

A PRE-PROTEST HEARING WITH A MEDIATOR

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Objectives

- To resolve protests, resulting from rules disputes, in a rapid way that is perceived as more convenient and less adversarial than a full protest hearing.
- To introduce a significantly smaller penalty for sailors that choose to accept a decision reached using this process.

Process Summary

There is a short hearing between the parties and a mediator concerning an incident in respect of which a protest form has already been lodged.

The necessary information to be supplied on the protest form is:

- the parties and their contact details;
- whether a hail of "protest" was made and a flag flown (if appropriate);
- whether there was damage;
- a brief description (and diagram if thought helpful).

The mediator should assist in the completion of the form when asked.

Procedures

1. Party completes protest form within the protest time (extended if after Type 1).
2. Time and location for hearing announced (preferably within 1 hour).
3. Protest validity established.
4. Each party takes 1 - 2 minutes to say what happened.
5. The mediator asks questions and may seek witness input.
6. Outcome A (if facts are sufficiently clear, and there is no damage or advantage):
 - mediator uses rule book to show parties what if any rules were broken;
 - invites party in breach to take the exoneration penalty in SIs;
 - if that party accepts penalty, invites protestor to withdraw protest.
7. Outcome B (if facts are unclear or disputed, or if there is damage or advantage):
 - states why not able to come to an opinion;
 - states that, for resolution, protest should go to a protest hearing;
 - clarifies that option to withdraw protest remains available subject to his approval;
 - states that, prior to the start of any protest hearing, either party may still exonerate themselves by taking the exoneration penalty in the SIs.
8. The protestor decides whether to withdraw his protest.
9. The mediator updates the protest form and sends it to the scorers or Protest Committee.