



FIV Regulations for Appeals 2018

It concerns the submission to the Appeal Committee of: appeals, decision referral or interpretation requests of a rule.

This document is relevant to: competitors, racing officers and organizers.

Readout warnings

The rules mentioned as [RRS...] or [DEF...] are the Racing Rules of Sailing 2017-2020.

They are available on World Sailing web site: <http://www.sailing.org/documents/racingrules/index.php> and the translation in italian can be found on FIV web site: <http://www.federvela.it/la-federvela/content/regole-di-regata>.

Moreover, World Sailing Cases are mentioned [WS Case...] and are available on

<http://www.sailing.org/documents/caseandcall/case-book.php> while their translation can be found on FIV web site: <http://www.federvela.it/la-federvela/content/regole-di-regata>

[Q...] and [A...] will identify a reference to these regulations.

Furthermore, the following abbreviations are used:

PC – Protest Committee

AC – Appeal Committee

OA – Organizing Authority

RC – Race Committee

TC – Technical Committee

MDR – Filling Module

FIV prescription to [RRS R2 - SUBMISSION OF DOCUMENTS]

Submission of documents under this rule must be made online via the website of the Italian Sailing Federation.

Appeals and requests referred to in rule R1 must be accompanied by a fee as provided in the online appeal form.

Q1: What is the difference between an appeal, a decision referral and a request of interpretation?

A1: An appeal [RRS 70.1] is the claim of a *party* to a hearing [DEF *party*] which states that the decision taken in that hearing by the PC is wrong or that the PC did not follow the proper procedure. An appeal is also the claim of he who states that PC denied a hearing to which he was entitled as per [RRS 63.1].

A decision referral [RRS 70.2] is the request of a PC to confirm or correct its own decision.

A request of an interpretation [RRS 70.4] is the request of a Club or other organization affiliated to FIV to receive a *rule* [DEF *rule*] interpretation.

Q2: Is there any point of the PC decision that can not be challenged?

A2: It is not possible to appeal against facts found by the PC [RRS 70.1(a)]; facts found will hence be final, unless they include an interpretation of a rule, reasoning or judgment [WS Case 104].

Q3 Is there a procedure to follow when lodging an appeal?

A3: For sure! It is detailed in [RRS R2] and summarized further on in this document.

Furthermore, the whole procedure must be done on-line on the AC web site <http://www.giuriadappello.it/>

The procedure can change during the year; any change will be diffused by changing this document.

Q4: What are the steps required to submit the appeal?

A4: It is necessary to access the web-site mentioned in [A3], then fill and submit the form called MDR. After that, it will be possible to upload the appeal itself and any other attachment.

Q5: Well, how should I proceed?

A5: To fill and transmit the MDR you should follow the guideline “How to lodge an appeal” available on the web site mentioned in [A3], while to transmit the appeal and any attachment please refer to “Guide to add and view documents” available on the same web page.

Q6: Should I pay a fee?

A6: Yes, it is required in order to protect the on-line FM from spamming attacks. On the other hand, the online procedure allows to save time and money when compared to a paper/postal procedure. The fee is 30.00(thirty) € to be paid by the requestor using PayPal or a credit card when submitting the MDR, following the instructions that will be displayed. Regarding appeals submitted by OA, TC, RC and also for referring a decision and requests for interpretation [A1] the fee is 1.00(one) €. An appeal lodged without following this requirement will be rejected. The fee should be paid only by the submitter of the appeal; the other parties will not pay any fee.

Q7: Is there something that shall be written or the appeal will not be valid?

A7: Yes, the appeal shall explain why the appellant thinks that the decision of the PC or its procedures were wrong.

Q8: E' there a time limit to lodge an appeal?

A8: Yes, and within the same time limit you should also deliver the written decision of the PC that you wish to appeal. The time limit starts from the moment you receive the written decision.

Q9: How can I obtain the written decision from the PC?

A9: It shall be requested by writing to the PC (eventually, through the OA) within seven days since when you have been informed of the decision. The PC shall then promptly produce it [RRS 65].

Q10: What is the time limit to lodge an appeal?

A10: If the PC promptly delivered its written decision as required by [RRS 65], then the appeal and the decision shall be delivered within 15 days from receiving the written decision. If the PC does not comply with [RRS 65], then together with the appeal you have to deliver, within a reasonable time after the hearing, a copy of the protest or request and any relevant correspondence. If a copy of the protest/request of redress is not available, you shall present a declaration stating its content.

Q11: Isn't “reasonable time” too vague to be used as a definition?

A11: This is the term used in [RRS R2.1(c)]. However, the AC is convinced that if after 15 days from requesting in writing to PC a copy of the decision, you still have not received it yet, you should still present the appeal within 30 days after the hearing. Any appeal presented after this term will be considered as lodged too late. Anyway if the appellant has requested the written decision to the PC outside of the seven days as requested by [A9], then the time limit will be the same mentioned in [A10] but in any case it shall not be more longer than 30 days later of the hearing.

Q12: What if the decision does not exist because the PC did not held the hearing required by [RRS 63.1]?

A12: When the hearing required by [RRS 63.1] has not been discussed yet after 30 days from lodging the protest/request of redress, then the appellant shall, within 15 days, lodge an appeal with a copy of the protest or request of redress and any relevant correspondence [RRS R2.1(b)]. Even in this case, if a copy of the protest or request of redress is not available, you shall instead send a statement of its substance.

Q13: What are the other documents that should be presented other than the appeal and the PC decision?

A13: 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) a diagram, prepared or endorsed by the protest committee,
- (c) the notice of race, the sailing instructions, any other conditions governing the event, and any changes to them;
- (d) any additional relevant documents;
- (e) the names, postal and email addresses, and telephone numbers of all *parties* to the hearing and the protest committee chairman.

Q14: What are the typical errors committed when lodging an appeal?

A14: These are the most common errors:

- (a) **Appeal a decision when you were not a *party* of the hearing.** If, for example, you think that the PC made a mistake when granting a redress during a hearing you were not part of, you can not lodge an appeal. If you think that a redress granted to another boat has improperly altered your own score, you can lodge a request of redress and, if this request will be rejected, you will have the right to appeal.
- (c) **Appellare i fatti accertati.** Si veda in proposito
- (d) **Non rispettare i tempi stabiliti dal Regolamento e dalla presente Normativa.** Un appello inviato oltre i termini è dichiarato inammissibile.
- (b) **Appeal a decision without specifying the reason.** Only a PC can forward a decision asking to confirm or review it. A *party* shall always detail why he thinks that the decision or the procedure were wrong.
- (c) **Appeal facts found;** see [Q2].
- (d) **Not complying with the time limits provided by the RRS and this document.** An appeal presented outside the time limit will be declared invalid.

Q15: Is it possible to withdraw an appeal?

A15: Yes, the appellant should simply declare that he accepts the PC decision [RRS R6].

Q16: What should the PC do to lodge a decision referral?

A16: The PC shall lodge the request following the same procedure here described for appeals [**Errore. L'origine riferimento non è stata trovata., Errore. L'origine riferimento non è stata trovata.**], within 15 days from the decision. Within the same time is shall deliver the decision itself and the other documents listed in [Q14].

Q17: What is the procedure when asking a requests of an interpretation of the rules?

A17: The club or other organization affiliated to FIV shall write and lodge its request following the same procedure here described for appeals [**Errore. L'origine riferimento non è stata trovata., Q4**]. The request shall describe the hypothesized facts and can not be about any protest or request of redress that could be appealed. Furthermore, the interpretation shall not be used to change a decision already taken by a PC. The person in charge, as specified in the

request, shall be the president of the OA or whoever can represent him. Any abuse will be reported to the disciplinary board.

Q18: it possible to communicate with the AC about an appeal or decision referral?

A18: As soon as the appellant sent the MDR on the web site, the system will send to all relevant person an e-mail with the credentials required to access the appeal on-line, where it will be possible to download all the presented documents. Regarding these documents the parties and the PC can, always using the web-site, upload their own observations. Please refer to the "Guide to add and view documents" available on the same web site as [A3].

Q19: What is the time limit to upload your own observation about documents uploaded by the other bodies?

A19: Any observation shall be uploaded as provided in [A18], within 15 days from when the document you wish to comment has been uploaded.

Q20: What are the duties of a PC regarding hearings and appeals?

A20: For every hearing, other than the tasks described by the RRS, the PC shall:

- (a) write down the e-mail address of all the parties;
- (b) document all the evidence collected, including witnesses reports;
- (c) save all the documents relevant to the hearing in an envelope or folder;
- (d) when required in writing by a party of a hearing, deliver promptly in written a copy of the protest or request of redress, the relevant documents and everything else required by [RRS 65.1 and 65.2], that is: facts found, applicable rules, conclusions, decision and any inflicted penalty or redress granted and, if relevant, a diagram of the incident prepared or approved by the PC;
- (e) at the end of the event the chairman of the PC shall leave all the documents to the OA, if possible also with an electronic copy of it.

Q21: What are the duties of a OA regarding hearings and appeals?

A21: These are the duties of the OA:

(a) When accepting entries,

the OA shall verify that for each boat the entry form contains the e-mail address, a post address and a phone contact of the owner or person in charge [RRS 46]. The entry form shall contain a warning about the fact that by entering wrong information the boat could prejudice the proper procedures for an appeal to its own disadvantage.

(b) At the end of the event,

the OA will receive from the PC chairman the original documents relevant to protests (and request of redress or reopening), and will possibly give back an electronic copy of them. The OA shall save for at least one year the above-mentioned documents, together with every other document relevant to the race (notice of race, sailing instructions, notices, entries, results, technical committee decisions, port authority prescriptions, etc.).

(c) When a party is requesting a copy of these documents,

the OA shall promptly deliver to the requestor (and within 8 days) a copy of all the documents that were not already given as described in [A20(d)] e [A13].

(d) When requested by the AC,

(e.g., when receiving an automatic e-mail from the appeal site) the OA shall upload on the web site a digitalized copy of the original documents related to the appeal together with a document listing: when (date/time) the parties requested a copy of the documents, a list of all the documents given to the parties, when (date/time) the copy was given or sent to the requestor. Please refer to the "Guide to add and view documents" available on the same web site. If requested, the OA shall deliver all the original documents using a proof-of-delivery

mailing system. Both the physical mail and the documents upload shall be done as soon as possible, and anyhow within 8 days from the request.

Q22: Is it possible to extend the time limits listed in this document to account for non-working days?

A22: No. The procedure is totally on-line and there is no need to produce any written document: the on-line system is always available, and hence the days are counted in solar days.

Q23: Is there anything else that I should know about appeals?

A23: The previous points are a summary of all that you should know about the normal appeal procedure. Hereby you can find some regulations and peculiar situations: they are related to the AC, the Technical Committee FIV appointer and, when reopening a hearing, the PC.

(a) Further investigations: when the appeal requires further investigations, or the opinion of a measurer appointed by the Technical Committee FIV Appointer or other FIV office or any other task, the AC will forward the request to whoever will be in charge of it, urge the person in task to provide an answer if necessary and then upload it on the web site..

(b) Reopening a hearing: the AC can send back a protest or request of redress to the same or to a new PC to reopen the case or for a new hearing. In this case, the PC shall inform the AC about the outcome of the new procedure.

(c) Meetings, deliberations and decisions: the AC is summoned by its chairman, usually every three months, and anyhow as necessary. The decisions of the AC are taken collegially, even using web conferences or other communication methods, starting from the draft proposed by the person in charge of the case. The decision will be notified to the parties and the OA by uploading it in the appeal web site (see[A18]). Normally it will also be published, eventually summarized, on the FIV web site.

(d) Urgent deliberations: when the appeal is about an event that counts as a selection for another event or championship, all the time limits above-mentioned, except those to lodge the appeal, will be adequately re-proportioned to allow a timely decision and notified to all parties. The AC will discuss the case using the communication system it will deem best suiting the case. Such a decision will be immediately enforceable.

(e) Appeals concerning class rules: when the jury, pursuant [RRS R5], asks the PC to deliver further facts or information, or to reopen the hearing and report about any new facts found, for a decision taken about class rules following [RRS 64.3], the appointment of a measurer, if necessary, will be done by the Technical Committee FIV Appointer, who will also establish any eventual cash deposit for the measurement operations. The cash deposit shall be paid by the protestor and by the protestee. The party that does not pay the deposit within the established time will become the unsuccessful part, and further disciplinary sanctions could be issued if the refusal is unjustifiable. The official bodies of the event are exempted from any deposit. The PC will decide how to split the cost: to the losing party or proportionally to the parties, unless the cost should be charged to the OA.