

HEARING CHECK LIST

Case Number: _____

Note: 'N/A' means *Not Applicable*; 'N/C' means *Not Completed* or *Not Considered* by the protest committee. See instructions for completing the checklist on page 2

(1) BEFORE THE HEARING (parties not present)

- 1.1 Protest hearing scheduled and posted (63.2)?
 Yes No N/C
- 1.2 Hearing under App B or Add Q?
 App B Add Q N/A
- 1.3 No interested party on jury (63.4)?
 None Judge(s) recused _____
- 1.4 International Jury properly constituted (App N)?
 Yes No N/C
- 1.5 Contents (61.2)
 - (a) Protestor and protestee identified?
 Yes No N/A N/C
 - (b) Incident identified
 Yes No N/A N/C
 - (c) Reason for requesting redress identified
 Yes No N/A N/C
- 1.6 Parties available
 Yes No Postponed: _____
- 1.7 Jury witnesses? Judge saw the incident?
 Yes Identified No N/C
- 1.8 Is TV coverage available?
 Yes Obtained Unknown No N/C

(2) HEARING PRELIMINARIES (parties present)

- 2.1 Observers and Instructions
 Verbal Handouts N/A
- 2.2 Understand English / Help Needed?
 Done N/A N/C
- 2.3 Correct hearing and participants
 Done N/A N/C
- 2.4 Policy on recordings
 Done N/A N/C
- 2.5 Record names (from accreditation)
 Done N/A N/C
- 2.6 Party(s) present?
 Yes No Proceed under 63.3(b)
- 2.7 Boat's rep on board for Part 2, 3 or 4 (63.3)
 Yes No N/A N/C
- 2.8 Introduce Jury?
 Done N/C
- 2.9 Objections on grounds of interest (63.4)?
 None Yes Valid Invalid N/C
- 2.10 Copy of protest form - time to prepare (63.2)?
 Done Extend: _____ N/C
- 2.11 Parties understand procedure?
 Yes No Explained N/C

- 2.12 Any penalties taken?
 Yes No N/C
- 2.13 Request to withdraw protest (63.1)?
 No Yes Approved Denied
- 2.14 Will parties be calling any witnesses?
 Yes No N/C

(3) VALIDITY

- 3.1 Contents – parties, incident (61.2, 62.2)
 OK Corrected N/C
- 3.2 Protest delivered within time limit (61.3, 62.2)?
 Yes No Extended: _____
- 3.3 Hail (61.1)?
 Yes No N/A _____
- 3.4 Flag displayed (61.1)?
 Yes No N/A _____
- 3.5 If no hail, Protestee properly informed (61.1)?
 Yes No N/A _____
- 3.6 For Part 2, protestor involved in or saw incident (60.1(a))?
 Yes No N/A N/C
- 3.7 For boards – informed race committee (B5)
 Yes No N/A N/C

(4) EVIDENCE

- 4.1 Each party gives evidence (M3.2)
- 4.2 Parties question each other (M3.2) N/A
- 4.3 Witnesses of parties (63.6 & M3.2) N/A
- 4.4 Witnesses questioned (M3.2) N/A
- 4.5 Jury evidence (63.6) N/A
- 4.6 Jury questions (M3.2)
- 4.7 Summaries (last opportunity) (M3.2) N/C

(5) DECISION

- 5.1 Parties present (65.1)
 Yes No Partial _____
- 5.2 Decision date and time on form and jacket
 Yes No
- 5.3 Request for copy of decision?
 Verbal Written No Granted Denied

(6) SUMMARY

- 6.1 Any concerns or unusual procedures?
 No Yes Explain (cont. reverse side):

Recorded by:

Recorder's Signature:

Panel Chairman:

Date:

Time:

Instructions for Hearing Checklist

1 Before the Hearing (no parties present)

- 1.1 Verify protest schedule was posted with enough time between posting and the hearing. See RRS 63.2
- 1.2 Hearing conducted under RRS App B or Add Q. Otherwise N/A.
- 1.3 Usually 'None'. If necessary, replace a panel member who is an interested party.
- 1.4 Chair checks the constitution of the panel under RRS App N1 and applicable ISAF Regulations.
- 1.5 Contents
 - (a) Protestor and protestee(s) properly identified. Can be corrected under 3.1.
 - (b) Description of incident is acceptable. Cannot be corrected later.
 - (c) Reasons for redress meet RRS 62.2. Can be corrected under 3.1.
- 1.6 Are the parties available? Decide whether to proceed or postpone the hearing time.
- 1.7 Did any panel member witness the incident? Chair instructs panel members. RRS 63.3(a) applies.
- 1.8 Could there be media (TV, tracking) evidence available as useful evidence? Can it be obtained?

2 Hearing Preliminaries (parties present)

- 2.1 Observers present? If so, provide the rules and instructions for the observer(s).
- 2.2 Do the parties understand / speak English. Is an interpreter needed? Provide instructions to the interpreter.
- 2.3 "This is an incident between <who> at <where> <when>. Is this correct?"
- 2.4 Explain the policy on recording. Usually no video or audio recording. Cell phones off.
- 2.5 Obtain the full names of the parties. Obtain full names of witnesses when they appear.
- 2.6 Are all parties present? If not, recheck notification procedures. Postpone or continue under RRS 63.3(b).
- 2.7 For incidents involving RRS Part 2, 3 or 4, verify that the representatives were on board. RRS 63.3
- 2.8 Introduce panel members.
- 2.9 Are there any objections to member(s) of the jury on grounds of being an interested party?
- 2.10 Does protestee have a copy of the protest? Needs time to prepare? Ready to proceed? RRS 63.2
- 2.11 Parties understand the protest procedure? If not, chair explains process.
- 2.12 Have any penalties been taken? If yes, go to 2.13.
- 2.13 Yes if the protestor wants to withdraw the protest and the panel approves. Can happen out of sequence.
- 2.14 Ask if any party will be calling a witness(es).

3 Validity

- 3.1 Review contents and any issues from 1.5 with the parties.
- 3.2 Yes, if filed before the PTL. If extended, provide reason. Use 6.1 if necessary to describe reasons.
- 3.3 If N/A, provide reason or rule, e.g., "RC protest", 61.1(a)(1), 61.1(a)(4), etc.
- 3.4 If N/A, provide reason or rule, e.g., "< 6m", 61.1(a)(2), 61.1(a)(4), etc.
- 3.5 Applies mainly to RC and PC protests.
- 3.6 Protestor's representative was involved in or saw the incident. RRS 60.1(a).
- 3.7 For boards only, the protestor informed the RC in compliance with RRS B5.

4 Evidence

Follows RRS App M and ISAF Judges Manual.

5 Decision

- 5.1 Yes, all present. No, none present. Partial, at least one present. If N/A, explain.
- 5.2 Form is dated and signed.
- 5.3 No, unless a verbal or written request for a copy is received by the panel before closing the case. Grant all requests with the possible exception of hearing decisions involving misconduct.

6 Summary

- 6.1 Provide notes on any unusual procedures or other relevant items. _____
