

SAILING INSTRUCTIONS – Appendix C - Arbitration

1. EXONERATION PENALTY

- 1.1. A board that may have broken a rule of Part 2 while racing and has not taken a turns penalty on the water or retired, may take an Exoneration Penalty after she has finished and before the start of a protest hearing involving the incident.
- 1.2. The Exoneration Penalty shall be a Scoring Penalty of 30% calculated as described in rule WCR44.3(c), but not more than half of the difference between the board's score before applying the penalty and the score for DNF. However, if the board caused injury or serious damage or gained a significant advantage in the race or series by her breach, her penalty shall be to retire.
- 1.3. Any board that accepts an Exoneration Penalty shall not be penalized further in a protest hearing for the same incident unless the International Jury concludes that the board caused injury or serious damage, gained a significant advantage in the race or series, or broke a rule other than a rule of Part 2.

2. ARBITRATION

- 2.1. Rule WCR 63.1 is changed to add: “The protest committee may appoint an arbitrator to review a protest, who may allow the protest to be withdrawn.”
- 2.2. Rule WCR64.2 is changed to add: “When, during arbitration, a board found to be at fault has taken an appropriate penalty on the water or has accepted an Exoneration Penalty, an arbitrator may offer redress to a board not at fault if rule WCR62.1((b) or rule WCR62.1(e) applies. If a board accepts redress, her score shall not be changed in a later hearing for the same incident unless the International Jury concludes that she was at fault in the incident.”
- 2.3. An arbitration meeting will be held before the protest hearing for each protest involving a rule of Part 2, provided that:
 - 2.3.1. the arbitrator decides that the protest is appropriate for arbitration,
 - 2.3.2. the parties to the protest are present,
 - 2.3.3. the parties agree that the protest is valid, and
 - 2.3.4. the parties agree to proceed with arbitration.
- 2.4. The arbitrator will listen to testimony from the parties. No witnesses will be permitted.

2.5. The arbitrator will then give one of the following opinions:

- 2.5.1. The protest is invalid. The arbitrator will offer the protestor the option to withdraw the protest.
- 2.5.2. No board broke a rule. The arbitrator will offer the protestor the option to withdraw the protest.
- 2.5.3. One or more boards broke a rule of Part 2. The arbitrator will offer each of those boards the option to accept an Exoneration Penalty, or to retire.

If a board accepts a penalty the arbitrator will, if appropriate, offer redress to boards not at fault.

A board may refuse to accept the penalty or redress she is offered, or refuse a decision not to offer redress. The protest may not then be withdrawn without the permission of the International Jury.

If all offers of a penalty or redress are accepted, the arbitrator will give the protestor an opinion about whether the protest committee would be likely to assign any additional penalties. The arbitrator will offer the protestor the option to withdraw the protest.

- 2.5.4. A protest hearing by the International Jury is required, the protest may not be withdrawn without the permission of the International Jury.

- 2.6. If the protest is not withdrawn, the International Jury will schedule a protest hearing. The arbitrator may be a member of the panel that hears the protest.
- 2.7. A board that agreed to arbitration and has not refused an offer of an Exoneration penalty shall not be penalized more than the Exoneration Penalty unless the International Jury concludes that the board caused injury or serious damage, gained a significant advantage in the race or series, or broke a rule other than a rule of Part 2.
- 2.8. If the protest is withdrawn, no protest hearing will be held. Arbitration cannot be the subject of a request for redress or appeal.