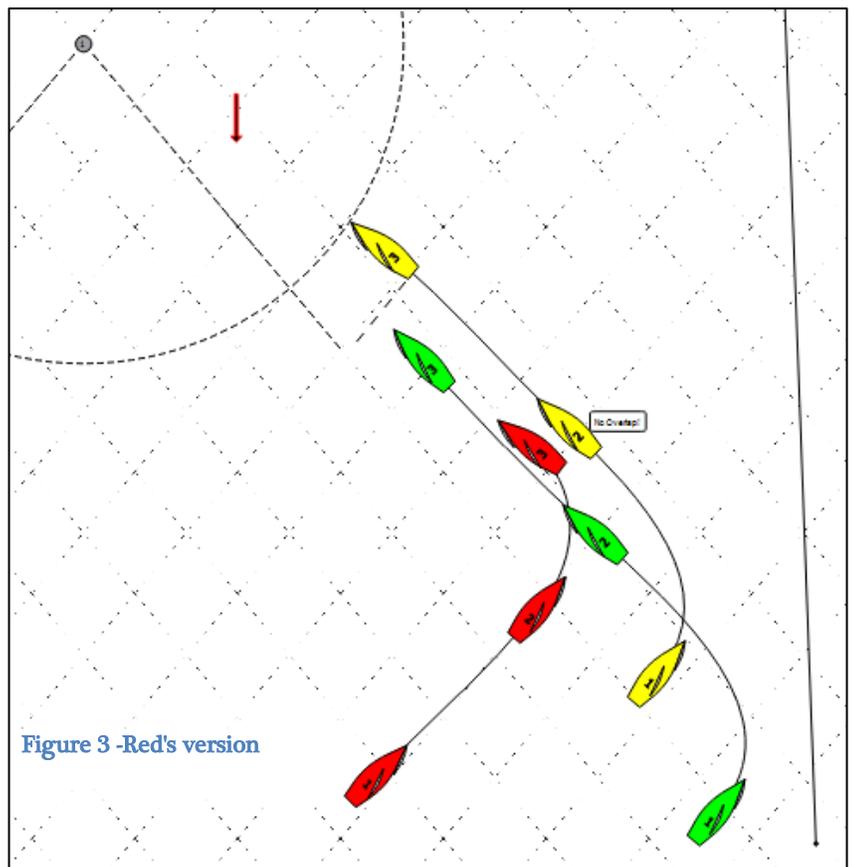


Figure 3 -Red's version

**Chairman.** “Thank you Red. Now, Green, do you have any questions for Red?”

**Green.** “Yes. Red, did you see Yellow bare away in front of me at the mark, even though he was weather boat and did you hear me hail for him to stay up?”

**Red.** “Yes. I heard you hail, and I saw Yellow bare away at the mark and the collision.”

**Green.** “Thank you. No more questions.”

**Chairman.** Yellow, do you have any questions for Red about the way he positioned the boats during the incident?”

**Yellow.** “No questions. I think he described the incident very similar to the way I saw it.”

Note. Yellow could have asked Red to fix the boats at the point where Yellow entered the zone, but as Green and Red have both said that Yellow was clear ahead when Yellow reached the zone, this would have been redundant. The committee appreciates brevity.

**Chairman to committee.** “Do either of you have any questions of the witness?” pause – “No more questions – then the witness is released with thanks.”

**Chairman to Green.** “Do you wish to call any witnesses?”

**Green.** “No, I have no witnesses.”

## 5. Closing Statements

**Chairman.** “As there are no more witnesses, I will ask first Yellow and then Green each to summarize your position and highlight any rules or ISAF Cases that you think are relevant. Yellow please begin.”

**Yellow.** “Thank you. In the evidence that I presented and as confirmed by Green under cross examination, and by the witness, Red, Yellow was about a boat length clear ahead of Green at the zone and was entitled to Mark Room under R 18.2.b. Green tried to cut inside and hit me right at the mark as I was baring away to sail the next leg to the downwind mark.

**Chairman.** “Thank you. Now Green, your summary please?”

**Green.** “As we got to the mark, Yellow bore away and squeezed me into the mark. Yellow was overlapped to weather and failed to stay clear under R 11. Also I think there is a rule about altering course and giving room for a boat to stay clear, but I cannot remember the rule number - R 15 or 16, I think.”

**Chairman.** “Thank you both for your evidence. Now I will ask you to retire while the committee considers the evidence. Please stay close in case we need you.”

## Now you decide

---

There you have it – you were on the committee as Tom, Dick or Harry. Now you get to decide what happened; which rule(s) apply, and who should have kept clear. Look back through the evidence. What key pieces of evidence were supported by multiple parties – they can be taken as ‘facts’. Then make a diagram of the ‘facts’. Now you can look at the rules to see which rules(s) apply. If you are missing key evidence to be able to draw the diagram or decide which rule(s) apply, you can call back the parties for clarification, or if there was conflicting evidence, you can try to figure out what probably happened, using your experience as a sailor.

With that information, you may draw some conclusions as to who had right of way, and who should have kept clear. Was a rule broken, and who broke it? – unless they are exonerated, they will be disqualified. If

no rule was broken, then the protest may be 'dismissed', but in this case there was contact, so a rule was broken and someone will be penalized.

**Spoiler Alert.** Here is what may happen in the committee deliberations.

## 6. Deliberations.

**Chairman to committee members.** "Ok, would one of you like to summarize what we heard in the evidence."

**Dick.** "It seems to me to be quite clear. Here is my diagram, based on the combined evidence of the boats involved and the witness. We heard from Yellow that she was clear ahead at the zone, and Green agreed

during questioning when he backed up the boats from the contact. Then Red gave the same information when she described the relative spacing after she tacked to stbd. We heard that Yellow hailed 'No Overlap' before reaching the zone, and Green heard but did not challenge that hail. We also heard that Green claimed 'Room' inside the zone and that there was contact between the boats and Green hit the mark.

**Harry.** "I came at it a different way, but come to the same relative positions of

the boats and so I agree with your diagram. I looked at the position of the boats at the point of the collision and then moved them backwards. It seems clear that Yellow was clear ahead of Green before she started to bare away or the contact would have been nearer the bow of Yellow. Then I backed them up all the way to where they tacked to stbd, when Yellow was clear ahead. So it is reasonable to conclude that Yellow was clear ahead through the entire incident and specifically at the point when she touched the zone."

**Chairman.** "Thank you for your descriptions. I agree with you. So we are unanimous on the diagram and the facts. So for **"Facts Found"** we may say. . ."

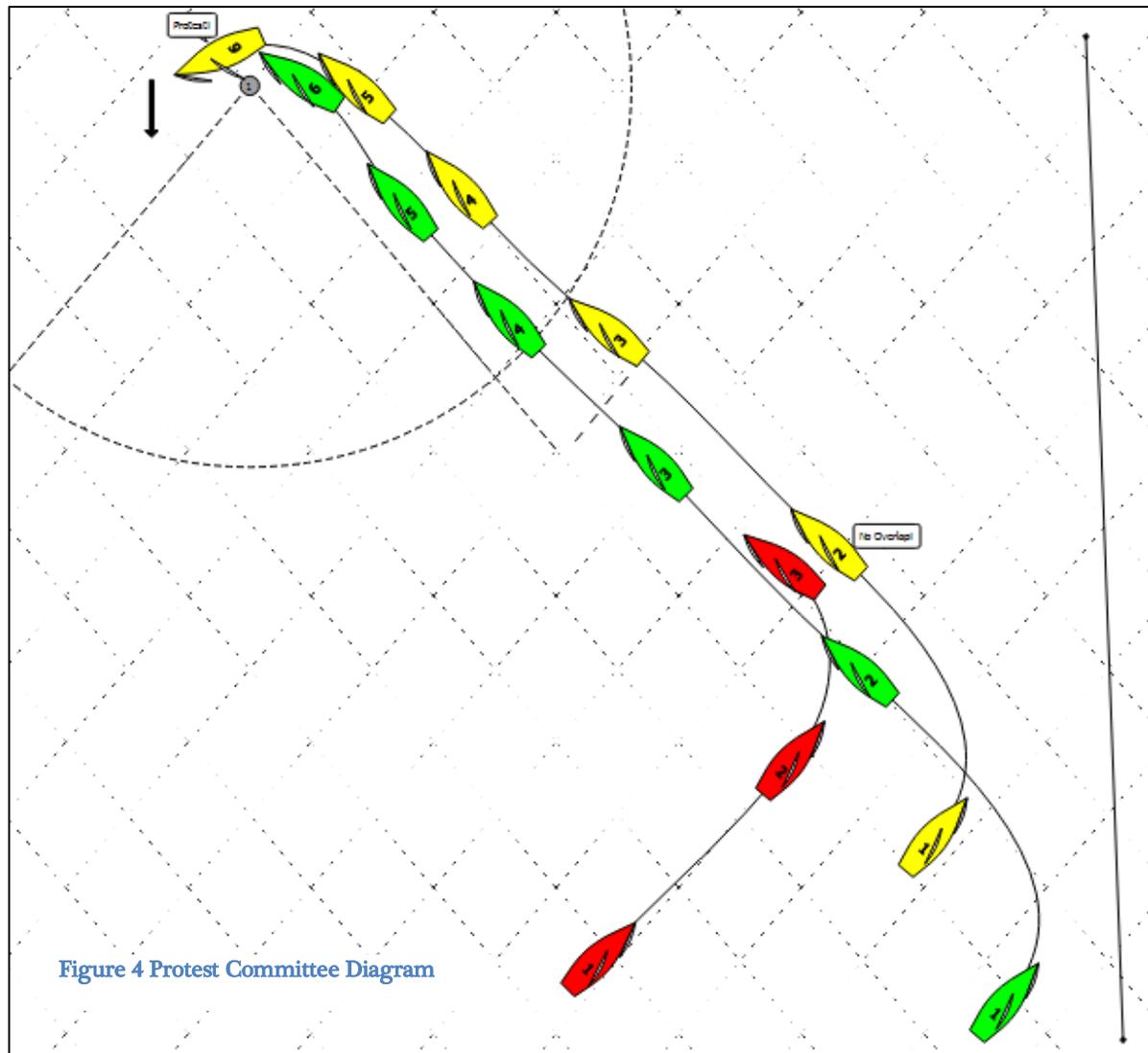


Figure 4 Protest Committee Diagram

“In Race 1, at the weather mark, port rounding, Yellow tacked to stbd about 8 boat lengths from the mark, and one boat length to weather of the stbd lay line. Green also tacked to stbd, clear astern and slightly to leeward of Yellow, on the stbd lay line. Yellow was clear ahead of Green when the first boat, Yellow, reached the zone. As she reached the mark, Yellow bore away to sail close to the mark to sail to the next mark which was down wind. Contact occurred when Green hit the port stern quarter of Yellow, and Green also hit the mark.”

**Chairman.** “ For **Conclusions and Rules applicable** we may say . . .”

“We conclude that as Yellow was clear ahead of Green when she reached the zone and was ROW under R 12, Yellow was entitled to Mark Room under R 18.2.b. That room includes room to sail close to the mark when her proper course is close to the mark. In this case, the next mark was down wind, and so Yellow’s proper course when she bore away, was to sail close to the mark. When Green hit Yellow, she was interfering with Yellow’s ability to sail close to the mark breaking R 18.2.b. Green was required to give mark room to Yellow, even though a new overlap was created in the zone, so Green also broke R 18.2.c.

When Yellow bore away to round the mark, she became overlapped and to weather of Green and broke R 11 and R 16. However Yellow is exonerated under R 21.a.”

**Chairman.** “ For the **Decision.** We will show Green is Disqualified. “Are we all agreed? – pause – Yes. Then let’s recall the parties and give them our decision.”

Yellow and Green are recalled and the Committee Chairman reads the **Facts Found, Conclusions and Rules that apply** and then reads the **Decision.** The chairman shows the parties the Protest Committee diagram and offers the parties a copy of the completed Protest Form. The parties are dismissed, hopefully with some friendly remarks and thanks to the Committee. Finally, the decision is given to the Race Committee to update the score sheet.

### **Summary**

So you can see, being part of a protest hearing need not be a difficult or scary event. And if you listen carefully to the comments and questions of the other parties, you will quickly understand what factors are important for a particular rule or situation. With that information, you will be better prepared the next time a similar situation occurs on the race course. Now it is up to you to apply that learning – but without the experience of the hearing, you would not have learned about that rule.

## **OK, so what’s next?**

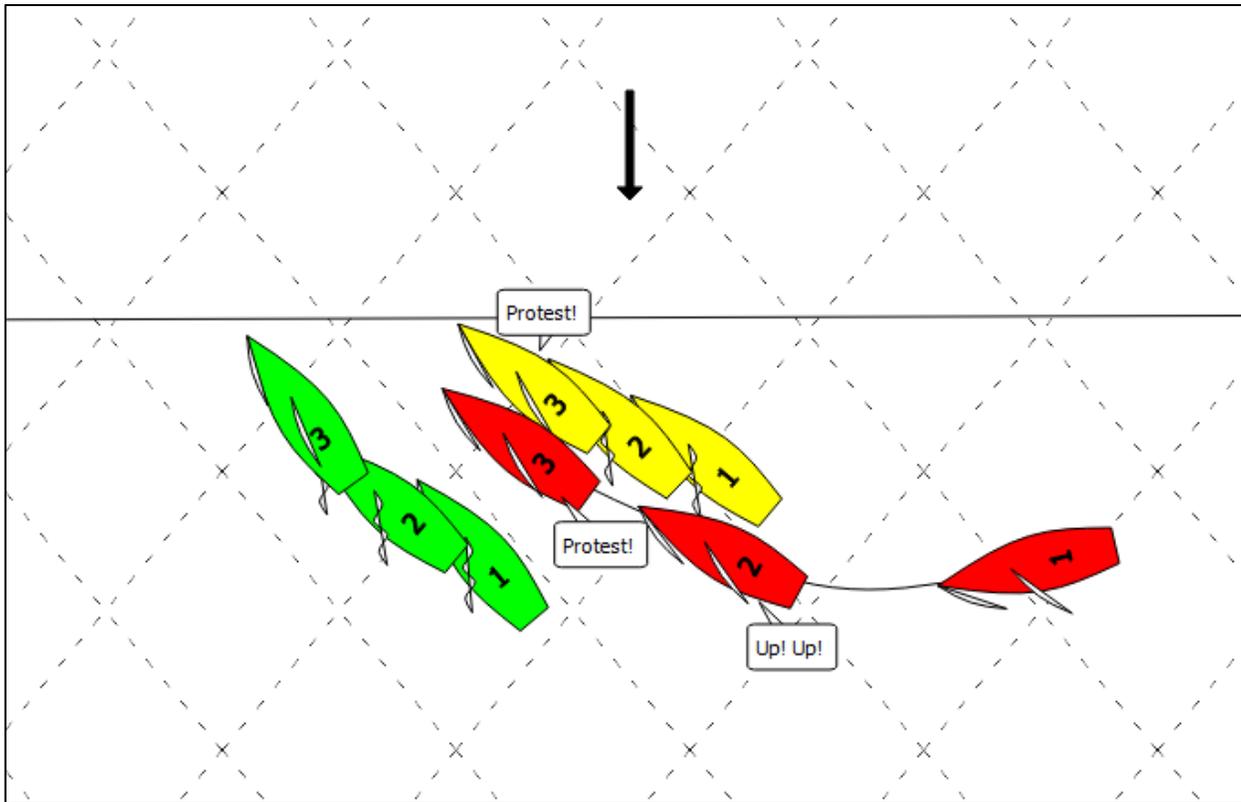
---

Back in the 1970’s when I was in my mid-twenties and had just started to race ‘big’ boats, the Race Committee Chairman of our Yacht Club, staged a ‘mock’ protest hearing as part of the winter entertainment program. He asked me to be the ‘Protestor’ and gave me a simple description of some facts of an incident. He gave another member a slightly different version and asked him to be the ‘Protestee’. And he arranged for some skippers to be a protest committee to take our evidence and ask questions. We ran this mock hearing in front of about 40 sailors and the emphasis was ‘learn by doing’. Well I was

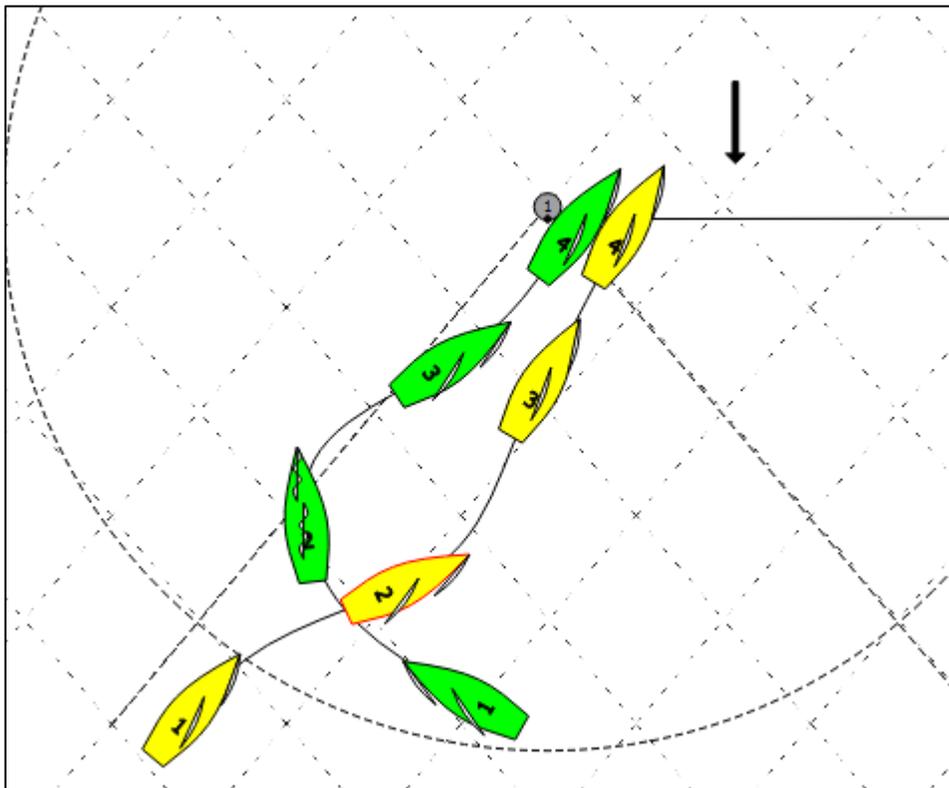
hooked! I realized immediately what a fantastic way to learn more about the racing rules, and from that point on was always willing to be a member of the protest committee for real hearings.

So here is what I suggest – get a few members of your sailing group together and hold a ‘mock’ hearing. Create a couple of scripts or sketches of some basic facts of an incident for the protestor and protestee. Print off a blank Protest form to use as a guide. Assign a committee and have them run a public Protest Hearing with the rest of your group as audience. The exercise is to figure out what happened, and which rules – if any – were broken. Then hold a debrief with the audience and discuss the process – the quality of the presentations – the quality of the questions and cross examinations to get to the important facts – and the quality of the findings – did the committee get it right. You will be amazed at how much you learn about the different rules by this practice and by referring to the ISAF Case Book to help you get it ‘right’. Make sure you have a few beers around and keep it light and have fun with it. I have suggested four incidents at the end of this article for you to use for mock hearings – or you can use a real situation from a recent race.

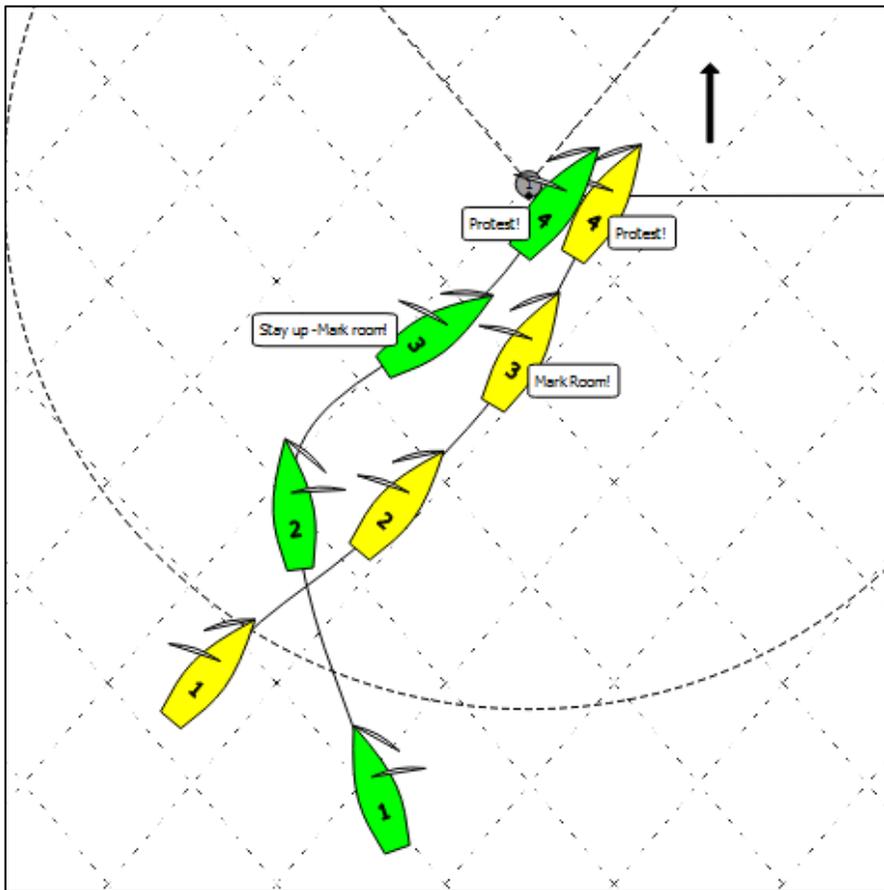
## Sample cases for Mock Hearings



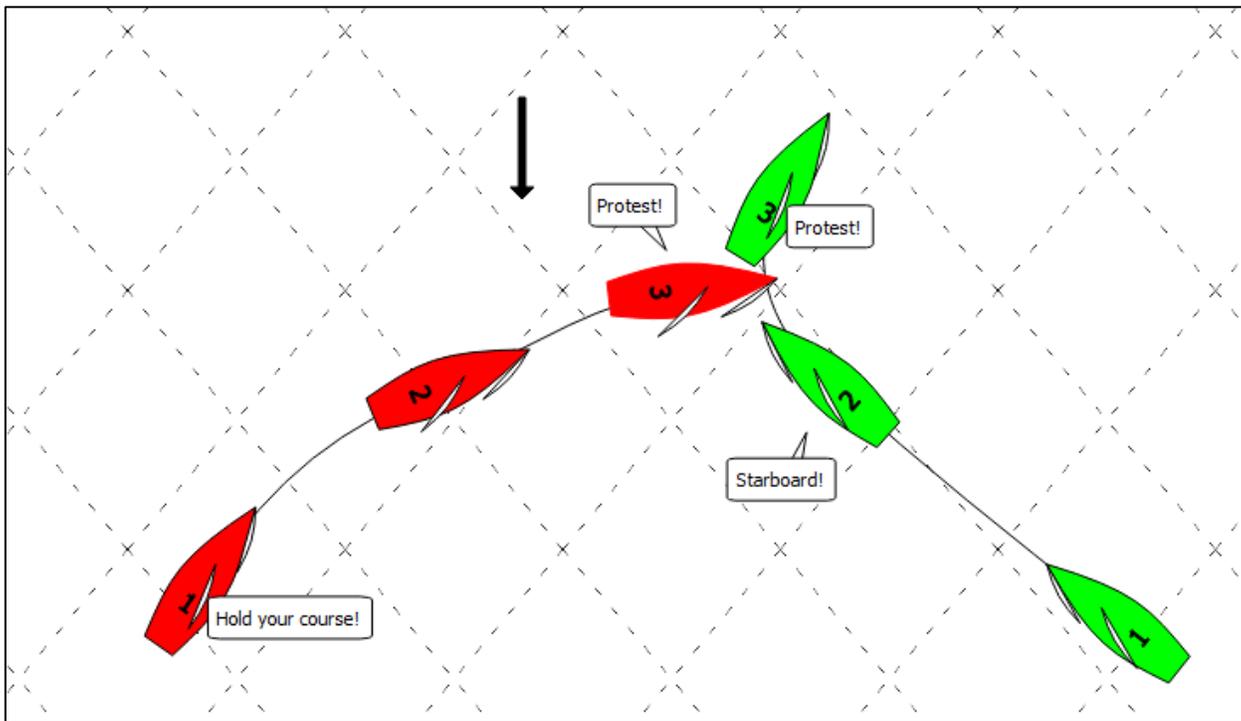
Case 1. A starting line incident in the last three seconds to the gun at Pos. 3. Contact occurs. Red claims R 11 (W/L) and Yellow claims R 15 and definition of Room.



Case2. On a beat, a finish line incident – contact occurs. Both boats hail protest. Both boats claim 'Mark Room'. Yellow cites R18.3 and Green claims R 18.1.a and 18.2.a



Case 3. A downwind finish – contact occurs. Both boats claim Mark Room and R 18.2.b



Case 4. On a beat to windward. You may do this one with or without contact. Green tacked to avoid Red and claims R 10 and R 14. Red claims R 13, and R 16.