

# US Sailing Procedures for Denying the Right of Appeal at Sailing Events

US Sailing's Prescription to Rule 70.5(a) requires its approval if the right of appeal is to be denied in cases where "it is essential to determine promptly the result of a race that will qualify a boat to compete in a later stage of an event or a subsequent event . . . ."

These procedures outline the process by which US Sailing's permission may be granted, and the requirements with which an Organizing Authority and Protest Committee must comply once permission has been granted in order to balance the need for certainty of results in some events with the desirability to retain the right to appeal to the greatest practical extent.

Please feel free to [email the Race Administration Director](#) or call 401-682-2953 if you have any questions.

## I. Application

1.1 An Organizing Authority seeking permission to deny the right of appeal under Rule 70.5(a) shall apply on-line: [Rule70.5\(a\) No Appeal Event Application](#)

1.2 Permission should be sought before the Notice of Race has been posted or distributed and, in any case, no less than thirty (30) days in advance.

1.3 US Sailing will review the application and grant its permission if the requirements set forth in these guidelines have been met.

1.4 If US Sailing grants permission, it will advise the Organizing Authority in writing and list the event on-line.

1.5 Exceptions Granted by US Sailing:

(a) All events hosted by, and limited to members of, the Interscholastic Sailing Association (ISSA) and the Intercollegiate Sailing Association (ICSA) are given blanket permission to host "no-appeal" events and a waiver of these requirements; provided that the denial of appeal is stated in the Notice of Race and posted on the official notice board of the event.

(b) Area qualifying events for US Sailing Championships are granted blanket permission to deny the right of appeal under rule 70.5(a) and a waiver of the requirements concerning composition of protest committees as required by [US Sailing's No-Appeal](#) process, provided that: 1) the denial of appeal is stated in the Notice of Race and Sailing Instructions, and 2) the [Area Re-Opening Procedure](#) requirements are met, and 3) the requirements for appointment of race officials in US Sailing Regulation 10 are met. However, a decision resulting from a hearing under rule 69.2 may be appealed.

## II. Requirements

2.1 Period Between Events - The event for which permission to deny the right of appeal is sought shall be no more than six (6) months in advance of the subsequent event.

2.2 Organizing Authority - The Organizing Authority must be a member of US Sailing at the time of application and at the time of the event.

2.3 Protest Committee Composition - The Protest Committee must consist of no fewer than three people, the majority of whom must be ISAF International Judges or US Sailing National Judges. No member of the Protest Committee may be an “interested party” as that term is defined in *The Racing Rules of Sailing*.

2.4 Independent Protest Committee - All members of the Protest Committee must be independent of the Race Committee and Organizing Authority. (i.e., no member of the Protest Committee may serve as members of the event organizing committee or the Race Committee).

2.5 Protest Committee Chairman - The Protest Committee chairman must be an ISAF International Judge or a US Sailing National Judge.

2.6 Substitution of Protest Committee Members - If one or more Protest Committee members are unable to participate, the Organizing Authority may replace him/her/them so long as the reconstituted Protest Committee complies with all of these procedures and requirements.

### **III. Multi-Class Events**

3.1 Permission Limited to Applicable Class(es) - In multi-class events US Sailing’s permission to deny the right of appeal under rule 70.5(a) will be limited to those classes where it is essential to promptly determine the result of an event that will qualify a boat to compete in a later stage of an event or a subsequent event.

3.2 Addition to Notice of Race and Sailing Instructions - In addition to the content stated in 5.1, below, the Notice of Race and Sailing Instructions shall include the following statement: *US Sailing’s permission is limited to the following classes: (list applicable classes). Competitors in all other classes may appeal decisions of the protest committee.*

### **IV. Qualification Series for Advancement in the Same Event**

4.1 Permission Limited to Qualifying Series - At events with a qualification series that leads to entry into another phase of the same event (such as qualification for a Gold or Championship Division), US Sailing’s permission to deny the right of appeal under rule 70.5(a) will be limited to the qualifying series.

4.2 Addition to Notice of Race and Sailing Instructions - In addition to the content stated in 5.1, below, the Notice of Race and Sailing Instructions shall include the following statement: *US Sailing’s permission is limited to the qualifying series. Competitors may appeal decisions of the protest committee in the (Gold/Championship) Series.*

### **V. Notice of Race and Sailing Instructions**

5.1 Content of Notice of Race and Sailing Instructions - The Notice of Race and the Sailing Instructions for an event for which permission has been granted shall include the following: *In accordance with rule 70.5(a), decisions of the protest committee are final. US Sailing’s permission has been granted. If the requirements are not met, the decisions of the protest committee may be appealed.*

5.2 Availability of Notice of Race - The Notice of Race must be distributed or made readily available on-line at least fifteen (15) days prior to the start of the event.

### **VI. Rule 69 Hearings**

6.1 Consultation With US Sailing - Before calling a hearing under rule 69, the Protest Committee will consult with a US Sailing designee on the list referred to in 6.2, below.

6.2 List of People to Consult - At the time the Organizing Authority is granted permission to deny the right of appeal under rule 70.5(a), US Sailing will provide a list of individuals who may be consulted, and will designate a primary contact who has agreed to be available by phone.

6.3 Conduct of Rule 69 Hearing - The Protest Committee will follow the advice of US Sailing's designee with respect to the rule 69 hearing. Depending upon the circumstances, that advice may be to proceed with the hearing using the Protest Committee as constituted, adding one or more members to the Protest Committee, reconstituting the Protest Committee, or referring the matter to US Sailing for potential action.

## **VII. Effect of Non-Compliance with these Requirements**

7.1 Failure to Obtain US Sailing Permission - Any provision in the Notice of Race or Sailing Instructions attempting to deny the right of appeal under Rule 70.5(a) for which US Sailing's permission has not been granted is void.

7.2 Failure to Comply with These Requirements - US Sailing's permission is void if the Organizing Authority or the Protest Committee fails to meet the requirements in these guidelines.

## **VIII. Special Circumstances**

8.1 Exceptions: US Sailing may grant exceptions in special circumstances. If an exception is requested, the Race Administration Director will assemble a committee consisting of the Chairman of the Race Management Committee, the Chairman of the Judges Committee and a member of the US Sailing Board of Directors to consider the application.

8.2 Notice - Notice of an exception, and the conditions of the exception, will be posted on the List of Approved Events at US Sailing's Rules/No Appeal page.

## **IX. Modifications**

9.1 Changes to these Guidelines – The guidelines will be reviewed periodically, and may be modified from time to time.

9.2 Effect of Modifications – Generally, any modification will have no effect on events for which permission has already been granted. If a modification is applicable to an event for which permission has been granted, the Organizing Authority will be notified by US Sailing.

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