

## "Alternative Procedures for Dispute Resolution" Appendix T

With the new 2013 Racing Rules of Sailing comes a new optional US Sailing Prescription, "Alternative Procedures for Dispute Resolution" Appendix T.

To summarize what these sections mean:

### Section A

If you foul someone do a 360 instead of a 720 to clear the foul.  
Except in the Zone at mark rounding's – do a 720 to clear a foul in the Zone.

### Section B

If you get protested, didn't do turns, and after the race you realize you were wrong before the protest time limit – take a 20% penalty instead of a RAF or DSQ.

If you get protested, didn't do turns, and after the race you realize you were wrong AFTER the protest time limit – take a 30% penalty instead of a RAF or DSQ.

If you get protested and believe you did not foul – you can still go to the room and take your chances.

### Section C

Still have to inform the R/C that you intend to protest or redress.  
Protest hearing procedures are streamlined for quicker hearings.

The Sailing Instructions for this regatta include these provisions in Appendix T - Section A, B, & C.

Section D, "Arbitration" (i.e. five minute justice) is **NOT** part of the SI's.

Attached is an article written by Norman Yacht Club explaining why US Sailing adopted these Alternative Procedures for Dispute Resolution.

## **New US Sailing Prescription – Appendix T**

The right to protest is an important part of our self-regulating sport. It provides a way for a boat that has been fouled to get retribution. Either the offending boat immediately takes penalty turns worsening her position in the race, or she risks receiving a DSQ as the outcome of a protest hearing. This is the protest and penalty 'system' we sail under, but does it really work nearly as well as it should in today's world where almost all other sports have referee/umpire penalties that don't take you out of the game. The DSQ is 'draconian' punishment for most on-the-water rules breaches, except where there is serious damage or injury, or a breach of fair sailing.

Fortunately US Sailing has given us an opportunity to significantly improve the system. Appendix T, a new US Sailing prescription in the 2013-2016 rules, provides a great opportunity for fleets to change the penalty system in one-design racing by providing a broader range of alternative penalties that can be taken either while racing, or after racing. Not only are the alternative penalties more appropriate for most rule breaches, but making them available offers competitors more options to resolve their disputes, and can significantly reduce the need for most protest hearings.

We all know that most sailors are generally reluctant to protest competitors in fleet racing for many reasons: protesting can be an onerous process that takes away from social activities; the outcome can depend on the quality of the judges; protesting your friends has an unpleasant stigma; and, there is a real risk that the protestor is found to have broken a rule and gets the DSQ. On the other hand, it is also evident that many sailors don't avail themselves of the two-turns penalty when protested, for a myriad of reasons: they try to satisfy the protestor with "I owe you one"; they 'bet' that the protestor won't follow through and file the protest; or they are not really sure that they broke a rule until the crew talks it through after the incident, and then it's too late to spin and exonerate.

I suspect if you ask most sailors today about what they really want when they protest a boat that has fouled, they would tell you they want some kind of 'fair retribution'. Ideally this would be immediate acknowledgement and a penalty turn or two that sets the offending boat back several places, and clearly behind the protesting boat. And in most incidents, we really do not want the offending boat to be disqualified from the race.

**For these reasons at Noroton Yacht Club the Sailing Instructions for our weekend Sonar fleet racing now incorporate the essence of the new Appendix T.** Stated simply (Not SI language);

- A boat that has broken a rule while racing may promptly take a one-turn penalty unless the incident takes place in the zone, where the penalty is two turns (except at starting marks).
- If a boat does not exonerate herself as soon as possible on the water, she has the option to request a 20% post-race scoring penalty any time prior to the protest time limit. (With an average of 15 boats on the line, 20% is 3 places, more than what you might lose taking a one-turn penalty and still having race time to move up in the fleet.)
- If a boat waits until after protest time limit, but requests the scoring penalty before the protest hearing begins, the penalty is 30%. (The longer you wait to admit you were at fault, the more it costs you.)
- And of course, a boat can avail herself of these alternative penalty options, whether or not she has been protested, to comply with the 'Basic Principle'- Sportsmanship and the Rules.

**Further, to address the onerous nature of the protest process, we have simplified and accelerated the process by adapting the 'Expedited Hearings' procedure from the new Appendix T.** A boat must still hail 'protest' and promptly display her red flag. She must also **report** her protest orally to the RC immediately after finishing a race, and by VHF after the last race of the day and before the RC boat docks, **confirm** orally to the RC chairman that she is requesting a hearing. These three steps are required for a valid protest, and there is **no written protest required**. Protest time limit is 30 minutes after the RC boat docks. The RC chairman finds the protestee, asking if she wants to take a post-race penalty, and if not, then appoints a PC chairman from the fleet of sailors (now designated non-interested parties) and the 'expedited hearing' process gets underway as soon as practical following the procedure spelled out in Section C of Appendix T.

**Here are our hopes and expectations.**

1. More boats will take a penalty on the water because it's usually just a single turn.
2. Boats may protest more often because the process is much simpler and the protestee has a wider range of alternative penalty options that are far less draconian than a possible DSQ.
3. Fewer protests will go 'to the room' because the protestee will know before or shortly after RC boat docking that the protest has been reported and confirmed, and she can then take the 20% penalty right away.
4. The option to take an after race 20% scoring penalty will be far more acceptable than retiring after finishing to the boat who decides well after the incident or after the race that she did break a rule.

This new approach should facilitate **competitor resolution** of incidents on the water with a one turn penalty for most incidents, **but now** also ashore with post-race penalty options when the incidents are not resolved on the water. I encourage you to try something like this in your fleet. Good luck and fair sailing in 2013