

US SAILING PRESCRIPTIONS THAT APPLY TO Acura Miami Race Week 2005

Rule 68 add:

US SAILING prescribes that:

- (a) *A boat that retires from a race or accepts a penalty does not, by that action alone, admit liability for damages.*
- (b) *A protest committee shall find facts and make decisions only in compliance with the rules. No protest committee or US SAILING appeal authority shall adjudicate any claim for damages. Such a claim is subject to the jurisdiction of the courts.*
- (c) *A basic purpose of the rules is to prevent contact between boats. By participating in an event governed by the rules, a boat agrees that responsibility for damages arising from any breach of the rules shall be based on fault as determined by application of the rules, and that she shall not be governed by the legal doctrine of 'assumption of risk' for monetary damages resulting from contact with other boats.*

Rule 76.1 add:

US SAILING prescribes that an organizing authority or race committee shall not reject or cancel the entry of a boat or exclude a competitor eligible under the notice of race and sailing instructions for an arbitrary or capricious reason or for reason of race, color, religion, national origin, gender, sexual orientation, or age.

Rule 76.3

US SAILING prescribes that a boat whose entry is rejected or cancelled or a competitor who is excluded from a race or series shall be, upon written request, entitled to a hearing conducted by the protest committee under rules 63.2, 63.3, 63.4 and 63.6.

Appendix F Replace ISAF appendix with the following:

APPENDIX F

APPEALS PROCEDURES

This appendix is a US SAILING prescription.

See rules 70 and 71. This appendix replaces Appendix F as adopted by the International Sailing Federation. The US SAILING Appeals Committee acts as the national authority within the meaning of rules 70.1 and 71.

F1 WHERE TO FILE AN APPEAL OR REQUEST

- F1.1** Except as provided in rule F1.3, an appeal of a decision of a protest committee or a request by a protest committee for confirmation or correction of its decision shall be sent to the Race Administration Director at US SAILING (Box 1260, Portsmouth, RI 02871), who will forward it to the association appeals committee for the place in which the event was held. US SAILING charges no fee for forwarding an appeal. However, the association appeals committee may require that a fee be paid before an appeal or request will be considered.
- F1.2** Appeals of decisions of an association appeals committee, requests by an association appeals committee for confirmation or correction of its decisions, and all requests for interpretations of rules shall be made to the US SAILING Appeals Committee.
- F1.3** Appeals of decisions of a protest committee of a US SAILING national championship and requests by such a committee for confirmation or correction of its decisions shall be made to the US SAILING Appeals Committee.

F2 TO APPEAL OR MAKE A REQUEST

- F2.1** To appeal the decision of a protest committee or association appeals committee a party to the hearing shall, within 15 days of receiving the written decision being appealed or a protest committee's decision not to reopen a hearing, send an appeal and a copy of the decision to the US SAILING Race Administration Director. The appeal shall state why the appellant believes the committee's decision or its procedures were incorrect. If an appeals fee is required it must be received before the appeal will be considered. The fee for appeals to US SAILING is \$25 for an appellant who is a member of US SAILING or another national authority and \$75 for all others.
- F2.2** The appellant shall also send, with the appeal or as soon as possible thereafter, all of the following documents that are available to her:
 - (a) the written protest(s) or request(s) for redress;
 - (b) if the appeal is from a decision of an association appeals committee, the written decision of the protest committee;
 - (c) a diagram, prepared or endorsed by the protest committee, showing the positions and tracks of all boats involved, the course to the next mark and its required side, the speed and direction of the wind, and, if relevant, the depth of the water and the speed and direction of any current;

- APPENDIX F APPEALS PROCEDURES (continued)**
- (d) the notice of race, sailing instructions, any other conditions governing the event, and any changes to them;
 - (e) any additional relevant documents; and
 - (f) the names and addresses of all *parties* and the protest committee chairman.
- F2.3** To request confirmation or correction of its decision, a protest committee or association appeals committee shall send to the US SAILING Race Administration Director a copy of its decision and all relevant documents and comments. There is no fee for requests for confirmation or correction made to US SAILING.
- F2.4** To request an interpretation of the *rules*, a club or other organization affiliated to US SAILING shall send to the US SAILING Race Administration Director its request, which shall include assumed facts. The fee for requests for interpretation of the *rules* is \$25. A US SAILING committee is considered to be an organization affiliated to US SAILING but need not pay the fee.
- F3 NOTIFICATION OF THE COMMITTEE WHOSE DECISION IS BEING APPEALED**
- Upon receipt of an appeal, the appeals committee shall send a copy of the appeal to the committee whose decision is being appealed, asking it for any documents required by rule F2.2 not supplied by the appellant.
- F4 COMMITTEE RESPONSIBILITIES**
- F4.1 Protest Committee**
- A protest committee whose decision is being appealed shall supply the documents requested under rule F3 and any facts or other information requested under rule F5. If directed to do so by the appeals committee, it shall conduct a hearing, or reopen the hearing, of the *protest* or request for redress, or conduct a hearing to consider redress.
- F4.2 Association Appeals Committee**
- (a) The association appeals committee shall send to all *parties*, and to the committee whose decision is being appealed or reviewed, copies of all relevant documents and comments it has received, except those supplied by that *party* or committee.
 - (b) An association appeals committee shall consider an appeal it has refused to decide if directed to do so by the US SAILING Appeals Committee.
- F4.3 US SAILING Appeals Committee**
- The US SAILING Appeals Committee shall send to all *parties*, to the protest committee and to the association appeals committee whose decision is being appealed or reviewed, copies of all relevant documents and comments it has received, except those supplied by that *party* or committee.
- F5 INADEQUATE FACTS; REOPENING**
- An appeals committee shall accept the protest committee's finding of facts except when it decides they are inadequate. In that case it shall require the protest committee to provide additional facts or other information, or to reopen the hearing and report any new finding of facts, and the protest committee shall promptly do so.
- F6 COMMENTS**
- The *parties*, the protest committee and, if relevant, the association appeals committee may make comments on the appeal or request or on any of the documents listed in rule F2.2. Comments shall be sent in writing to the appeals committee, with a copy to the other *parties* and committees involved, within 15 days after the *party* or committee received the document. The appeals committee need not consider comments sent after that time.
- F7 OTHER PROVISIONS**
- In addition to the provisions of rule 71:
- (a) An association appeals committee acting under the rules of this appendix may take any of the actions permitted by the national authority in rules 71.2 and 71.3, subject to further appeal as provided in rule F1.2.
 - (b) An appeals committee may direct a protest committee to conduct a hearing to consider redress for an appellant or other *party*.
 - (c) No member of the association appeals committee shall take part in the discussion or decision on an appeal or a request for confirmation or correction to the US SAILING Appeals Committee.
 - (d) The US SAILING Appeals Committee may direct an association appeals committee to consider an appeal it has refused to decide.