***HEARING CHECK LIST Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

**Note:** 'N/A' means ***N****ot* ***A****pplicable*; 'N/C' means ***N****ot* ***C****ompleted* or ***N****ot* ***C****onsidered* 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/C1.2 Hearing under App B or Add Q? **** App B **** Add Q **** N/A1.3 No interested party on jury (63.4)? **** None **** Judge(s) recused \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_1.4 International Jury properly constituted (App N)? **** Yes **** No **** N/C1.5 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/C1.6 Parties available **** Yes **** No **** Postponed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 1.7 Jury witnesses? Judge saw the incident?**** Yes **** Identified **** No **** N/C1.8 Is TV coverage available?**** Yes **** Obtained **** Unknown **** No **** N/C**(2) HEARING PRELIMINARIES (parties present)**2.1 Observers and Instructions**** Verbal **** Handouts **** N/A2.2 Understand English / Help Needed?**** Done **** N/A **** N/C2.3 Correct hearing and participants**** Done **** N/A **** N/C2.4 Policy on recordings**** Done **** N/A **** N/C2.5 Record names (from accreditation)**** Done **** N/A **** N/C2.6 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/C2.8 Introduce Jury?**** Done **** N/C2.9 Objections on grounds of interest (63.4)?**** None **** Yes **** Valid **** Invalid **** N/C2.10 Copy of protest form - time to prepare (63.2)?**** Done **** Extend: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **** N/C2.11 Parties understand procedure?**** Yes **** No **** Explained **** N/C | 2.12 Any penalties taken?**** Yes **** No **** N/C2.13 Request to withdraw protest (63.1)?**** No **** Yes **** Approved **** Denied2.14 Will parties be calling any witnesses**?****** Yes **** No **** N/C**(3) VALIDITY**3.1 Contents – parties, incident (61.2, 62.2)**** OK **** Corrected **** N/C3.2 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/C3.7 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/A4.3 **** Witnesses of parties (63.6 & M3.2) **** N/A4.4 **** Witnesses questioned (M3.2) **** N/A4.5 **** Jury evidence (63.6) **** N/A4.6 **** 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. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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