

The RYA Racing Charter – Rules disputes

Sidmouth Sailing Club has adopted the Royal Yachting Association Racing Charter, the objectives of the charter are:

- To provide the framework for everyone to enjoy the sport of sailboat racing in whatever capacity and to whatever level the individual desires.
- To ensure that the sport of sailboat racing welcomes people and treats them equally.
- To ensure that those who experience sailboat racing are encouraged to continue.

The principles and practices of the charter and the application of the charter are detailed in the front of the RYA racing rules of sailing (2005-2008).

There is a comprehensive question and answers section about the charter on the RYA website at www.rya.org.uk/racing/charter .

This paper is focusing on best practice guidance around rules disputes.

Background:

Rules observance is an importance aspect of good racing. However the RYA is concerned that rule observance is becoming less consistent, because rules observance is not backed up by rules enforcement. Too few protests are lodged because protests can be slow, too late , too adversarial. If this process is successfully implemented rules disputes will be simplified, less adversarial and educational.

Solution:

For the Club to help make rules understanding and enforcement more immediate, accessible and appropriate by adopting a three-option process:

1. Advisory hearing
2. Mediation (or pre-protest) hearing
3. Protest hearing

Principles:

- The option to request either an advisory hearing or a mediation (pre-protest) hearing belongs entirely with the aggrieved party.
- Both advisory and mediation hearings require the involvement of the other party.
- A significantly lower exoneration penalty is available to competitors pre-protest.
- A protestor retains the option to proceed to formal protest (provided normal conditions for a protest hearing are met).

ADVISORY HEARING

Aim: To discuss and resolve disputes without there being a protest, in a timely, informal and positive way

Procedure:

- Party logs request and informs other party.
- Each allowed 1-2 minutes to say what happened. Parties may not call witnesses.
- Advisor asks questions, and may call witnesses.
- Facts may or may not be agreed.

If facts agreed, advisor explains which rules were broken and advises:

- (i) No protest is necessary, and if none is lodged, no further action will ensue.
- (ii) A protest may be lodged. If one is lodged, either party may exonerate themselves at any stage before the hearing by accepting the reduce exoneration penalty.

(Note, if it is established that a rule was broken, a party is not obliged to retire or take a scoring penalty. There is no stigma attached to that decision).

If facts not agreed:

- They can only be established in a protest hearing.
- There is no expectation that either party will proceed to a protest.
- If either decides to proceed, they must complete a protest form.
- Either party may exonerate themselves before the hearing by accepting the specified reduced penalty.

(Note, usual requirements for a protest hearing must be satisfied, time allowed for submission of a protest form will be extended to allow submission after an advisory hearing).

MEDIATION (pre-protest) HEARING

Aim: To resolve disputes in a way that is more convenient and less adversarial than a full protest hearing, and introduce a significantly lower penalty.

Procedure:

1. Aggrieved party completes a protest form within the time allowed. Validity checked.
2. 1-2 minutes for each to give an account.
3. If agreement is reached on significant facts, the mediator uses the rule book to show parties which rule has been broken and invites the party in breach to take the reduced penalty specified in the Sailing Instructions (SIs). E.g. fleet racing 20% (max 5, min 2 places).
4. If the penalty is accepted, the mediator invites the protestor (if appropriate) to withdraw the protest.

Mediation Hearing – reduced exoneration penalties

- Have to be specified in the Sis, e.g. fleet racing 20% (max 5, min 2 places).
- Are not obligatory. (i) The protestor may opt to proceed to protest. (ii) The protestee / penalised boat may decline to accept the reduced penalty.
- The right of appeal is only from protest hearings.

Implementation at Sidmouth Sailing Club

1. The Club will actively encourage the use of this process to support the resolution of rules disputes and regards the process as a good opportunity to support learning about the Rules.
2. The Club has a list of volunteers for the role of 'rules advisors'. A list of 'race advisors' is kept on the race notice board.
3. The Club's Sailing Instructions will be changed to include the provision for using the three-option process.
4. The Club to keep a log to help document the effectiveness and outcomes.
5. The 'rules advisor' will inform whoever is responsible for recording the results so that the points and results can be adjusted as appropriate.
6. The Club is keen to explore ways of promoting rules awareness and welcomes suggestions to support this. E.g. rule of the month – an explanation, 15 minute pre or post race rule discussion?

Three key messages about rules disputes:

1. Simplify them at our Club
2. Make them less adversarial
3. Make them more educational

Please do not hesitate to contact me should you have any queries.

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