

**RULE 60.1 – RIGHT TO PROTEST****A boat or committee may protest a boat.**

Any boat that thinks another boat may have broken a *rule* can protest. This can occur during a race, or before or after a race; and it can involve a boat in the same race or one in a different race (see Appeal 116). Note, however, that the use of the word “may” in rule 60.1 clarifies that it is a boat’s choice as to whether or not she protests. A boat cannot be penalized for choosing not to protest.

If you want to protest another boat for breaking a rule of Part 2 (When Boats Meet) or rule 31 (Touching a Mark), you must have been directly involved in the incident or have seen it happen yourself. A *protest* involving a Part 2 rule or rule 31 cannot be initiated by you when you learn about the incident from a “report” by a competitor from another boat in the race, or some other person such as a spectator (see rule 60.4(a)(2), Protest Validity).



“What is a ‘third-party protest,’ and are they allowed?”

If you witness an incident in which you are not involved, and in which you think that at least one of the boats has broken a rule of Part 2 or rule 31, you can protest. It doesn’t matter if they have contact or not. In this case you are the “third party.” The protest committee will simply call a hearing based on your *protest*, find the facts about what happened in the incident, and penalize any boat that broke a *rule*.

If the race committee thinks a boat may have broken a *rule*, it may also protest (again, the word “may” is permissive meaning the race committee is under no obligation to protest). Note that it can’t protest if it learned of the possible breach from someone who has a close personal interest in the outcome of the protest (other than a representative of the boat herself), may reasonably appear to have a personal or financial interest which could affect his ability to be impartial, or who stands to benefit from the protest committee’s decision (see the definition *Conflict of Interest*). And it can’t protest based on information it learned either in a *protest* that is found to be invalid or in any request for redress (see rule 60.4(b), Protest Validity).

If the race committee feels a boat may be entitled to redress, it can request redress on behalf of that boat (rule 61.1(b), Requesting or Considering Redress). And if it feels the actions of a boat or competitor or *support person* should be reviewed under rule 62 (for *support persons*) or rule 69 (Misconduct), it can report that to the protest committee.

“Can the race committee score me DSQ if it thinks it saw me foul a boat or hit a mark?”



No. A boat cannot be penalized without a protest hearing, with a couple of limited exceptions (rule 60.5(b)(1), Protest Decisions). If the race committee thinks a boat has broken a *rule*, and it thinks the boat should have a hearing to consider being penalized, all it can do is **protest** the boat. The protest committee will then call a hearing, find the facts, decide if the boat broke a *rule*, and penalize her if she did.

“Can the race committee penalize me without a hearing if it thinks I did not sail the course correctly?”



Yes! If a boat fails to *start*, *sail the course*, or *finish* correctly, the race committee can score her DNS (Did not *start*), OCS (on the course side), DNF (Did not *finish*) or NSC (Did not *sail the course*) without a hearing (rule A5.1, Scores Determined by the Race Committee). Similarly, the race committee can also score a boat worse than her actual finish position when the Z Flag Rule (rule 30.2), U Flag Rule (rule 30.3) or Black Flag Rule (rule 30.4) apply, or when the boat takes a Scoring Penalty (rule 44.3). If a boat feels the race committee has scored her incorrectly, the boat can speak directly with the race committee and/or request redress under rule 61.1(a) (Requesting or Considering Redress). Rule 90.3(c) says, “When the race committee determines from its own records or observations that it has scored a boat incorrectly, it shall correct the error and make the corrected scores available to competitors.”

Similar to the race committee, the protest committee may also protest a boat that may have broken a *rule*. Again, it can’t protest if it learned of the possible breach from a person with a *conflict of interest* (see the definition *Conflict of Interest*), nor based on information it learned either in a *protest* that is found to be invalid, or in any request for redress (rule 60.4(b), Protest Validity). If the protest committee feels a boat may be entitled to redress, it can call a hearing to consider redress (rule 61.1(c), Requesting or Considering Redress). And if it believes the actions of a boat, competitor or *support person* should be reviewed under rule 62 (Support Persons) or rule 69 (Misconduct), it can call a hearing under rule 62.1 or rule 69.2(b).

The protest committee can also protest a boat in two other situations. One is when it learns of an incident that may have resulted in injury to a person or serious damage to a boat from any source, including from an invalid *protest* or redress hearing or overhearing competitors discussing an incident in the parking lot (rule 60.4(c)(1), Protest Validity). See the discussion of rule 44.1 for a discussion of the terms “injury” and “serious damage.”

The other situation is when the protest committee is hearing a valid *protest* and in the course of the hearing it learns that another boat involved in the incident, but not currently a *party* to that hearing, may have broken a *rule* in that incident (see rule 60.4(c)(2), Protest Validity). If the protest committee wishes to protest that boat, rule 63.2(d) says, “If the protest committee decides to protest a boat under rule 60.4(c)(2), it shall close the current hearing, deliver a **protest in accordance with the rules**, and then hear the original and the new protests together.” In other words, the protest committee must stop the current hearing, inform the boat it is being protested **in writing** clearly identifying the reason for the *protest* (rule 60.3(a), Delivering a Protest), inform all the boats involved of the time and place of the new hearing, and give the boat time to prepare for the hearing (rule 63.1, Rights of Parties).

The protest committee may also call a hearing under rule 62.1 (Support Persons) to consider whether a *support person* has broken a rule, which includes a parent or coach (see the definition *Support Person*). Rules *support persons* might break include sailing instructions regarding where support boats are confined to, or rule 69.1(a) (Obligation not to Commit Misconduct; Resolution). *Support persons* and the competitors they are supporting may be penalized under rules 62.3 and 62.4 (Support Persons).