

**PARTY**

A *party* to a hearing is

- (a) for a protest hearing: a protestor, a protestee;
- (b) for a redress hearing: a boat requesting redress or for which redress is requested; a boat for which a hearing is called to consider redress under rule 61.1; a *committee* acting under rule 61.1;
- (c) for a redress hearing under rule 61.4(b)(1): the body alleged to have made an improper action or omission;
- (d) a person against whom an allegation of a breach of rule 69.1(a) is made; a person presenting an allegation under rule 69.2(e)(1);
- (e) a *support person* subject to a hearing under rule 62 or 69; any boat that person supports; a person appointed to present an allegation under rule 62.2.

However, the protest committee is never a *party*.

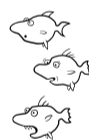
It is important to understand exactly who is, and is not, a *party* to a hearing. The primary reason is that the rules in Part 5, Protests, Redress, Hearings, Misconduct and Appeals, provide many specific rights and obligations for *parties* to a hearing and many requirements of a protest committee regarding *parties* to a hearing. Furthermore, only a *party* to a hearing may appeal a decision of a protest committee under rule 70.1 (Appeals and Requests to a National Authority).

When boats file a *protest* they automatically become a *party* to the hearing (protestor), as do the boats they are protesting (protestee). The same is true when they request redress under rule 61 (Redress), or when redress is being requested or considered for them by the race, protest or technical committee under rules 61.1(b) or 61.1(c) (Requesting or Considering Redress). When boats request redress under rule 61.1(a), claiming that an improper action or omission of the race committee, organizing authority or technical committee made their score or place significantly worse, those bodies also become a *party* to the hearing. Note that the protest committee holding the hearing is never a *party*, even when it is the subject of a request for redress under rule 61.1(a).

Often, in the course of a hearing, a third boat will become a “suspect.” The protest committee has the right to protest that third boat. Rule 60.4(c)(2) (Protest Validity) says that a protest from the protest committee is valid “*if it learns during the hearing of a valid protest that the boat, although not a party to the hearing, was involved in the incident and may have broken a rule.*” And rule 63.2(d) (Hearings) says, “*If the protest committee decides to protest a boat under rule 60.4(c)(2), it shall close the current hearing, deliver a protest in accordance with the rules, and then hear the original and new protests together.*” Once the protest committee protests the third boat, that boat (now a “protestee”) becomes a *party* to the hearing.

A *support person* subject to a hearing called under rule 62 (Support Persons) or rule 69 (Misconduct) is a *party*, as is any boat that person supports, and any person appointed to present an allegation under rule 62.2. (See also rule 62.3).

“*If, after acting on another boat’s request for redress, the protest committee abandons the race in which I was first, can I consider myself a ‘party to the hearing’ because I was ‘penalized,’ and as such appeal the decision?*”



Absolutely not. Rule 60.5 (Protest Decisions) discusses “penalties,” using disqualification as the usual penalty. You were not given a specific “penalty” when the race was *abandoned*. Obviously *abandoning* the race changes series results, moving some competitors up and some down. You may have been disappointed by the *abandonment*, but you were not “penalized” by it. A “penalty” results from a rule breach either accepted voluntarily or imposed by a protest committee decision. Because you were not liable to be penalized in the incident, you are not a *party* to the hearing and are not entitled to appeal (see Appeal 64).

On the other hand, you certainly can request redress under rule 61.4(b)(1) (Redress Decisions), making you a *party* to your redress hearing. You must be prepared to demonstrate what “improper action or omission” the protest committee made in reaching its decision to *abandon* the race, and how the action/omission made your finishing score or place significantly worse through no fault of your own. Then, once the protest committee has made a decision on your redress request, you may appeal **that** decision. Note, however, that a boat is not entitled to redress if the claim is simply that the protest committee’s decision made her score or place worse (see rule 61.4(b)).



“*If I see that a boat in my race is requesting redress, am I entitled to be a ‘party’ in that hearing?*”

Yes, as long as you are racing in the US and the US Sailing prescription to rule 63.1 (Rights of Parties) has not been made inapplicable for your event in the notice of race or sailing instructions. The prescription states, “(c) *The protest committee shall consider redress for boats that (1) participate in the hearing, or (2) request in writing to do so before the hearing begins, making them parties to the hearing.*” So all you need to do is show up for the hearing and you are a “party,” giving you the right to give testimony, question people, and appeal the decision.

Finally, persons against whom an allegation of a breach of rule 69.1(a) (Misconduct) has been made, and the person presenting such an allegation, are a *party* to a hearing, thereby giving them standing to appeal the protest committee’s decision should they want to do so.