

# Protest Committee Checklist

## Preparation

- What type of hearing? What rules are involved? Protest, Request for redress, Support Person, Misconduct, Request to reopen. May be amended by the PC [63.2(c)].
- Do you have to decide to call a hearing – or is it compulsory? [63.2.a]
- Who are the parties? Parties informed of hearing time, place? [Definition-Parties; 63.1(a)(1)]
- Check the room, models, rule book, video, on-line link, room layout.
- Prepare decision form. What are the key issues? What specific evidence would be helpful?
- Discuss any Conflicts of Interest [63.3]
- Give notice of hearing [63.1]. Make hearing request available to parties. [63.1(a)(2)]
- Time for parties to prepare. [63.1(a)(3)]
- Agree time out signal from pc members.

## Introduction

- Names of parties, ask them to write name and role, what to call them.
- Parties right to be present and representatives [63.1(a)(4)]
- Check for understanding – language, disabilities, procedure.
- Introduce PC members – any objections on grounds of Conflict of Interest [63.3(b)]
- Declare any Conflicts of Interest [63.3(a)]
- Observers – rules of behaviour for them; contact, recordings, not witnesses. [63.4(e)]
- Advise if you have changed the type of case [63.2(c)]
- Absent parties – may proceed [63.1(b)] but risk of re-opening [63.7]
- Multiple cases in one hearing. (Not 69) [63.2(b)]

## Validity - If invalid the hearing must be closed. [ 63.4(a)]

- In writing, protests [60.3(a)], redress [61.2(a)], Requests to re-open [63.7(b)]
- Identify the incident, protestor, protestee [[60.3(a)], reason redress [61.2(a)].
- Allegation a boat broke a rule. [60.4(a)] [Definition Protest]
- Protestor involved or saw the incident. [60.4(a)(2)]
- Time limit, protests [60.3(b)]; redress [61.2(b)], other reports, no time limit [62.1], [69.2(b)]
- PC may extend time limit [60.3(b)] [61.2]
- Hail [60.2(a)(1)], Flag, 6m+ [60.2(a)(1)] - unless serious damage [60.2(c)] or if hail not possible [60.2(b)]
- Informing intention to protest. Committee [60.2(a)(2)], if no hail possible [60.2(b)], obvious damage [60.2(c)]
- Invalid from committee, if; based on request for redress, invalid protest, report from person with Col [60.4(b)]
- But valid if, injury or serious damage, another boat in valid protest, technical committee own inspection [60.4(c)]

## All Evidence

- Do not refuse any evidence, including hearsay, unless irrelevant or unduly repetitive [63.4(b)]
- Video evidence. Check source, time, location. All to see at same time.

## Party Evidence

- Each party in turn [63.4(b)]
- Then ask questions, then the protest committee (but may be after witnesses)

## Witnesses

- Protest committee not responsible for calling witness unless they are the protestor.
- Each party calls witnesses in turn. Each is questioned by parties and protest committee [63.4(c)]
- PC member with evidence must declare at first reasonable opportunity and give evidence with parties present. May also be questioned [63.4(c)]

## Final Statements

- Each party in turn – no need to repeat anything, comment on evidence and rules

## Decision

- Give appropriate weight to evidence and determine each fact on balance of probabilities [63.5(a)]
- Record enough facts to permit an outsider to understand the case and for a competent person to come to the same conclusion as you.
- Resolving different views: Majority vote [63.5(b)] Minority accept, vote, dissent
- Conflict between rules [63.5(c)]; Class rules – if doubt [63.5(d)]
- Prepare draft decision, recall parties and read decision. Maybe edited and then available [63.6]

## After the Hearing

- Advise scoring.
- Check decision and edit. (1) Editing, (2) More facts or conclusion. (3) Need to re-open. [63.7]
- File paperwork either in physical envelope or electronic folder and report any issues.
- Consider any requests to re-open [63.7]

## **Protest Committee Checklist**

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