



Welcome to the November-December issue of OP

Welcome to the last edition of Officials Post for 2011 – hopefully everyone had a busy and successful competition year.

Special congratulations to our Dressage Team and their silver medal at the Pan Am Games - great success for Tom, Tina, Crystal and Roberta, their chef Gina, coach Marcus and to all of their support teams.

In this issue of Officials Post, we are providing a follow-up on the recent judges' exam, information on new 2012 rules as well as an article on the use of discretion and fairness.

Enjoy the reading, have a wonderful Holiday season and best wishes for health and happiness in 2012.

JUDGES' EXAM - submitted by Doreen Horsey

Congratulations to the examinees who wrote the 2011 judges' exam. The marks ranged from 91% to 100%. The following issues proved to be the most challenging.

1. The steward may eliminate a competitor who has not followed the dress and tack rules. **Answer:** Article 16.16.7 and 16.16.9 states: the steward MAY NOT eliminate a rider without consulting the judge and / or the organizing committee.
2. The horse should be straightened before crossing the centre line of a figure eight, when crossing the centre line during a three loop serpentine, and at the end of a shoulder-in followed by a corner.

Answer: The ONLY time a horse is NOT straightened after a shoulder-in is at the end of a shoulder-in followed by a circle.

The following answers are correct with regard to EC Rules governing Equitation/Medal Classes:

- whips may be carried in Equitation Championships,
- classes may be held in a ring larger than a dressage arena,
- independent exercises are required in Silver and Gold Championships; and
- saddlery and dress must conform to that of first level.

STEWARDS' CORNER - submitted by Christine Hickman

What to do if a rider wants to speak to a judge.

Sometimes a rider may have a question for a judge regarding their test. The rider must NOT approach the judge directly. The rider must go through the steward. The steward will then speak with the judge and ask if the judge is willing to talk to the rider (the judge may say no – and no means just that)! This rarely happens, judges will usually give riders a few minutes.

The steward (or their appointee) accompany the rider when this takes place. The steward should make a note of which rider/s speak to judges and should keep a note of the discussions. Riders need to remember that usually the judge has a long day so they need to keep their question and discussion short. A class may not be delayed because a rider wishes to speak to a judge. Reference is made to Article E16.5 # 4.

NEWS FROM THE RULES COMMITTEE - submitted by Joanna Crilly

The 2012 rule revisions have been finalized and for those of you who have waded through the many pages, we should tell you that one rule change has been rescinded. Whereas chain dressage fences were to be disallowed, we have decided to continue to allow the plastic chain fences for now. The sudden financial burden to those shows that would have had to replace their rings was simply too onerous to impose on them.

There are a couple of other major changes coming in 2012: one is that safety helmets will be mandatory for all riders at all levels in EC competitions; the other is that snaffle bridles will be allowed right up to Grand Prix. We are working with the competitions committee to try and make it easy for a judge to note on the test sheet that an FEI test otherwise ridden in a double is being ridden in a snaffle. The new rule does give the riders clear information about having to use a double where required for qualifying scores. The bridle rules are long and we invite you to take the time to familiarize yourselves with the new changes.

The dress rules are being brought gradually into line with the European way of thinking. For example, grey jackets are now allowed and boots have to be a dark colour but riders are not restricted to black and brown. As well, we have eased up on the shirt colour rules for when riders are

THE EXERCISE OF DISCRETION – submitted by Karen Thompson-Harry

In dressage, hunter, and conformation classes, judges exercise a considerable amount of discretion in the determination of scores, collective marks, and placing of classes. Dressage freestyles offer judges even more opportunities to exercise their discretion. Riders want to be treated “fairly” by the judges, and they want to be assured that the judges discretion has been exercised “appropriately”. Does this mean that judges are “self-styled monarchs” with the power to rule in an arbitrary fashion? Can the judges’ marks be biased? Based on favouritism? Past impressions? The following is a review of some of the principles of *the exercise of discretion*.

It is rare that any decision that involves an element of discretion is ever made in a vacuum. Judges must consider

competing without their jackets on. We did get a complaint that we were “going hunter” - it made it sound like we had “gone postal”!

There are new requirements in place for Medium judges wanting to upgrade to a Senior license. These changes will only be in place for the next two years so check them carefully. In 2014, they will revert back to the current rule. The temporary reduction in competition requirements can be found in the rule change proposals on line.

For those of you looking in the index to find a rule reference, please remember that there are two indexes in the dressage rule book - one is by article number and the second is by page. I assure you that the article index is more comprehensive and it is the one you will want to use when you write your judges’ examination. We have asked to have the page index removed but the national rules committee is adamant that it remain.

The judging anecdote of the month is that a rider complained to me that she had been dinged two points for rising on the wrong diagonal. For the record, a rider should never be penalized for rising on the wrong diagonal.

If you have any questions regarding the new rules, please contact any member of the rules committee for clarification.

the relevant criteria for each level. They must be able to use the scale of marks appropriately, and thus have a good appreciation of what that scale of marks means. They must consider the “rules” for their sport (in Canada, this would be the Rules of Equine Canada). Discretion can be described as when an official making a decision has discretion in a given situation if the rules governing his or her decision allow for the exercise of interpretation or judgment. The opposite of discretion from this perspective is precision. A decision-maker lacks discretion in a situation if there are precise rules which determine exactly what is to be done. In law, precise rules are usually referred to as mandatory. For example, 5 flying changes of lead every second stride across the diagonal. Is this mandatory or discretionary? The actual performance of the number of changes and every second stride is mandatory, however, the judges are actually also judging the quality of that movement. It thus is discretionary.

There is thus a mix of discretionary rules, and precise rules in judging dressage tests. When there is no one correct mark, to which the competitor is entitled to as of "right" then the decision is discretionary. However, while there may not be any uniquely right mark, there may be a number of marks that are wrong in terms of judging standards. Some of the questions to be asked of the judging are: Does the mark reflect the proper purpose for which the discretion has been granted? Was the discretionary mark given based upon relevant considerations? Did the judge actually exercise their discretion, or were they dictated to by others? Or was their discretion fettered?

There are informal guidelines that are frequently relied upon in the exercise of discretion. These informal guidelines play an important role in the exercise of discretion, and they would range from formal directives (such as the requirements of a movement in the test) to unwritten and informal guidelines (in judge's manuals or from clinics). The exercise of the discretion must always be compatible with the spirit and intent of the rules.

The Rules of Equine Canada define the Objectives and General Principles of Dressage:

1. *The object of Dressage is the development of the horse into a happy athlete through harmonious education. As a result, it makes the horse calm, supple, loose and flexible, but also confident, attentive and keen, thus achieving perfect understanding with the rider.*

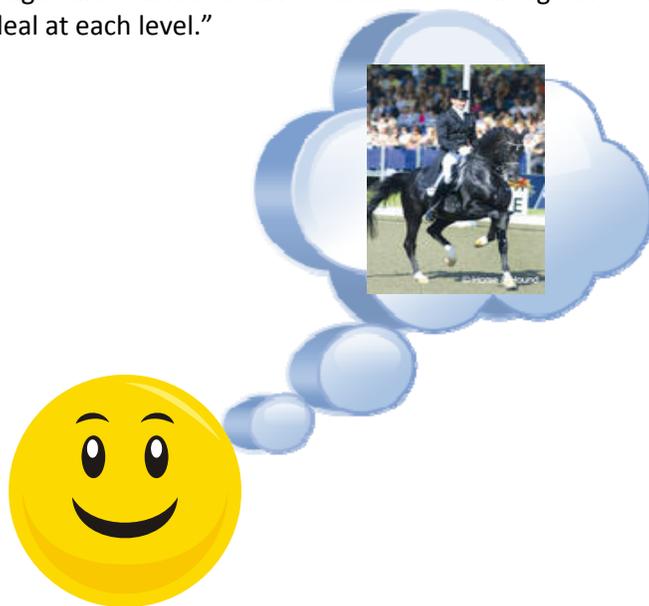
It then goes on to describe each movement. Let us then look at the exercise of discretion.

First, the judge may not adopt a fixed rule of policy that prevents them from exercising their discretion, and judging the particular test in front of them. For example, if a competitor has a choice of competing with a snaffle bridle or a double, and chooses to compete in the double, the judge cannot mark the test harder based upon a philosophy (no matter how informal) that the horse must be heavier in the hand which is why the competitor is riding in a double bridle. By adopting that type of philosophy, the judge is fettering their discretion in not judging what they see in front of them that particular day.

What is meant by "fairness"? This can be a very subjective standard, and in practising mediation or collabora-

tive law, it is a concept that we discourage clients from using, only because what one person may think is fair, another may not. However, competitors have a right to be and want to be treated "fairly". Usually, by this they mean objectively, with the same standard applied from rider to rider, horse to horse. Judges are not to judge one rider more generously because they know them, or from prior judging experience with that combination. Competitors have a right to know the rules under which they are competing. The "10" standard is to be applied for every combination. Judges must not rely upon irrelevant considerations, and must exercise their discretion in good faith. Where there is a panel of judges, a judge must not change their mark based upon a mark given by another judge of the panel. Judges must not hold the tests back until the end of the class, and then change the marks to affect the placing of the class.

In order for discretion to be exercised appropriately we need a clear and underlying philosophy for the exercise of the discretion (our Rules and FEI interpretation), appropriately qualified and trained judges, continuing education and practical experience/evaluation of our judges. What we are striving for is equality among competitors, and predictability (rules that are precise and clear help). To quote Stephen Clarke, "The responsibility of the dressage judge is to record what takes place in the arena and to be fair in assessing each movement of the test...Judges don't compare one horse with another. Judges are trained to have a clear mental image of their ideal at each level."



This completes the Officials Post for 2011. Will be back early in the New Year.