

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 60.3(b); a race committee acting under rule 60.2(b); a technical committee acting under rule 60.4(b);**
- (c) for a request for redress under rule 62.1(a): 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 60.3(d) or 69; any boat that person supports; a person appointed to present an allegation under rule 60.3(d).**

**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).

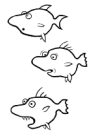
When boats lodge a *protest* they automatically become a *party* to the hearing (protestor), as do the boats they are protesting (protestee). The same is true when they request redress under rule 62 (Redress), or when redress is being requested or considered for them by the race, technical or protest committee under rules 60.2(b), 60.3(b) or 60.4(b) (Right to Protest; Right to Request Redress or Rule 69 Action).

When boats request redress under rule 62.1(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 62.1(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 60.3(a)(2) (Right to Protest; Right to Request Redress or Rule 69 Action) says, “[The protest committee] may protest a boat if during the hearing of a valid **protest** it learns that the boat, although not a **party** to the hearing, was involved in the incident and may have broken a **rule**.” And rule 61.1(c) (Protest Requirements; Informing the Protestee) says, “If the protest committee decides to protest a boat under rule 60.3(a)(2), it shall inform her as soon as reasonably possible, close the current hearing, proceed as required by rules 61.2 and 63, and hear the original and the 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 60.3(d) (Right to Protest; Right to Request Redress or Rule 69 Action) or rule 69 (Misconduct) is a *party*, as is any boat that person supports, and any person appointed to present an allegation under rule 60.3(b). (See rule 63.9, Hearings under Rule 60.3(d) — Support Persons.)

*“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 64 (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 62.1(a)(Redress), 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 62.1(a)).

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.