ISCYRA Judiciary Board

Report on Implementation of 2017 for 2018 Amendments to STCRs

In December, 2017, the ISCYRA Members were presented *seven* proposed amendments for the Star Class Rules (“STCRs”) for their consideration and vote. All *seven* proposals were approved by the requisite 2/3rds majority of Members voting. Relevant to this Report, *three* of the proposed amendments (Proposals #3, #4 and #6) contained similar and potentially conflicting proposals.

These three proposed amendments were:

**#3-2017**  **STCR 23.5.3**  **Submitted by the Hamburger Fleet**

Proposed 2018 Text

**23.5.3** Blue. District Championship. Open to all fleets of a District. Entries per **STCR 29.5** BLUE awards. To allow all Members to participate in other District Championship it can be sailed as an “Open District Championship.” Honor Awards for the Event and qualifications via the Event are only granted to the winners which are either Members of organizing District or participating as an isolated members via **STCR 29.7**

**#4-2017**  **STCRs 23.5 and 29**  **Submitted by the Ueberlingersee Fleet**

Proposed 2018 Text

Eliminate Existing **STCR 23.5.1** through **23.5.3**, and substitute in place thereof:

**23.5.1**. Gold. World Championship. Open to all fleets. Entries per **STCR 29.1** GOLD awards. The Olympics is also considered a Gold event. (See ISCYRA Insignia and Awards.)

**23.5.2**. Silver. An established championship of a continent or hemisphere. Open to all fleets. Entries per **STCR 29.1**. A minimum number of fifteen competitors shall finish at least one race is required. SILVER awards.

**23.5.3**. Blue. District Championship. Open to all fleets of a District. Entries per **STCR 29.2.** BLUE awards.

Remove ALL subsections of **STCR 29**, and replace with

**29.1** Entries to a Gold and Silver event shall be open to all life and active members of a Fleet.

**29.2.** Entries to a Blue event shall be open to all life and active members of a Fleet.

An active member is defined as one having sailed in a representative number of races (at least 5) in their own home waters (either Fleet or District) during the 12 months prior to the entry deadline of the event and registered with the ISCYRA with current annual dues paid.

**#6-2017** **STCRs 23.5 & 29**  **Submitted by the Western Lake Ontario Fleet**

Proposed 2018 Text

Remove Sections **23.5.1**, **23.5.2** and **23.5.3**, and replace with:

**23.5.1** Gold. World Championship. Open to all fleets. Entries per **STCR 29.1** through **29.4**. GOLD awards. The Olympics is also considered a Gold event. (See Association Insignia and awards honor awards (Even though the Olympics are considered as a Gold event, the entry for the Olympics is defined by World Sailing and/or IOC.

**23.5.2**. Silver. An established championship of a continent or hemisphere. Open to all fleets. Entries per **STCR 29.1**. A minimum number of fifteen competitors shall finish at least one race is required. SILVER awards.

**23.5.3.** Blue. District Championship. Open to all fleets within the District. Entries per **STCR 29.2**. BLUE awards.

Remove all subsections of Rule (sic) **29** and replace with:

**29.1** Entries to a Gold and Silver event shall be open to all life and active members of a Fleet.

**29.2** Entries to a Blue event shall be open to all life and active members of a Fleet within the District.

An active member is defined as one having sailed in a representative number of races (at least 5) in their own home waters (either Fleet or District) during the 12 months prior to the entry deadline of the event and registered with the ISCYRA with current annual dues paid.

\* \* \* \* \* \* \* \*

With the ballots made available to the Members, the following qualification appeared with each of these *three* proposed amendments:

*“Proposed Amendments #3-2017, #4-2017 and #6-2017, if all are adopted by the Members, would create insoluble conflicts within the STCR. This would also require re-numbering cross-references in existing Rules as well as newly-adopted Rules. In order to prevent such conflicts and to accomplish corrective re-numbering, the Judiciary Board will eliminate such conflicts by giving priority in any such conflicted provision to the Amendment(s) that receive the higher percentage of favorable votes cast for each specific Amendment as compared with the other adopted and conflicted Amendments. The Judiciary Board will also effect re-numbering as required.”*

Emphasis is placed on the percentage of votes cast for the particular amendment, and not necessarily all votes cast for all amendments. The percentages for each proposal set forth below reflect this calculation.

All three of the potentially conflicting proposals passed with greater than the required 2/3rds majority and are therefore adopted as amendments to the STCRs, subject to modifications for consistency or ambiguity as addressed in this Report. The results of the Member voting were:

#3-2017 87.66%

#4-2017 81.10%

#6-2017 72.73%

Therefore, the highest percentage of votes cast were for #3; the second highest was for #4; and the third highest was for #6.

\* \* \* \* \* \* \* \*

The fundamental conflicted issues presented by each of the three now-approved changes to the STCRs are:

**#3** - District (Blue Star) Championships “**OPEN”** to all Members of ***any*** Fleet. (Prior STCRs have been interpreted to require “**CLOSED”** Championships, available only to Members of a Fleet from within the District holding the Championship). Also, #3 contains no “*qualification*” requiring entrants to a Blue Star Event to have competed in a *minimum number of races “in own home waters*” or otherwise, is inconsistent with Proposals #4 and #6.

**#4** - Continental (Silver) and World (Gold) Championships “**OPEN**” to all Members of ***any*** Fleet; District (Blue Star) Championships “**OPEN”** to all Members of ***any*** Fleet. Minimum number of races over a twelve-month period required for entry into Blue, Silver or Gold Event.

**#6**  - Continental (Silver) and World (Gold) Championships “**OPEN**” to all Members of ***any*** Fleet; “**CLOSED”** District (Blue Star) Championships, limited to ***only*** Members of a Fleet within the District holding the Championship. Minimum number of races over a twelve-month period required for entry into Blue, Silver or Gold Event.

\* \* \* \* \* \* \* \*

The Judiciary Board (“JB”) accepted the task of resolving conflicts among the three proposals, with the necessity of producing a restatement of the amended STCRs consistent with the obligations contained within the “qualification” set forth above, and renumbering the remainder of the STCRs to the extent re-numbering became necessary because of the adopted amendments.

\* \* \* \* \* \* \* \*

Since the “OPEN” Districts (Blue Stars) amendment #3 (only dealing with Blue Star Events, and NOT Silver or Gold Events), received the highest percentage of votes cast, then regardless of the CLOSED language contained in #6, or the different phrasing of **STCR 23.5.3** appearing in both #4 and #6, the CLOSED language of #6 is eliminated and the contrary or inconsistent language regarding **STCR 23.5.3** is struck. Existing **STCR 23.5.3** therefore is replaced with the exact language from Proposal #3, above, except as modified for “Isolated Members”, as described in the next paragraph.

Proposal #3 contemplated the continued existence of **STCR 29.7** which allowed for the participation of Isolated Members in a District (Blue) Championship. Proposals #4 and #6, both approved, eliminated all existing subsections of **STCR 29**, including **STCR 29.7**. Therefore, the Isolated Member-Blue Star provision cross-referenced in Proposal #3 was eliminated with the Members’ approval. Since Proposal #3 attained the higher voting percentage than either #4 or #6, the Blue Star/Isolated Member concept is required to be preserved by the JB in new **STCR 23.5.3** with an additional clause that allows Isolated Members to sail in any District Championship, as intended by Proposal #3. (“Isolated Member” is already defined at **STCR 9.1.4**). Since the OPEN nature of a District Championship is now an STCR throughout the World, with no advance approval required from the CMC (as previously required by **STCR 29.7**), that CMC approval reference has been eliminated. Also, the newly approved **STCR 29.2** requires modification of that Section to accommodate “Isolated Members” into Blue Star events (see below).

Also, since #3 received a greater percentage of votes than either #4 or #6, then the requirements of a minimum number of races having neem completed in “own home waters” over a twelve-month period otherwise adopted as parts of #4 and #6 for Gold, Silver and **Blue** Events, shall **NOT** apply to **BLUE** Events, but shall only apply to Gold and Silver Events.

 (The insertion of this #3 - - including the Isolated Member provision - - into the broader approved #4 language and new **STCR 29.2**, otherwise adopted, appears in **Supplement 1** to this Report, which is intended to be a complete restatement of **ALL** the changes to 2017 STCRs brought about by the 2018 amendments).

\* \* \* \* \* \* \* \*

Since Proposal #4 received a greater percentage than #6, any inconsistencies between #4 and #6 are resolved in favor of #4. Since the only substantive difference between #4 and #6 is the OPEN (#4) versus CLOSED (#6) Districts, the vote for OPEN Districts prevails. (This also is the same result that is reached simply with the application of the prevailing percentage received by #3 and its implementation of new **STCR 23.5.3**, above). Additionally, the language regarding the Olympics and World Sailing/ISAF in Proposals #4 and #6 are somewhat inconsistent, though intended to connote the same general statement. Because of the larger percentage received by #4, the language used in this regard in #4 is adopted for **STCR 23.5.1**. Finally, since the entire substance of Proposal #6 is subsumed into #4 (but for the already eliminated CLOSED Districts), no additional substance of #6 perseveres, and is thus eliminated in its entirety from inclusion into the 2018 STCRs. The #4 version of the new **STCR 29.1** (with the addition of the **Isolated Member** issue discussed below)is set forth in **Supplement 1**.

Adopted Proposal #4 (and #6) purport to define an “***Active Member***”. However, a definition of “***Active Member***” already exists at **STCR 9.1.1**. The JB determines that the intention of both Proposals #4 and #6 were to **add** a “*qualifying*” requirement to the right to sail in a Gold or Silver Event (application to Blue Events eliminated by #3 - - see above), by **expanding** the definition of “***Active Member***”, without deleting (but actually adding to) the existing **STCR 9.1.1**. An addition to both the language of **STCR 9.1.1** and to newly adopted **STCR 29.1** are therefore added by the JB so as to prevent ambiguities or inconsistencies that might otherwise exist if the intentions of new **29.1** are not inserted. At the same time, an inconsistency and/or ambiguity exists in 2017’s version of **STCR 9.1.1** , which is modified contemporaneously herewith, as noted below. The additional language added to each is highlighted in red:

**STCR 9.1.1.** Active. An Active Member may hold office, vote, and skipper a Star boat except as modified in Rules Governing Star Class Events and Racing regardless of age, sex, race or creed. He must be an owner, part owner, designated syndicate representative, or bona fide charterer of a Star. If he ceases to be a Star owner, part owner, designated syndicate representative, or bona fide charterer,he shall retain his membership status until the end of the calendar year. Solely for purposes of qualifying for the right to sail in a Gold or Silver Event pursuant to STCR 29.1, an Active Member shall also have sailed in a representative number of races (at least five) in his own home waters (either Fleet or District) during the 12 months prior to the entry deadline of the event and registered with the ISCYRA with current annual dues paid.

As a result of the adoption of Proposal #4, the following un-numbered paragraph shall appear as part of newly adopted **STCR 29.1**, modified to establish consistency with **STCR 9.1.1**:

For the sole purposes of this STCR 29.1, in addition to the requirements set forth in STCR 9.1.1, an Active Member is one who also has sailed in a representative number of races (at least five) in his own home waters (either Fleet or District) during the 12 months prior to the entry deadline of the Event and registered with the ISCYRA with current annual dues paid.

**PLEASE NOTE FOR FUTURE GUIDANCE AND INTERPRETATION**: Both Proposals #4 and #6 adopted a concept that the only qualifications for entry into a Gold or Silver Event (qualifications for a BLUE Event having been eliminated by Proposed #3 - - see above) would be that the applicant be a **LIFE** Member or an **ACTIVE** Member in good standing. Each of #4 and #6 implicitly expanded and refined the definition of an **ACTIVE** Member by requiring participation in a minimum of five races in a Member’s “*own home waters*” as a pre-condition to participation. However, with the lack of reference to also expanding the definition of a **LIFE** Member, or the lack of requirement that such a **LIFE** Member shall have sailed in a requisite minimum number of races in his “*own home waters*”, the JB interprets that no such requirement will apply to **LIFE** Members in “qualifying” for a Gold or Silver Event. Whether or not this was the intention of the Members in adopting these amendments, the JB is guided by the concept of favoring ***inclusion*** of more Members in sanctioned Events (as opposed to an interpretation that would **exclude** participants), thus favoring where possible a more lenient interpretation with respect to qualifying standards. To read in an implication of a race minimum applicable also to **LIFE** Members where none was written would potentially limit the ability of **LIFE** Members to participate in a sanctioned Event. To the extent an unstated standard such as this was intended by the Members when approving #4 and #6, the Membership should seek to amend this written and approved language with whatever language the electorate may think appropriate.

The JB also takes note that the limitations to participation of **LIFE** and **ACTIVE** Members in Silver and Gold Events might be read to eliminate participation by **JUNIOR** or **JUNIOR ACTIVE** Members. In keeping with the JB’s interpretations guided by the principle of ***inclusion*** (rather than ***exclusion***), **JUNIOR ACTIVE** Members should be allowed to participate in Gold Events (as provided in **STCR 9.1**) according to the principles set forth in new **STCR 29.1**. The JB also concludes that Proposal #4 and #6 did not intend to exclude **JUNIOR ACTIVE** Members from Silver Events, and thus reads that right of participation in Silver Events to also apply to **JUNIOR ACTIVE** Members.

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**ISOLATED MEMBERS:** The Membership approvals of Proposals #4 and #6 eliminated on their face the pathways for an ISOLATED Member to compete in a Silver or Gold Event. (see former **STCR 29.6** AND **29.9,** specifically eliminated by the terms of each such approved Proposal).This most likely was an unintended consequence of both the proposing Fleet and the Members who voted in favor of these proposals, though 81.10% and 72.73% of the Members who voted chose to remove those pathways. The JB has decided, however, that the spirit of Proposals #4 and #6 (as well as the overriding spirit of #3) was to make sanctioned Events *inclusionary*, with the goal to stimulate the participation of a greater number of Star Sailors. Thus, the absence of the "Isolated Member" in both proposals #4 and #6 final wording for **STCR 29.1** represent more of a wording mistake than an intention to make Isolated Members ineligible to take part in Gold and Silver Events. Actually, making them ineligible would be the complete opposite of promoting the Class, especially in emerging/developing countries and/or places where the Class had not yet had the opportunity to reach its potential. The JB has concluded that the failure to mention an Isolated Member was not meant to affirmatively exclude such from participation in Gold and Silver Events, but was rather an oversight. Therefore, the JB has exercised its authority (**STCRs 15.6.3** and **15.6.4**) to include Isolated Members and Junior Active Members into the final language of **STCRs 23.5** and **29.**

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A general (though not consistently applied) principle of drafting the STCRs has been to use initial capital letters to denote a term defined in the STCRs. This makes the interpretation of defined terms to be much more succinct. Examples of this are **M**ember (**STCR 5.1**), **F**leet (**STCR 5.2**) and **J**unior **M**ember (**STCR 9.1.7**). To the extent new amendments are to be inserted into the STCRs, the JB will follow this convention.

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Again, please note that ALL of the changes necessary to the 2018 STCRs as a result of the 2017 for 2018 Proposals appear on **Schedule 1** which follows.

Respectfully submitted,

ISCYRA Judiciary Board

Andy Macdonald, Chairman

Francisco Siemsen Bulhoes

Federico Calegari

Jay Tyson

Ralf Weidner

Schedule 1

**8.5** Each fleet shall collect its Members’ Association dues or direct its Members to join directly with ISCYRA. Fleets that collect dues shall forward these each month to the ISCYRA together with the registration form.

**9.1.1**  Active. An Active Member may hold office, vote, and skipper a Star boat except as modified in Rules Governing Star Class Events and Racing regardless of age, sex, race or creed. He must be an owner, part owner, designated syndicate representative, or bona fide charterer of a Star. If he ceases to be a Star owner, part owner, designated syndicate representative, or bona fide charterer, he shall retain his membership status until the end of the calendar year. Solely for purposes of qualifying for the right to sail in a Gold or Silver Event pursuant to **STCR 29.1**, an Active Member shall also have sailed in a representative number of races (at least five) in his own home waters (either Fleet or District) during the 12 months prior to the entry deadline of the event and registered with the ISCYRA with current annual dues paid.

**23.5** Sanctioned Events and Awards. Except Gold and Silver Events, all other Events can be sailed as “Combined Events” with separate results.

**23.5.1** Gold. World Championship. Open to all Members of all Fleets and to Isolated Members. Entries per **STCR 29.1** GOLD awards. The Olympics is also considered a Gold event. (See ISCYRA Insignia and Awards.)

**23.5.2** Silver. An established championship of a continent or hemisphere. Open to all Members of all Fleets and to Isolated Members. Entries per **STCR 29.1** A minimum number of fifteen competitors shall finish at least one race is required. SILVER awards.

**23.5.3** Blue. District Championship. Open to all Members of all Fleets and to Isolated Members. Entries per **STCR 29.2** BLUE awards. To allow all Members to participate in another District Championship, it can be sailed as an “Open District Championship.” Honor Awards for the Event and qualifications via the Event are only granted to the winners which are either Members of the organizing District or participating as Isolated Members.

*(Remove ALL subsections of STCR 29, and replace with:)*

**29.1** Entries to a Gold and Silver event shall be open to all Life and Active Members of a Fleet and to Isolated Members and Junior Active Members. For the sole purpose of this STCR 29.1, in addition to the requirements set forth in STCR 9.1.1, an Active Member is one who also has sailed in a representative number of races (at least five) in his own home waters (either Fleet or District) during the 12 months prior to the entry deadline of the event and registered with the ISCYRA with current annual dues paid.

**29.2** Entries to a Blue event shall be open to all Members of a Fleet and to Isolated Members.

**31.1.3** Team Weight. For Gold, Silver, and Blue events, Fleet Qualifications, the Olympic Regatta, all respective Olympic Trial Regattas and all World Sailing Grade One Ranking Regattas, the total team weight is limited according to the following formula:

S=Skipper’s weight, C=Crew’s weight in kilograms:

C = [(100-S)/1.5]+100.

Weighing before the event is required. Only for Gold events: Weighing during or after the event is optional at the discretion of the organizing authority as posted in the Notice of Race and Sailing Instructions. For all applicable events other than Gold, weighing during or after the event is only allowed pursuant to a properly filed protest. Teams found to be in violation of the rule shall be subject to disqualification from any race sailed on the day of the violation.

***(I’ve left the red-lined eliminations in for ease of identification. HOWEVER, the red-lined***

***items should be eliminated before publication of the 2018 Rules)***

 **12.1 Sails** - Allow polyester woven material not lighter than 3.7 ounces per sailmaker's yard, (0.158 kg/m) for mainsails and polyester woven material not lighter than 4.7 ounces per sailmaker's yard for jibs. The mainsail shall carry a 406 diameter red star, with the yacht's number beneath or on the leech. The numbers shall be not less than 381 in height and occupy a width of not less than 254 per numeral (except for the figure 1), the strokes having a thickness of not less than 64.

There shall be a space of at least 102 between consecutive numerals. Numbers must be clearly legible on both sides of the sail, and should not be back to back. Jib booms or clubs, roach reefs, double luff mainsails, loose-footed mainsails, and perforated sails are barred. Unwoven transparent panels, not exceeding 1.25 m2 in total area, are permitted below half height in any sail. Only mainsail and jib are allowed. Reinforcement, of any fabric having the effect of stiffening the sail, is permitted **only within the dimensions listed in Sec. 12.2**.. This reinforcement shall be capable of being folded. Other reinforcement, as a continuation of corner stiffening or elsewhere, is permitted provided that it can be folded and is not stiffened by the addition of bonding agents, close stitching, or otherwise. Glued seams shall not be considered stiffening provided that they can be folded as described above. National letters, if displayed, shall be affixed to the mainsail in accordance with the official class sail plan.

**12.2 Mainsail** - Length of luff and foot governed by measurement bands on spars. See 10.3 and 10.4. Roach and draft governed by cross width from middle of leech to nearest luff point including bolt-rope, which shall not exceed 2807, the roach of leech having a normal curve. A normal curve is defined as a smooth curve that deviates no more than 13 from a straight line between battens. Roach and draft governed by cross widths not exceeding 2807 from the middle of the leech and 1665 from the three quarter point of the leech to the nearest luff point including bolt-rope. The roach of the leech shall be defined as a smooth curve that deviates no more than 13 from a straight line between battens.

Maximum dimensions:

Leech 9779

Headboard, perpendicular to luff 114

**Reinforcement (maximum distance of stiffening from corner) 432**

Distance of advertisement or sailmaker's mark from corner 610