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## **From The Jury Desk – The CYA Judges Newsletter**

### **Notice 12 - September 2006**

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#### **Protests and Club Racing**

Earlier this year I attended a regatta at a club in California where one of the members told me there was an unwritten rule at their club that had been in place for years “No whining” – meaning - no protests. As a result two things happened: rules were violated with regularity, and, no one was interested in or has become a judge. As a result, when their members go outside their club, they often wind up in the room on the DSQ end of the hearing. The other problem they found was because of the lack of judges at their club, in order to have a competent protest committee they had to import people from other areas which meant adding additional costs to the regatta. They had tried to run regattas using local people as the protest committee however their decisions did not enhance the club’s reputation.

David Chivers, IJ – GBR, wrote a short note, in Scuttlebutt on the topic (reprinted with permission) and the response received was from another reader:

From David Chivers: There are not enough protests. I hear at so many regattas that this or that was wrong, but the complainer has never protested. Too much effort? Can't be bothered? Don't want to get involved? No confidence in the protest Committee or Jury? Would like someone else to do it for them? All these reasons are possible. However, it is in every sailor’s power to enforce the rules, but only when they give the Jury or the Protest Committee the power to do so.

A Jury cannot see everything that goes on, but when they do know the details they have the tools and the power to deal with everything from a misunderstanding through to cheats and bullies. Deal strongly with the latter and a very clear message will soon travel through the sport. Yes not all judges or protest committees make the right decision, but the more the system is supported the better it will be and the more experienced judges can become. Clubs must stop treating protests as dirty and unfriendly and help the sport to control itself and stop things getting out of hand before sailors progress to major regattas.

From CE: David Chivers is dead-on when he says in 'Butt 2106 that "there are not enough protests" and that "clubs must stop treating protests as dirty and unfriendly." He is also unfortunately correct when he says that many sailors have "no confidence in the protest committee." While I am lucky that I live in an area where we have a strong cadre of US SAILING-certified Judges and pretty good protest committees (one does not automatically ensure the other, by the way...), I know that in some areas being on the protest committee is considered the yacht-club equivalent of jury duty: something distasteful and well worth getting out of. But the real solution is for every sailor, be they a certified Judge or not, to vow to serve their turn on the protest committee: they'll learn something, and I'll bet the protest committee will be better for their being there.

Editor’s Note: The CYA Judges Program aim is to identify and educate those persons acting as judges within our sport. The program also provides a network of individuals willing and able to discuss the rules or a situation when a judge is uncertain how to respond. The entire process is meant to provide better service to the sailor. If those managing the Clubs are not actively supporting the development of judges (or race officers) they are not serving their racing members.

#### **Judges Write Back**

Here are your points of view on topics recently presented. The names of the senders have been removed (or other information that might identify them) but the content of their message left untouched.

From Notice 11 regarding PC / RC combinations:

As regards mixing race committee and protest committee work, at anything above a club level event, I strongly believe these should be separately staffed, so as to avoid conflicts of interest, which can and, from my experience, frequently do arise. If a regatta committee chair doesn't have enough volunteers, then that person probably started the organizational work too late and quite possibly didn't delegate areas of responsibility to PROs and PC chairs, who in turn could then go out and recruit the staff they need. In major regattas where the PC chair is someone from outside of the host club or host OA, then as you know one of the PC members can be assigned as the de-facto PC organizer (been there, done that), recruit the staff needed and then confirm such selections with the official PC chair.

"R"

On being race committee and jury – sometimes we do not have a choice – as volunteers are hard to come by. I have one particular junior race this summer where I will be doing RC, rule 42 and jury, as we do not have enough personnel to help out for four days. I am not so sure that it is a good policy to always follow, as it sure makes for a very long day on the water, and then in the room, and as you said, it is a young person's game.

"K"

Editor's Note: The quote "young person's game" was made by a respondent, not the editor. The editor will support the concept that the activity suits the "young at heart" and those willing and physically able.

From Notice 11 regarding Rule 42

Rule 42 work: It's a necessary evil in almost all Intl. one-design classes, mostly centreboard but not exclusively (e.g., the Star class). Practical experience, and assessment by an evaluator, should be a pre-requisite for qualification as an NJ. Whether or not Appendix P is in effect, as a judge I want to be on the water anyway. It has a remarkable policing effect on the competitors! As you know, generally speaking the extent of rule 42 violations is inversely proportional to the wind speed, so PROs need to stop trying to run races in pathetically light winds, when the racing is also pathetic. I'm sure the competitors would prefer fewer, higher quality races in a regatta anyway.

"R"

It was very interesting to read the following answers from judges across the country on rule 42. It was especially interesting to read them, as the past 3 regattas I have attended were for rule 42. As a general rule, I do believe that it should go from the top down with qualifications to do this. However, I also believe that judges who have had experience in small boats and who still sail at a very competitive level (even though they are only provincial judges) can have the same eye, or better than a IJ or NJ. I think the important thing to remember is to keep us all consistent. If this means updating the video and getting it out there, attending a seminar every year, so be it, and let's do it. What I am sure we have all noticed is that when you are there enforcing Rule 42, the competitors tend to all behave, and there are less infractions. Just BEING there stops many of the offenders.

"K"

### **Expense Coverage – Tax Receipt**

We all have worked at a regatta where our expenses have not been covered or covered only in part. Although it has been available for quite some time, the tax receipting information is worth repeating.

The following is a note from Joy Hunt, CYA's Director of Finance, Human Resources & Administration.

"In the eyes of Revenue Canada you are a volunteer of the Association providing services that fulfill our mission. As a volunteer you may be reimbursed for your expenses and freely donating your reimbursement back to the Association."

"If possible, please provide the regatta information in advance. This will make settling the claim and the donation process run very smoothly."

The CRA link that explains the legality of donating back reimbursed expenses.

<http://www.cra-arc.gc.ca/tax/charities/policy/cpc/cpc-012-e.html>

If you have any questions Ms. Hunt can be reached by e-mail - [jhunt@sailing.ca](mailto:jhunt@sailing.ca)

(As a note for our US readers, ask your accountant but it is reported that volunteer expenses are deductible.)

### Question from Notice 11

Boat A sees boat B round the wrong mark. Boat A finishes ahead of B and waits at the finish line. When boat B crosses the line, boat A hails "protest", displays a flag and files a protest within protest time.

You are the committee: What is your decision?

Responses:

A composite of the common responses is:

Since boat B may correct any errors in sailing the course at any time until she finishes, (RRS 28.1), she does not break rule 28.1 until she finishes. Boat A notified boat B at the first reasonable opportunity when boat B finished. The requirements of RRS 61 were fulfilled. The protest is valid.

Unfortunately, this approach is not correct. RRS 61.1(a) states in part: "... When her *protest* concerns an incident in the racing area that she is involved in or sees, she shall hail 'Protest' and conspicuously display a red flag at the first reasonable opportunity for each. ..."

The incident occurred when boat B rounded the incorrect mark not when she finished. The protest is invalid. There is also an unfortunate consequence, since the protest is invalid and did not involve serious damage or injury; RRS 60.3 prevents the protest committee from acting. Boat B, unless she withdraws of her own accord, retains her finish position.

### Question

May the NOR or SIs state that although the right of appeal is not denied, final standings and awards will not be affected by any appeal decision?

If you don't know where you are going, chances are you will end up somewhere else. – Yogi Berra

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*From the Jury Desk* is posted on the CYA Website. Previous issues can be found at <http://www.sailing.ca/services/individuals/raceofficials.shtm>

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#### CYA Judges Committee

Lynne Beal	David Covo	Dave Cramb	
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