



BALTIMORE CITY YACHT ASSOCIATION

Protest Committee Policies

The Protest Committee

The BCYA Commodore appoints an independent Protest Committee Chairperson who forms the Protest Committee to hear and determine all protests filed with respect to any Club sponsored race event. When a regular committee member is unable to participate in a protest hearing as a result of a conflict (i.e. is a party to the protest, or a witness, or is a member of the Division affected by the outcome), or for any other reason, the Protest Committee Chairman will designate an alternate member picked from among the BCYA Fleet Representatives. Any questions regarding Protest Committee policies and procedures may be directed to the Protest Committee Chairman.

The Racing Rules

All races sponsored by the BCYA are governed by the 2009-2012 The Racing Rules of Sailing (the "RRS") adopted by United States Sailing, as modified by BCYA's Sailing Instructions with respect to non-CBYRA sanctioned events, and the individual racing circulars issued with respect to CBYRA sanctioned events (collectively the "Racing Rules") The RRS have been developed with great care and considerable experience over many years of sailboat racing. They are designed to ensure that the participating boats compete with one another safely and fairly.

Therefore, it is of fundamental importance that all participants in BCYA sponsored races know the Racing Rules. The BCYA Sailing Instructions specify in Section 1.2 that all competing boats must maintain on board a copy of the Racing Rules during any BCYA sponsored race.

Alternative Penalties

Sportsmanship and The Racing Rules of Sailing 2009-2012 provides: "Competitors in the sport of sailing are governed by a body of rules that they are expected to follow and enforce. A fundamental principle of sportsmanship is that when competitors break a rule they will promptly take a penalty or retire." To encourage the voluntary acknowledgment of a rule infringement, the BCYA has provided for alternative penalties in its Sailing Instructions in Section 9.9.

When a competing boat realizes it has infringed a rule of Part 2 - When Boats Meet of the RRS (regardless of whether or not another boat has notified her of intention to file a protest), she can exonerate herself by either: (1) after getting well clear of other boats as soon after the incident as possible, taking a 720 degree penalty turn by promptly making two complete 360 degree turns (720 degrees) in the same direction including two tacks and two gybes, or (2) displaying a yellow flag at the first reasonable opportunity after the incident, keeping it displayed until finishing, and calling the race committee's attention to it at the finish line.

The award of a scoring penalty will result in the offending boat having her final finishing position moved back a minimum of 3 places. The foregoing is subject to the provision that, even if a boat has accepted an alternative penalty, the Protest Committee may proceed with a hearing and disqualify the offending boat when it finds that she violated Fundamental Rule 2 of the RRS, or that she recklessly endangered other competing boats.

Filing Protests

The integrity of the BCYA racing program is dependent upon self-policing by the competitors to ensure that all participants comply with the Racing Rules. Consequently, the lodging of a protest by another boat, when she witnesses an infringement of the Racing Rules is equally important to voluntarily acknowledging a breach of the Racing Rules. When a competitor believes that another boat has violated the Racing Rules during the course of the race, she is obligated to promptly hail the other boat of her intention to file a protest, specifically using the word "PROTEST". This is particularly important in order to give the offending boat the opportunity to take an alternative penalty.

Additionally, at the first reasonable opportunity after the incident, the protesting boat must display code flag "B" or a red rectangular flag. If the protesting boat fails to hail and to display a proper protest flag promptly after the incident she may not be able to maintain her protest except for extenuating circumstances as determined by the Protest Committee. The protest flag shall be flown until the protesting boat finishes, at which time she shall notify the Race Committee of her intention to file a protest. Thereafter, she shall promptly proceed to prepare and file a written protest. Section 11.3 of the Sailing instructions specifies the procedures for filing a written protest. A copy of a suggested protest form is included in this handbook. It is suggested that skippers of all boats maintain photocopies of the form on board for use when and if they have to file a protest.

If, after hailing the offending boat and displaying the protest flag, the protesting boat observes the offending boat taking a 720 degree alternative penalty or displaying a yellow rectangular flag, she should nevertheless continue to fly the protest flag until crossing the finishing line, at which time she shall advise the Race Committee of her intention to file a protest. The Race Committee will determine whether or not an alternative penalty has in fact been accepted by the offending boat. If so, the protesting boat may withdraw her protest unless she believes that incident giving rise to the protest involves a violation of Fundamental Rule 2 or serious damage to or reckless endangerment of other boats. In either of these events, the protesting boat should proceed with the preparation and filing of a written protest.

Withdrawing a Protest

The decision to file a protest must be made in good faith and with an honest belief that the protested boat has violated the Racing Rules. If there is any doubt as to whether a Racing Rule has been violated the protest should not be filed or if filed it should thereafter be withdrawn. Section 11.6 of the BCYA Sailing Instructions modifies RRS 63.1 to permit the withdrawal of a written protest at any time up to 24 hours prior to the scheduled protest hearing without seeking permission of the Protest Committee. Section 9.9.3 of the BCYA Sailing Instructions further authorizes the Protest Committee to penalize a protesting boat when it finds that a protest has been frivolously filed, i.e., the claim is so lacking in substance that the protested boat is not required to defend itself.

Protest Hearings

The time and location for protest hearings will be set pursuant to Section 18.4 of the Sailing Instructions, except for protests under Section 10.3 (Commercial Traffic) which will be held as soon as possible on notice of the Protest Committee Chairman. The Protest Committee Chairman will make arrangements with the skipper of the boat against whom a protest has been filed for delivery of a copy of the written protest as promptly as possible under the circumstances. A boat filing a protest should not rely on the availability of a videotape to substantiate her case. Rather, she should make an immediate effort following the race to locate and assure the cooperation of third parties who may have witnessed the incident. A videotape of the incident may not be available or, if it is, it may be ineffective. Any protesting boat intending to use videotape shall have the responsibility for not only securing the videotape itself, but also providing the videotape player and monitor. The Protest Committee will be guided by paragraph 7 in Appendix L of the RRS, dealing with photographic and video recording evidence.