

# Torbay Week 2010

## Combined Clubs of Torbay Sailing Regatta



Friday 20<sup>th</sup> – Wednesday 25<sup>th</sup> August 2010

### Organising Authority

Torbay Week Management Group on behalf of Babbacombe Corinthian Sailing Club,  
Brixham Yacht Club, Paignton Sailing Club and Royal Torbay Yacht Club

## MEDIATION APPENDIX

### MEDIATION

1. After a protest has been lodged in accordance with the Sailing Instructions, all parties involved in protests alleging infringements of a rule of Part 2 shall be heard by a Mediator appointed by the Race Committee.

In exception to the above, incidents where damage or injury is involved shall not be subject to mediation, but shall be referred directly to the Protest Committee for a hearing.

2. Only one party to the protest from each boat involved, who shall have been on the boat at the time the incident occurred, shall attend the mediation hearing. No witnesses shall be allowed.
3. The mediator will have each party describe the incident, limiting each party to approximately 3 minutes. After hearing these descriptions, the mediator will offer one of the following opinions:

**a) No rule was broken.**

If the protesting boat accepts this opinion she can agree to withdraw the protest and the protest is then settled.

**b) A rule was broken by one of the boats involved.**

If that boat accepts this opinion she may accept a 40% penalty and the protest is then settled.

**c) Both boats broke a rule.**

If both boats accept this opinion and each agrees to accept a 40% penalty then the protest is then settled.

**d) The mediator is unable to offer an opinion based on the brief description given by the parties.**

4. Once the protest has been settled under 3 a), b) or c) above, the mediator shall record this on the protest form and the matter shall not thereafter be referred to the protest committee and is not subject to requests for redress, reopening or appeal by any party.

If however:

- i) The protestor does not withdraw the protest under 3 a) above; or
  - ii) If a boat does not accept the mediator's opinion that she broke a rule under b) or c); or
  - iii) If the mediator is unable to offer an opinion under d), the protest shall be submitted to the protest committee for a hearing.
5. If the mediator's opinion is not accepted, there shall be no further discussion of the incident with the parties and the testimony given at the mediation hearing shall remain confidential and shall not be discussed with any person prior to the protest hearing.
  6. If one party fails to attend, the mediation may still be heard in line with RRS 63.3 (b).
  7. When protests are submitted to the Protest Committee, the mediator shall not be a member of the Jury hearing the protest. However, he/she may be present to ensure that the incidents are described in the same way as in mediation. If the facts given are different he may intervene to restate the original mediation details. The mediator shall not discuss the matter with committee members until after the Committee's decision has been posted.
  8. Application of the 40% penalty shall be calculated in accordance with Rule 44.3, except that the penalty is modified to read 40%.