

# ILYA Jury Policies

Draft Revision 0 – 2/22/20

*This policy directs the jury to operate in a manner that encourages consistency across ILYA events.*

## 1 Administration

- 1.1 This policy will be administered by the ILYA Judge Committee.

## 2 Appointment of Juries

- 2.1 The Chairman of the ILYA Judge Committee is responsible for composing a protest committee for every ILYA regatta.
- 2.2 The Chairman shall follow the ILYA Bylaws when recruiting protest committee members.

## 3 Information to Competitors

- 3.1 The Jury will not usually protest for a breach of a rule of Part 2 unless they observe an apparent breach of good sportsmanship (RRS 2). Examples of breaches, where the Jury will consider protesting, include:
  - 3.1.1 Deliberately or knowingly breaking a rule without justification for exoneration and not taking the appropriate penalty
  - 3.1.2 Intimidating other boats, especially junior sailors, often evidenced by shouting or foul language
  - 3.1.3 Team tactics, sailing to benefit another boat to the detriment of your own position
  - 3.1.4 Reckless sailing that results in, or is likely to result in, damage or injury
  - 3.1.5 The jury observes violation(s) of RRS 42 that do not result in a protest by other competitors
- 3.2 Outside Help
  - 3.2.1 RRS 41 applies from a boat's preparatory signal (see RRS 41 and the definition of Racing). A boat that receives instructions or exchanges sailing gear or crew with a coach or support person after the preparatory signal breaks RRS 41.
  - 3.2.2 When ILYA Support Person Rules are in effect, and coaches and support persons are prohibited from specific areas, a breach of these rules is subject to protest.
- 3.3 Propulsion
  - 3.3.1 When appendix P is in effect, the Jury may also be Umpires under Appendix P
  - 3.3.2 When appendix P is not in effect, the Jury may protest for observed violation(s) of RRS 42
  - 3.3.3 A competitor may ask judges or umpires for an explanation of a penalty or protest after the the completion of the race when appendix P is used. This can be done either on or off the water by asking the Judge or Umpire directly or by asking for the Race Office to arrange a meeting with the Judge(s) or Umpire(s).
- 3.4 Requests for Redress, Claiming RC Error in Scoring a Boat OCS, UFD, or BFD
  - 3.4.1 If a competitor wishes to challenge the Race Committee's decision to score them OCS, UFD, or BFD are advised to consult the race officer prior to a hearing to learn the Race Committee's evidence that the boat was OCS, UFD, or BFD. For a boat to be given redress, the competitor must provide conclusive evidence that the race committee has made an error in identifying the boat. Even video evidence is rarely conclusive. In the absence of conclusive evidence to the contrary, the Jury will uphold the Race Committee's decision.
  - 3.4.2 Evidence of relative positions of two boats that were scored differently is not conclusive evidence that either boat started correctly.
- 3.5 Video, Photo, and Tracking Evidence
  - 3.5.1 A party wishing to bring video, photo, or tracking evidence to a hearing is responsible for providing the equipment required to view the evidence, Internet connection and power will not

be generally available during the hearing. It should be possible for all parties and the Jury to view the evidence at the same time.

3.5.2 Tracking system information, if available, may be presented, but is of limited accuracy. The images produced are enhanced from the actual data and as an aid to the viewer. The system may be used to get an indicative position of the boats for visualization, but it is not sufficiently precise to be used for race management purposes or for Jury decisions that require exact positioning information.

### 3.6 Observers at Hearings

3.6.1 Unless the Jury decides observers are inappropriate, each party may bring one person to observe the hearing. Observers must sign and comply with the requirements of the document entitled "Information for Observers."

3.6.2 At the Jury's sole discretion, observers may be prohibited at any time during the hearing.

### 3.7 Misconduct (RRS 69)

3.7.1 Any form of cheating, including not telling the truth at a hearing is a breach of sportsmanship and may result in a hearing under RRS 69 and a very heavy penalty

3.7.2 If RRS 69 is alleged, it is preferred that a Jury of at least 5 experienced Judges be part of the panel. A RRS 69 hearing may be postponed until a later date so an appropriate jury can be constituted.

### 3.8 Questions on Jury Procedure, Policy, and Decisions

3.8.1 Competitors, support persons, and coaches are welcome to discuss procedure, policy, and decisions with the Jury Chairman. He is usually available by the Race Office during the Protest Time Limit and can be contacted through the Race Office.

3.8.2 If at any time, the Jury Chairman deems it necessary to terminate a discussion, he is permitted to terminate said discussion immediately. Reasons for terminating a discussion include:

3.8.2.1 Emotionally charged conversation including, but not limited to, raised voices, profanity, lack of civility, and general rude behavior.

3.8.2.2 Discussion of a protest or request for redress that has not been decided or is likely to be the subject of a reopening or appeal.

3.8.2.3 The Jury Chairman has other responsibilities that require his attention.

## 4 Jury Internal Policies

### 4.1 Answering Questions

4.1.1 The Jury Chairman is the spokesperson for the Jury. Other Jury members should not answer questions about a Jury action without the permission of the Jury Chairman.

4.1.2 It is always preferable to be with another race official when answering questions. When accompanied by another Judge

4.1.2.1 Ashore; judges may answer questions on the application of the racing rules that do not involve a protest. However, questions that involve an interpretation of a rule, a sailing instruction, or a class rule should be submitted to the jury in writing.

4.1.2.2 Afloat; Judges are free to discuss their Appendix P rule 42 penalties with competitors. If such a conversation becomes lengthy or heated, ask the competitor(s) to come to the Race Office to continue the discussion.

4.1.2.3 Ashore or afloat, the primary conversation should be between one of the judges and the competitor. The second Judge will only observe the discussion, and may help calm down the situation as needed, but not try to explain as this may cause confusion. Avoid conversations with competitors, coaches, and support persons in private.

- 4.2 Jury Protests and Observation of Incidents on the Water – See Also: Information to competitors Section 3.1.
  - 4.2.1 There are a number of reasons why the Jury does not protest for breaches of a rule of Part 2.
    - 4.2.1.1 The boat does not have a chance to take a voluntary penalty on the water.
    - 4.2.1.2 The sport is self-policing and the Jury generally expects competitors to lodge protests.
    - 4.2.1.3 The jury's vantage point may not provide certainty of the details of an incident they observe.
  - 4.2.2 Promptly notify the Jury Chairman or Vice Chairman of any grounds for a jury protest against a boat in order to that a decision can be made about whether or not to lodge a protest. The intention to protest must be posted before the protest time limit expires and the protest lodged within this time as well. The time limit may be extended if the judge cannot return to shore in time. If the judge is upheld afloat, the basic information should be transmitted ashore if possible so the Jury can post the intention to protest.
  - 4.2.3 A judge having information that may make him/her a knowledgeable witness in an incident will take notes and avoid discussion of the incident with any other judge, except to decide if a protest by the Jury is appropriate. A judge who witnesses an incident on the water will notify the Jury Chairman.
- 4.3 Managing Observers
  - 4.3.1 In general, the policy is to allow observers in hearings, however, the size and seating arrangement may limit the number of observers invited. In this case, seats will be filled in this order
    - 4.3.1.1 One (1) observer nominated by each party
    - 4.3.1.2 One (1) media representative
    - 4.3.1.3 Any other competitors or their representative (one per competitor), unless there is insufficient space to accommodate all requesting a seat, in which case, none will be allowed.
    - 4.3.1.4 Event technical officials wishing to observe, as space allows
    - 4.3.1.5 Additional media officials, as space allows
- 4.4 Arbitration
  - 4.4.1 In general, arbitration should be held prior to a hearing.
  - 4.4.2 The arbitrator should not be part of the protest hearing jury.
  - 4.4.3 Arbitration guidelines should be followed.
  - 4.4.4 The protest packet arbitration form should be used.
- 4.5 Permission to Withdraw a Protest
  - 4.5.1 Panels may decide to approve the withdrawal of a protest. Such approval is a protest committee's decision (RRS 63.1) following discussion of the whole panel. It is a competitor's decision to protest, so normally a request to withdraw should be approved. However, approval should not be given if the panel has reason to believe:
    - 4.5.1.1 The reason for withdrawing the protest may be to gain an advantage or manipulate the results.
    - 4.5.1.2 The protestor may have been pressured or intimidated into withdrawal.
    - 4.5.1.3 The incident may have resulted in damage, injury, or a significant advantage gained.
- 4.6 Redress
  - 4.6.1 A boat given redress should be scored in a finishing position when there is a high likelihood that the boat would have finished in that position. This is most likely to occur when the incident

occurs late in the race or after the boat has finished. In other cases, average points would be appropriate.

- 4.6.2 Recommended methods for calculating average points:
  - 4.6.2.1 Method 1 – For redress in any race before the last day of racing, award “average points in accordance with RRS A10(a) replacing “in all races” with “in all races with “from A thru B” (where A is the first day of racing and B is the day before the last scheduled day of racing).
  - 4.6.2.2 Method 2 – For redress in any race on the last day, award “average points in accordance with rule A10(a) in all races.”
  - 4.6.2.3 Method 3 – For redress in any race where the conditions of that race day were significantly different than other races, award “average points in accordance with RRS A10(a) replacing “in all races” with “From A thru B” (Where A is the first race under these conditions and B is the last race under these conditions).
- 4.6.3 All redress decisions where a boat finished should include, “but not worse than N.” (where N is the boat’s finishing position).
- 4.6.4 All redress decisions should comply with World Sailing Case 116 (no average points for more than half the series).
- 4.6.5 At the annual Championship, the Jury Chairman for the event should be consulted before decisions regarding redress.
- 4.7 Redress Affecting the Rest of the Fleet
  - 4.7.1 Where a panel realizes that the possible outcome of a redress might affect the finishing positions of a large portion of the fleet, it should consult the Jury Chairman, even if the hearing was started.