

Competitor Misconduct Workshop

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Introduction

- ✱ Workshop aims
- ✱ Experiences
- ✱ Reasons for new guidance

Discuss and learn about various aspects of misconduct
Share some of RRC/FAST thoughts about misconduct
Share experiences
Complete conference notes
Misconduct guidance – reasons for production

What is misconduct?

- * In this workshop (and in the RYA Guidance) we use 'misconduct' to refer to:-
 - * A breach of a principle of sportsmanship (rule 2)
 - * Gross Misconduct (rule 69)
- * Non-RRS misconduct?

Misconduct covers rule 2 and rule 69

There are of course other types of misconduct occurring outside events

Why does misconduct matter?

- * Sailing is a sport for life
- * Bad experiences - in whatever form - turn people away from the sport
- * Do we always confront bad behaviour?
- * RYA Racing Charter is aimed at promoting enjoyable sailing

Sailing is a family sport, requires enjoyment for people to continue
We do not want competitors to feel helpless/powerless – esp. in self-policing system
Do race officials always confront that which is wrong?
RYA Charter is common sense – race officials should follow and apply it at every event

COMPETITORS' RIGHTS

Competitors' Rights

- ✱ To enjoy their racing (fair and safe) and get “value for money”
- ✱ To be treated fairly and in accordance with RRS
- ✱ To have their disputes/grievances heard **promptly** and **appropriately**
- ✱ To give feedback to race officials and organizers

COMPETITORS' RESPONSIBILITIES

Competitors' Responsibilities

- ✱ To compete in compliance with the RRS and the Basic Principle
- ✱ To behave in an acceptable manner
- ✱ To accept and respect the authority of officials

**WHAT IS THE
REVERSE?**

Race Officials' Rights & Responsibilities

- * We must conduct fair, safe and enjoyable racing
- * We must deal with disputes promptly and appropriately
- * Within the self-policing system, we expect competitors to sail in compliance with the RRS
- * We are entitled to be respected and our decisions followed

The rights of competitors are race official responsibilities, and vice versa

Race officials

- * “Event officials”
- * The self-policing system and misconduct
- * Volunteers

This is a race official conference – but misconduct affects everyone – not just RYA and ISAF race officials – therefore term “event officials” more appropriate

Not all officials can do the same, but everyone has a responsibility to help

Too easy to put onus on dealing with misconduct on competitors

Scenario: last day racing, 3 races back to back, incident first race, would you take action at the end of the day?

Not taking action is unfair to lawful fleet and can condone bad behaviour

The Guidance

- ✱ Updated rule 69 guidance for 2009 rules
- ✱ Contains all relevant JUG and RRC guidance
- ✱ Checklist for hearings and model notices

MISCONDUCT QUESTIONS

Misconduct Quiz #1

- ✱ **Competitors with complaints about misconduct should be told to speak only with the protest committee. True or False?**
- ✱ **FALSE**
- ✱ All officials should offer to listen and note complaints - a competitor may not initially feel comfortable going to the judges
- ✱ Not every event has a protest committee in place

Not all competitors will (a) know or (b) want to knock on a door to a jury room

For events without a dedicated protest committee – club racing – should have a procedure in place for OODs and PROs to know what to do with situations

Misconduct Quiz #2

- * **The RYA's role in misconduct is limited to hearing appeals from protest committee decisions. True or False?**
- * **FALSE** - the RYA has several roles
- * Rule 69.2 investigations and hearings
- * Issuing guidance and best practice
- * Hearing appeals

The RYA has many roles – primarily here supporting race officials
Racing Rules Advisory Team can help with situations

Misconduct Quiz #3

- * It is possible to conduct a rule 69 hearing against a coach. True or False?
- * **TRUE** - but only the RYA can do this under rule 69.2
- * There is no power for a protest committee to do this
- * Other forms of disciplinary action at events

Only a “competitor” can be dealt with by a protest committee
Unless SIs give power to penalise boat for “supporting team” conduct
Is this fair though?

Misconduct Quiz #4

- ✱ **You can call a rule 69 hearing following a fight between two competitors in down town Weymouth. True or False?**
- ✱ **TRUE**
- ✱ Test of “reasonable association”
- ✱ Where did report come from? If public, association has already been made.

Jurisdiction commences when competitors arrive for event for the purpose of competing and ends when they depart

Misconduct Quiz #5

- ✱ **All misconduct should be treated with equal severity. True or False?**
- ✱ **FALSE**
- ✱ Some misconduct should be regarded as “zero-tolerance” e.g. physical violence, discriminatory behaviour
- ✱ Other misconduct should be considered more in context

Misconduct Quiz #6

- * **How many reports were made to the RYA under rule 69 in 2007?**
- * **What are the most common reasons for a report?**
- * **In 2007 there were 7 reports**
- * **The most common reasons are abusive behaviour (35%) and violence/physical damage (28%)**

Misconduct Quiz #7

- ✳️ **Race officials could deal with misconduct outside of rule 2 protests or rule 69 hearings. True or False?**
- ✳️ **TRUE**
- ✳️ “Informal” interviews, redress hearings, referrals to club or classes, umpire penalties, reports to RYA etc.

Misconduct Quiz #8

- * You can find the recognised principles of sportsmanship referred to in rule 2 in the guidance issued by ISAF Racing Rules Committee. True or False?
- * **FALSE** - there is no authoritative interpretation of the principles
- * The RYA has guidance derived from case-law and common understanding: see Appendix E

Misconduct Quiz #9

- * **The race committee has the power to exclude a competitor from racing. True or False?**
- * **TRUE** - under rule 76.1
- * But must be done before first race of the event and reasons provided in writing if requested
- * In GBR there is a right of redress and the RYA also requires the reason for exclusion to be “reasonable”

Misconduct Quiz #10

- * **The RRS require rule 69 hearings to be conducted on the test of “beyond reasonable doubt”. True or False?**
- * **FALSE** - there is no required test
- * But it would be inappropriate for a protest committee to adopt a lower standard e.g. the balance of probabilities

Adopting the test of “beyond reasonable doubt” is expected by the courts when dealing with personal issues relating to competitor’s conduct

Misconduct Quiz #11

- * You cannot protest under rule 2 and then call a rule 69 hearing. True or False?
- * **FALSE**
- * But it may be appropriate to conduct a rule 2 protest before moving to a rule 69 hearing
- * There are important differences to both procedures: see Appendix F

Misconduct Quiz #12

- * For umpires, dissent should be addressed on the water. True or False?
- * **TRUE**
- * But there is “disagreement” and “abuse” - follow dissent guidance: see Appendix D
- * Clear cut abuse must be dealt with at the time
- * Explanation of decisions on water, then ashore

Misconduct Quiz #13

✱ **Foul language intended to offend is Gross Misconduct. True or False?**

✱ **DEPENDS**

✱ What is context? Juniors involved? Public?

✱ What are the Organizing Authority's preferences?

✱ What type of event is it?

Misconduct Quiz #14

- * **What is the recommended minimum penalty for lying to a protest committee hearing?**
- * **LEVEL 3** - disqualification from race(s)
- * Appendix B contains recommended penalty ranges

Misconduct Quiz #15

- * **The results of a rule 69 hearing should be posted on the official notice board. True or False?**
- * **TRUE** - but only in the form recommended in Appendix J.
- * It is not appropriate to disclose facts found - only whether or not Gross Misconduct was committed and, if so, what the penalty is.

CASE STUDIES

✱ **Work through each scenario, focus on:**

✱ Issues of sportsmanship

✱ Issues of Gross Misconduct

✱ Appropriate action / penalties

✱ Potential difficulties with approach

✱ Best practice/recommended procedures

Groups

- * **Group 1** - Scenarios A, B and C
- * **Group 2** - Scenarios D, F and H
- * **Group 3** - Scenarios E, G and I
- * **Group 4** - Scenarios K, M and O
- * **Group 5** - Scenarios J, L and N

FEEDBACK

THANK YOU