

New York Yacht Club Online Hearing Procedures

As a result of Covid-19 and in the interest of safety, it has been decided to hold all hearings remotely online via the ZOOM application.

This will require more effort and engagement from all participants.

The Protest Committee (PC) presents these guidelines to prepare participants for the additional burdens that will be placed on all parties by this new hearing arrangement. All hearings will be conducted in compliance with the rules of Part 5 of the Racing Rules of Sailing.

Time of the Hearing

Parties will be notified of the time and date of the hearing by email.

Parties will receive an invitation via email with a date and time to join a ZOOM hearing as soon as possible following the closing of the protest time limit. The invitation will have a hyperlink to click on that will take the recipient to the hearing at the appointed time. There will also be a phone number for dial-in access. It is incumbent upon the parties to forward the hearing information and hyperlink to any witnesses they wish to include in the hearing though the PC may attempt to forward the link if contact information is provided in a timely manner.

Downloading ZOOM

The ZOOM app can be downloaded at no cost here: <https://zoom.us>

If you already have ZOOM installed, please check to see what version you have. You will need at least version 5.0 (5.2.3 is the newest at this time). You may also access a ZOOM hearing without downloading the software by using your browser, but not all ZOOM features are supported with this access method.

A ZOOM app is also available for smart phones and tablets at Google Play and the Apple App Store here:

https://play.google.com/store/apps/details?id=us.zoom.videomeetings&hl=en_US

<https://apps.apple.com/us/app/zoom-cloud-meetings/id546505307>

Parties unfamiliar with ZOOM are encouraged to download the app and practice using the software on their own on the ZOOM web site prior to the hearing.

Connecting to ZOOM

The ZOOM hearing may be accessed several ways. The PC recommends using a desktop or laptop computer with video and audio capability to connect to ZOOM, but a tablet (iPad, etc.) or smartphone is acceptable. Use of a smartphone which typically has a smaller video screen may adversely affect the ability to make out visual details. Parties to the hearing may use computers and phones without video capability as audio only devices but will not be able to present or see visual material or diagrams presented in the hearing. Participants may also use a combination of the above devices (e.g., a phone for the audio and a computer or smartphone for the video).

Witnesses

Hearing participants are responsible to make certain any witnesses they intend to call are available and also have access to ZOOM and hardware with Internet access, with at least audio and preferably audio and video capability.

Participants and witnesses must be in separate, distinct, locations with separate ZOOM access. During the hearing, no participants or witnesses are allowed coaching from any other person.

Collaboration or use of outside materials to help coach participants or witnesses are also not allowed.

Materials

The PC will provide parties electronic copies of protest materials prior to the hearing. Parties are responsible for obtaining their own copies of the Racing Rules of Sailing, the Notice of Race, the Sailing Instructions and any amendments, any class or handicap rules, or any other rules applicable to the hearing. Parties are also responsible for obtaining any software or other material they require to present a visual representation of the on-water incident.

Judges

The PC will conduct hearings with three judges serving as a hearing panel. The PC may use one additional judge to manage the technical issues of the meeting such as moving participants between the hearing room and the waiting room, turning microphones on and off and allowing parties to share their screen to present visuals to the panel, among other things. This technical judge may also be available offline to assist with connection issues. An effort will be made to make the technical judge's email and mobile number available in case there are technical issues during the hearing. The technical judge will not take part in the panel's decision.

Hearing Obligations

It will be the responsibility of each party to clearly explain and display their view of the incident to the protest committee, as we will not have the ability to place and move model boats around on a table for all to see. You may use:

- Parties may use their own yacht racing software provided it can be shared with everyone in the hearing.
- Model boats, or paper cutouts, and a camera to display the incident to the Protest Committee.
- Detailed drawings or a white board or other artwork of the incident.

Conduct

All participants, including parties and witnesses are expected to conduct themselves in accordance with the Racing Rules of Sailing and with the Guidelines set forth here. The Protest Committee will record the hearing per US Sailing and World Sailing recommendations.

Note: Recording a hearing without the participants expressed permission is inappropriate.

The Hearing

- To join a hearing, click on the hyperlink embedded in the ZOOM invitation email.
- Please arrive at least at least 5 minutes early to allow time to get properly connected. All participants will be asked to provide a cell phone so they can be reached if there is an issue with Zoom.
- The hearing will be conducted in accordance with the Racing Rules of Sailing.
- All parties and witnesses must be present at the start of the hearing.
- Each participant must attend the meeting from a unique location that is physically separated from the location of any other participant.
- Except as allowed in the RRS and these guidelines, no party or witness will engage in any verbal or electronic communication regarding the hearing during the hearing.
- Parties and witnesses will be muted at the outset of the hearing.
- A brief statement will be made before the hearing is started introducing the

room, the judges and the process. Questions regarding hearing procedures may be asked at this time before the hearing begins.

- Witnesses will be placed in a “waiting room” at the start of the hearing and will not be able to see or hear each other or see or hear the proceedings until called upon to testify. Please be patient and be ready to join the meeting when called.
- Witnesses will be called into the hearing and allowed to testify and answer questions from other hearing participants. Witnesses will be advised when they are dismissed,
- When it is time for the judges to deliberate, the rest of the participants will be assigned to the waiting room where they will not be able to see or hear each other or the judges.
- Once a decision has been reached, all parties will be invited back into the hearing to hear the decision. The panel will then conclude the hearing.

09/23/2020 rev.