

## RRS Appendix T - Arbitration

### RRS Appendix T Preamble

A submission from the

#### Purpose or Objective

To clarify who may be the arbitrator in RRS Appendix T Arbitration.

#### Proposal

Delete the second sentence from the preamble to RRS Appendix T as shown below:

#### **APPENDIX T ARBITRATION**

This appendix applies only if the notice of race or sailing instructions so state.

Arbitration adds an extra step to the protest resolution process but can eliminate the need for some protest hearings, thus speeding up the process for events in which many protests are expected. ~~Arbitration may not be appropriate for all events as it requires an additional knowledgeable person to act as the arbitrator.~~ Further guidance on arbitration can be found in the World Sailing Judges Manual, which can be downloaded from the World Sailing website.

#### Current Position

#### **APPENDIX T ARBITRATION**

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#### Reasons

1. The first clause in the deleted sentence, “Arbitration may not be appropriate for all events”, is self-evident and not needed.
2. The second clause in the deleted sentence, “it requires an additional knowledgeable person to act as the arbitrator” gives the impression that the arbitrator would be an additional official separate from the protest committee appointed to an event. This would add to the cost of officials at an event.
3. Arbitration should be performed by a member of the protest committee. Appendix T already delegates tasks of the protest committee to the judge who arbitrates.

4. Doing arbitration does not put the judge in a conflict of interest for the protest hearing. Having prior knowledge of the incident does not fit within the definition *Conflict of Interest*.
5. The judge who arbitrated can make a fair decision in the hearing after hearing the evidence of the parties in the arbitration meeting. The rules have no requirement for members of the protest committee to have no prior knowledge of an incident of a hearing. Rule 63.6(b) requires that a member of the protest committee who saw the incident "shall, while the parties are present, state that fact and may give evidence". The judge who arbitrated is no different from the judge who witnessed the incident.