

Running a “Protected Competition”

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This paper is intended to be a helpful resource and guide for Organizing Authorities (OA’s) and Chief Judges responsible for running a “protected competition.”

A “protected competition” is a term used by the U.S. Olympic Committee in its Bylaws, Section 1.3(w), to refer to a competition used to select U.S. athletes to represent the U.S. in international competitions.

For Sailing, the term “protected competition” is specifically defined in US Sailing Regulation 12.03 as follows:

A protected competition is “...a competition held in the United States without an International Jury that US Sailing uses to select U.S. sailors to represent the United States in international competitions, qualify U.S. sailors to be a member of the US Sailing Team, or determine sailors who will receive funding from or through US Sailing.

Specifically, an event that:

- Selects U.S. sailors for the Olympics, Paralympics or Pan Am Games
- Selects U.S. sailors for the Youth Olympics
- Selects U.S. sailors for the World Sailing World Championships for Youth, Team Racing and Match Racing (Women and Open), Offshore Sailing or the Nations Cup
- Selects sailors for the US Sailing Team; or determines funding given or directed by US Sailing”

Here is a summary of what an OA needs to do when its event is a “protected competition”:

1) the OA is required to submit its entry or selection requirements to US Sailing before the NoR and SI’s are published. Those should be sent to Ms. JJ Fetter (chairman of the US Sailing Selection Committee) at: jj.fetter@gmail.com.

Upon receipt of the requirements, the Selection Committee shall review the entry or selection requirements and either approve them or suggest changes. If the organizing authority accepts the changes, the modified entry or selection requirements are approved. If the organizing authority does not accept the changes, it may appeal to the entire US Sailing Board of Directors.

2) insert the wording verbatim found in Appendix 1 of this paper in BOTH the Notice of Race (NoR) AND the Sailing Instructions (SI).

3) be sure the protest committee (PC) has at least one person who is an A or B level Sailor Athlete (Reg 12.03 requires 20% which means 1 out of 5 and most PC’s won’t have more than 5 people normally).

The Sailor Athlete List can be found here (US Sailing > About > Our Organization > Get Involved > Sailor Athlete): <https://www.ussailing.org/about/our-organization/get-involved/sailor-athlete/#who-is-sailor-athlete>

4) be sure the Chief Judge for the event is aware that the event is a “protected competition” and has received a copy of this paper, and the draft NoR and SI for the event.

Notes to the Chief Judge at a “protected competition”:

1) The prescription to rule 63.2 is in effect. That means that the protest committee must request redress on behalf of each boat that attends a redress hearing, making them a party to that hearing (see also the prescription to rule 60.3(b)).

2) The prescription to rule 63.4 is in effect with the phrase “when practicable” deleted. This means that any person who brings an incident to the attention of the protest committee or who will give evidence regarding an incident cannot be on the protest committee for that hearing. If there is only one Sailor Athlete on the protest committee, be sure that person does not report an incident or give testimony.

This prescription also means that if a person who was not a party to a redress hearing requests redress based on the protest committee’s decision in a redress hearing, the request shall be heard by an entirely new committee. Thought needs to be given to the Sailor-Athlete requirement. That hearing can be held after the event is over, and can be done via conference call if needed (see the language in Appendix 1 (xx.1(e) below).

3) The NoR and SI language states that the expedited appeals process may be used (rule R8, Expedited Appeals). The link to that process appears in the language in Appendix 1 of this paper. If the event is a match or team racing event, Appendix C (Match Racing) and D (Team Racing) put restrictions on appeals that are not precluded by Regulation 12.03.

Note, there are changes to rule 65.2 pertaining to time limits on requesting and delivering written decisions; this relates to the expedited appeals process.

4) Parties to a *redress* (not protest) hearing can have two (2) representatives. That could be another sailor, a coach, a parent or an attorney, etc. Both representatives are “parties” to that hearing.

Appendix 1 – Text for Notice of Race and Sailing Instructions at a Protected Competition

The following text must be inserted verbatim in BOTH the Notice of Race (NoR) AND the Sailing Instructions (SI) for a protected competition (see US Sailing Regulation 12.03).

Please insert the appropriate numbers throughout, and ensure that other parts of the NoR and SI do not conflict with this language.

xx PROCEDURES FOR PROTECTED COMPETITIONS

xx.1 US Sailing Regulation 12.03, Protected Competitions, will be in effect for this event (*or for the following class(es)*). The following rules and procedures will apply:

(a) The US Sailing prescriptions to rules 63.2 and 63.4 shall apply to a Protected Competition, except that the words “when practicable” in the first sentence of the prescription to rule 63.4 are deleted.

(b) Protest committees shall include 20% "sailor-athlete" representation. "Sailor-athlete" has the meaning of "athlete" set forth in USOC Bylaw, Section 8.8.2 (the 10-year rule) or Level A or B Sailor-Athlete as defined by US Sailing Sailor Athlete Council (SAC) Bylaws 3.3.1 and 3.3.2 (except that the US Sailing member class referred to in SAC Bylaw 3.3.2.3 shall be an international class recognized by World Sailing at the time of the sailor-athlete's qualification).

(c) The right of appeal will not be denied under rule 70.5 (a), (b), or (c), but an expedited appeal process may be used that balances the needs of the competitor for certainty with respect to berths in future competitions and sufficient time to prepare the arguments and evidence for the appeal.

for a match racing event, insert: Note, there is no appeal from a decision made under rule C5, C6, C7 or C8, and a party to the hearing may not ask for a reopening (see rule C9.1).

for a team racing event, insert: Note, there is no appeal from the decision, action or non-action of an umpire (see rule D2.7(b)).

(d) Any boat that is a party to a redress hearing may be represented by up to two individuals. This changes rule 63.3(a).

(e) If a hearing is scheduled after the event is concluded and after the sailors and officials have left the venue, it will be scheduled as soon as possible, and in a place and manner chosen with deference to the competitor's preferences or circumstances; and parties to the hearing have the right to be present telephonically or via video feed as appropriate, provided all participants can hear and speak to each other.

xx.2 Other rule changes

(a) Rule 65.2 is changed as follows: "seven days" is changed to "24 hours" and "promptly" is changed to "within 24 hours."

(b) Rule 66, Reopening a Hearing, second sentence is deleted and replaced by:
“However, if an appeal of its decision has been sent to the national authority, the hearing shall not be reopened unless the national authority requires reopening under rule R5.4 or decides the appeal cannot be considered.”

(c) Rule 70.2 is deleted.

xx.3 Expedited appeals procedure

The expedited appeals system in rule R8, Expedited Appeals, will be used. See: <https://www.ussailing.org/wp-content/uploads/2018/01/2017-Expedited-Appeals.pdf>