

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

<p><u>(1) BEFORE THE HEARING (parties not present)</u></p> <p>1.1 Protest hearing scheduled and posted (63.2)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/C</p> <p>1.2 Hearing under App B or Add Q? <input type="checkbox"/> App B <input type="checkbox"/> Add Q <input type="checkbox"/> N/A</p> <p>1.3 No interested party on jury (63.4)? <input type="checkbox"/> None <input type="checkbox"/> Judge(s) recused _____</p> <p>1.4 International Jury properly constituted (App N)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/C</p> <p>1.5 Contents (61.2) (a) Protestor and protestee identified? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> N/C (b) Incident identified <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> N/C (c) Reason for requesting redress identified <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>1.6 Parties available <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Postponed: _____</p> <p>1.7 Jury witnesses? Judge saw the incident? <input type="checkbox"/> Yes <input type="checkbox"/> Identified <input type="checkbox"/> No <input type="checkbox"/> N/C</p> <p>1.8 Is TV coverage available? <input type="checkbox"/> Yes <input type="checkbox"/> Obtained <input type="checkbox"/> Unknown <input type="checkbox"/> No <input type="checkbox"/> N/C</p> <p><u>(2) HEARING PRELIMINARIES (parties present)</u></p> <p>2.1 Observers and Instructions <input type="checkbox"/> Verbal <input type="checkbox"/> Handouts <input type="checkbox"/> N/A</p> <p>2.2 Understand English / Help Needed? <input type="checkbox"/> Done <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>2.3 Correct hearing and participants <input type="checkbox"/> Done <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>2.4 Policy on recordings <input type="checkbox"/> Done <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>2.5 Record names (from accreditation) <input type="checkbox"/> Done <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>2.6 Party(s) present? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Proceed under 63.3(b)</p> <p>2.7 Boat's rep on board for Part 2, 3 or 4 (63.3) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>2.8 Introduce Jury? <input type="checkbox"/> Done <input type="checkbox"/> N/C</p> <p>2.9 Objections on grounds of interest (63.4)? <input type="checkbox"/> None <input type="checkbox"/> Yes <input type="checkbox"/> Valid <input type="checkbox"/> Invalid <input type="checkbox"/> N/C</p> <p>2.10 Copy of protest form - time to prepare (63.2)? <input type="checkbox"/> Done <input type="checkbox"/> Extend: _____ <input type="checkbox"/> N/C</p> <p>2.11 Parties understand procedure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Explained <input type="checkbox"/> N/C</p>	<p>2.12 Any penalties taken? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/C</p> <p>2.13 Request to withdraw protest (63.1)? <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>2.14 Will parties be calling any witnesses? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/C</p> <p><u>(3) VALIDITY</u></p> <p>3.1 Contents – parties, incident (61.2, 62.2) <input type="checkbox"/> OK <input type="checkbox"/> Corrected <input type="checkbox"/> N/C</p> <p>3.2 Protest delivered within time limit (61.3, 62.2)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Extended: _____</p> <p>3.3 Hail (61.1)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A _____</p> <p>3.4 Flag displayed (61.1)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A _____</p> <p>3.5 If no hail, Protestee properly informed (61.1)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A _____</p> <p>3.6 For Part 2, protestor involved in or saw incident (60.1(a))? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p>3.7 For boards – informed race committee (B5) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> N/C</p> <p><u>(4) EVIDENCE</u></p> <p>4.1 <input type="checkbox"/> Each party gives evidence (M3.2)</p> <p>4.2 <input type="checkbox"/> Parties question each other (M3.2) <input type="checkbox"/> N/A</p> <p>4.3 <input type="checkbox"/> Witnesses of parties (63.6 & M3.2) <input type="checkbox"/> N/A</p> <p>4.4 <input type="checkbox"/> Witnesses questioned (M3.2) <input type="checkbox"/> N/A</p> <p>4.5 <input type="checkbox"/> Jury evidence (63.6) <input type="checkbox"/> N/A</p> <p>4.6 <input type="checkbox"/> Jury questions (M3.2)</p> <p>4.7 <input type="checkbox"/> Summaries (last opportunity) (M3.2) <input type="checkbox"/> N/C</p> <p><u>(5) DECISION</u></p> <p>5.1 Parties present (65.1) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial _____</p> <p>5.2 Decision date and time on form and jacket <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5.3 Request for copy of decision? <input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> No <input type="checkbox"/> Granted <input type="checkbox"/> Denied</p> <p><u>(6) SUMMARY</u></p> <p>6.1 Any concerns or unusual procedures? <input type="checkbox"/> No <input type="checkbox"/> Yes Explain (cont. reverse side): _____ _____</p>
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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. _____
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1. PREPARATION (no parties)

- Scheduled and posted (63.2)?**
- Hearing under App B or Add Q? If so, procedures will be abbreviated.*
- Interested party on jury (63.4)?**
- Panel properly constituted (N1)?**
- Contents (61.2)?**
- Parties identified?**
- Incident identified?**
- Redress reason(s) OK?**
- Parties available?*
- Any PC member a witness?**
- Is TV coverage available? Needed?*

2. HEARING PRELIMINARIES (with parties)

- Observers? - Give Instructions*
- Understand English? Arrange help?*
- Correct hearing and participants?*
- Policy on recordings*
- Record names from accreditation*
- Party(s) not present? Proceed under 63.3?**
- On board for Part 2, 3 or 4 (63.3)?*
- Introduce Jury**
- Objections (63.4)?**
- Protestee seen the protest? Ready to proceed? Time to prepare (63.2)?**
- Parties understand procedure?*
- Any penalties taken? □*
- Request to withdraw protest (63.1)?*
- Do (parties) have witnesses?**

3. VALIDITY

- Contents (61.2) – parties and incident identified?**
- Delivered within time limit (62.2)?**
- Hail (61.1)** How did you inform the other boat?
- Protest flag (61.1)?**
- If no flag or hail, how was protestee informed (61.1)?**
- Part 2, protestor was involved or saw the incident (60.1)?*
- For boards – informed RC? (B5)*

4. EVIDENCE

- Each party gives evidence (M3.2)**
- Parties question each other (M3.2)**
- Witnesses of parties (63.6 & M3.2)**
- Witnesses questioned (M3.2)**
- Jury evidence (63.6)*
- Jury questions (M3.2)**
- Final statements (M3.2)**

5. DECISION

- Parties present? (65.1)*
- Decision date and time on form and jacket**
- Request for copy of decision?*

Note: Items in **bold** must be considered for every protest hearing.
Items in *italics* apply when necessary.