US PHRF National Appeal Process

INTRODUCTION

This document describes the process for appealing a performance handicap assigned by a local or regional PHRF authority recognized by US PHRF. It is the right of a PHRF certificate holder to appeal a local or regional handicap when the criteria described below are met. It is the obligation of an affiliated US PHRF Fleet to forward an appeal from a member when the conditions described below are met.

Instructions for filing an appeal follow.

Appeals are of two kinds:

1. An owner may appeal the handicap assigned to their own boat.
2. An owner may appeal the handicap assigned to a competitor's boat.

Formal appeals of handicaps must be made to the local or regional PHRF organization that issued the handicap. Such an appeal must be considered by the local or regional PHRF organization in a timely manner. Appellants must set forth their views in writing and document their case with supporting data.

When the appellant is not satisfied with the local or regional handicappers' resolution of the appeal, a national appeal to the US PHRF Appeal Committee may be initiated. When both the local or regional PHRF organization and the appellant agree, by their signatures, to abide by the national appeal procedure and decision described herein, the national appeal may proceed.

It is important to note that denial of the national appeal process disenfranchises local or regional PHRF sailors and can result in action to deny affiliation of the offending local or regional PHRF organization with US PHRF, as well as a prohibition against using the copyrighted PHRF name for any competitive event applying US PHRF methodology and procedures. Denial of a national US PHRF appeal is also inconsistent with the grievance provisions of US Sailing bylaws and regulations.

Attached to this document is a form to be completed and submitted electronically to the US PHRF National Appeal Committee at offshore@ussailing.org, along with arrangements for payment of the $375.00 appeal fee, payable to US PHRF. This fee covers the costs of the appeal hearing and dissemination of its results.

Written submissions may be in any format, but race results data must be submitted in Excel or CSV format. Submission of the completed form and payment initiates the appeal process.

CONDITIONS FOR HEARING AN APPEAL OF A HANDICAP ASSIGNED BY A LOCAL OR REGIONAL PHRF

The following conditions must be met for an appeal to be heard:

1. The appellant is a current member of the United States Sailing Association or the respective National Authority.
2. The local or regional PHRF organization's appeal process has been exhausted.
3. The appellant attests that the handicap under appeal is current.
4. Hull, rig, and sail dimensions have not changed since the assignment of the present handicap.
5. All parties to the appeal agree, by their dated signatures, to abide by the decision resulting from the appeal hearing for a period of no less than two years.
6. When the handicap assigned to one's own boat is appealed, the appellant must submit:
    - Copies of the local or regional appeal procedures.
    - Copies of the current and valid PHRF certificate for the boat being appealed.
    - A copy of the appeal document.
    - A copy of the local or regional PHRF organization's response to the appeal.
7. When the handicap assigned to a competitor's boat is appealed, the appellant must also submit:
    - A copy of the response to the appeal from the owner of the boat whose handicap is being appealed.
    - Responses to the appeal from all sisterships that race in the appellant's location or regional PHRF area.

ADDITIONAL INSTRUCTIONS FOR COMPLETING APPEAL DOCUMENTS

Appellants must furnish all requested information using the appeal form provided.

No more than five (5) pages of additional information may be attached to the appeal form.

When the appellant initiates an appeal to change the handicap of a competitor's boat and its sisterships, the form must be completed concerning the appellant's boat only.

Additional pages may include a narrative containing a clear statement of the basis for the appeal. This should include supporting information, such as observed performance or a comparison with handicaps assigned by other organizations.

The completed form and any additional pages of information comprise the appeal document. No additional documents will be permitted at the hearing.

Incomplete information, failure to meet the conditions for appeal, or failure to follow any of the instructions will result in the return of the document to the appellant. The appeal may be refiled once all conditions have been met.

ACCEPTANCE OF APPEAL DOCUMENTS

The US PHRF Appeal Committee Chairperson will accept the appeal and notify the appellant when all conditions for an appeal have been met.

The Chairperson will begin the appeal process by appointing an Appeal Hearing Committee comprising no more than three expert handicappers. Appeal Hearing Committee members are selected from the various regions of US Sailing.

The US PHRF Appeal Committee will reject an appeal submission without a hearing if it is judged to be frivolous. A letter explaining the reasons for rejection will be sent to the appellant along with the returned appeal documents.

APPEAL HEARING COMMITTEE PROCEDURES

Upon acceptance of the appeal, copies of all documents relevant to the appeal will be sent to the Appeal Hearing Committee members, and a hearing will be scheduled within forty-five (45) days.

The hearing will be conducted by telephone conference and presided over by the Chairperson of the US PHRF Appeal Committee. The Chairperson is not a participant in the appeal but will conduct the hearing.

During the hearing:

1. The appellant will be asked to present their position.
2. The local or regional PHRF organization's representative will present the organization's position. Unless otherwise designated on the appeal documents, this representative will serve as the organization's spokesperson.
3. In the same order, each party to the appeal will be allowed no more than five (5) minutes for rebuttal.
4. The Appeal Hearing Committee members will then question both parties to the appeal.

When this portion of the hearing concludes, the Chairperson will dismiss the parties to the appeal, and the Hearing Committee will continue meeting to resolve the appeal.

At that time, the parties will be notified that the decision will be mailed immediately and that no further communications regarding the appeal will be acknowledged for two years from the date of the decision.

Following this announcement, the conference call operator will disconnect the appellant, and the Hearing Committee will proceed to a decision.

ACKNOWLEDGMENT AND AGREEMENT

Each party to the appeal, by their dated signature on the appeal form, acknowledges that:

1. All information relating to the appeal to US PHRF for a change in the assigned handicap has been read and understood.
2. The boat for which the handicap is being appealed has not been modified since the date the handicap under appeal was initially assigned.
3. The handicap being appealed has changed since its initial assignment.

Furthermore, by their dated signatures, each party to the appeal agrees to abide by the decision of the Appeal Hearing Committee for a period of no less than two years from the date of the decision.