

APPENDIX D: RULE 69 HEARING CHECKLIST (WITH A PRESENTER OF ALLEGATIONS)

For use where someone has been appointed as a separate presenter of the allegations under rule 69.2(e)(1). For the purposes of this checklist and for brevity, this person is referred to as “the investigator”, however, it is not required that any investigator appointed under rule 69.2(c) is also the presenter of the allegations.

48 Checklist for the chair conducting rule 69 hearings

Name of competitor:

Boat:

Event:

Date of hearing:

Protest committee members:

Item	Check?
Introduce the members of the protest committee by name and state any relevant judging qualifications	
Ask if there are any objections to those members and if necessary rule on any objection. Record the answer. Objections?: Yes/No (delete as applicable) If yes: Upheld / Dismissed (delete as applicable) Reason:	
Explain to the competitor that the allegation will be presented to the committee by someone appointed by the committee (or by World Sailing if a major international event).	
If an investigator was appointed, check that all material collected in the investigation has been disclosed the competitor and the protest committee.	

<p>Ask if sufficient time has been given for preparation. Record the answer. If necessary, determine how much extra time should be allowed</p> <p>Extra time requested: Yes / No (delete as applicable)</p> <p>If yes: Granted / Refused (delete as applicable)</p> <p>Reason:</p>	
<p>Ask if the competitor has received the written notification and understands the nature of the allegations. Record the answer. If the competitor does not speak English as a first language, determine if a translator is required.</p> <p>Competitor has received written notification: []</p> <p>Competitor understands allegations: []</p>	
<p>If not already represented, ask the competitor if they wish to be represented and/or have an advisor present. If they say no, explain that they can change their mind at any during the hearing (but that the hearing will not start again from the beginning).</p> <p>Competitor represented: Yes / No (delete as applicable)</p> <p>If yes: name of representative/advisor:</p> <p>If no: competitor understands right to representation: []</p>	
<p>If represented, explain that the representative can consult with the competitor, ask questions for them and sum up for them, but cannot answer questions on behalf of the competitor.</p>	
<p>Explain that the allegation is at the moment just that - an allegation. Explain the purpose of the hearing is to determine what has happened and whether misconduct has been committed.</p>	
<p>Explain to the competitor what the possible outcomes might be if the allegations are proven - a warning, penalisation and potential further action by the national authority (or if a foreign competitor – his/her own national authority).</p>	
<p>Hear the main witness supporting the allegation, and allow the investigator to question them. Allow the competitor to question the witness, who may then be questioned by the committee. That person should then leave the hearing, unless he or she is a member of the protest committee, whose presence throughout has been foreseen.</p>	

<p>Name of witness:</p> <p>Evidence given by witness: []</p> <p>Witness questioned by investigator: []</p> <p>Witness questioned by competitor: []</p> <p>Witness questioned by committee: []</p>																					
<p>Hear, one by one, other witnesses supporting the allegations, and allow the investigator, then the competitor, and then the committee to question each witness.</p> <table data-bbox="209 813 941 1120"> <tr> <td>Witness Number</td> <td>1</td> <td>2</td> <td>3</td> </tr> <tr> <td>Evidence given by witness:</td> <td>[]</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>Witness questioned by investigator:</td> <td>[]</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>Witness questioned by competitor:</td> <td>[]</td> <td>[]</td> <td>[]</td> </tr> <tr> <td>Witness questioned by committee:</td> <td>[]</td> <td>[]</td> <td>[]</td> </tr> </table> <p>Names of witnesses:</p> <ol style="list-style-type: none"> 1. 2. 3. 	Witness Number	1	2	3	Evidence given by witness:	[]	[]	[]	Witness questioned by investigator:	[]	[]	[]	Witness questioned by competitor:	[]	[]	[]	Witness questioned by committee:	[]	[]	[]	
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Evidence given by witness:	[]	[]	[]																		
Witness questioned by investigator:	[]	[]	[]																		
Witness questioned by competitor:	[]	[]	[]																		
Witness questioned by committee:	[]	[]	[]																		
<p>Hear the evidence of the competitor, who may then be questioned by the investigator and then the committee.</p> <p>Evidence given by competitor: []</p> <p>Competitor questioned by investigator: []</p> <p>Competitor questioned by committee: []</p>																					
<p>Hear, one by one, the witnesses called by the competitor: allow the competitor to question each witness, and then the investigator and then the committee.</p>																					

Witness Number	1	2	3	
Evidence given by witness:	[]	[]	[]	
Witness questioned by competitor:	[]	[]	[]	
Witness questioned by investigator:	[]	[]	[]	
Witness questioned by committee:	[]	[]	[]	
Names of witnesses:				
1.				
2.				
3.				
Ask the investigator to summarise their case				
Ask the competitor to summarise their case				
Ask the parties to confirm they have had a fair hearing and been able to make all their submissions				
Ask the investigator, competitor and all others present to withdraw, and confer.				
Find the facts, writing down exactly what happened and/or what was said. If the use of bad language is relevant to the case, write down the exact words believed to have been used. As with a protest, avoid making conclusions in the facts found.				
Apply the standard of proof set out in RRS 69.2(g).				
Conclude in writing whether the facts constitute a breach of good manners or sportsmanship, unethical behaviour or may bring of the sport into disrepute.				
Apply the standard of proof set out in RRS 69.2(g).				
Recall the investigator and the competitor to announce whether the allegation is upheld or dismissed. If it is dismissed, close the hearing.				
If it is upheld, ask the competitor whether there are any mitigating circumstances the committee might consider when deciding whether to warn or penalize. Receive any apologies.				
It is not normally appropriate to ask the investigator to comment on question of penalty. The investigator should address the committee if he is aware of facts that confirm or				

discredit the statement made by the competitor in mitigation. If the investigator does so, allow the competitor to respond.	
Ask the parties to withdraw again. Decide whether to warn, or to penalize, in which case decide the penalty.	
Recall the parties, and announce the decision. Repeat or explain the decision if necessary, but avoid getting into further argument if the competitor is upset and does not accept the decision.	
Explain any right of appeal to the national authority.	
Advise the race committee of the decision if it affects the scores for the event, or if a competitor is to be excluded.	
Post a notice on the official notice board, giving the result of the hearing, but not facts or conclusions. It is recommended you use the wording in Appendix K.1.3.	
<p>If a report is to be made to the national authority or World Sailing, notify the facts found, conclusions and decision to them. Include the names of the committee and the address of the chair.</p> <p>Record that the competitor was asked whether sufficient time had been given for preparation, and whether there was any objection to the composition of the committee, noting the answers given.</p> <p>It is recommended you use follow the guidance in Appendix K</p>	
Retain all records for at least six months. The records should include the original report to the protest committee (if written - if not, produce a note of it), the written notification to the competitor, this checklist, the evidence collected by the investigator, the notes of the hearing, the written facts, conclusion and decision and the notice posted (if any) on the official noticeboard	

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Panel Chair

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Date