**MIDWEST PERFORMANCE HANDICAP RACING FLEET**

**HOW TO APPEAL A HANDICAP**

**Introduction**

A sailboat owner issued a valid Certificate of Handicap (Certificate) by the Midwest Performance Handicap Racing Fleet (MWPHRF) for the current racing season may appeal: (a) the owner’s current handicap; or (b) a competitor’s current handicap. There are two steps for such an appeal: (a) a Rating Inquiry; and (b) a Formal Appeal. This documentlays out the procedures for both steps.

**Procedures for a Rating Inquiry**

1. The holder of a valid MWPHRF Certificate seeking to appeal (a) the owner’s handicap or (b) a competitor’s handicap must first initiate a Rating Inquiry.
2. To initiate a Rating Inquiry, Appellant must email Appellant’s MWPHRF Regional Handicapper and the MWPHRF Chief Handicapper (at mwphrf@mwphrf.org), by October 1 of the year of the Certificate Appellant seeks to have reviewed, and request they review that Certificate. In that email, Appellant shall: (a) identify and attach the Certificate Appellant wants reviewed; (b) state whether the Appellant seeks a review of its own Certificate or that of a competitor; and (c) explain why Appellant seeks a review of that Certificate.
3. The Chief Handicapper shall have forty-five (45) days to review this request for review, discuss it with Appellant and with Appellant’s Regional and Club Handicappers, and issue a Written Response to Appellant.
4. If Appellant disagrees with the Chief Handicapper’s Written Response, Appellant shall have the right to appeal in accord with the procedures described below.

**Procedures for Appealing a MWPHRF Handicap**

1. To initiate an appeal of an MWPHRF Handicap, the Appellant must, by December 1 of the year of the Certificate being appealed, email the MWPHRF Executive Director (at mwphrf@mwphrf.org) a Notice of Appeal using the form attached as Exhibit A. Such Notice of Appeal must attach: (a) a copy of the appealed Certificate; (b) a copy of the Chief Handicapper’s Written Response; (c) a statement (not longer than 300 words) summarizing the reasons why Appellant is appealing and stating the relief the Appellant seeks; (d) a fully completed Handicap Appeal Data Form using the form attached as Exhibit B; (e) all other documentation or race data Appellant wishes to submit for consideration on appeal; and (f) a copy of the PayPal confirmation that Appellant paid the current published Appeal Fee to the Executive Director via PayPal at (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.). *Failing to submit to the Executive Director the requisite Notice of Appeal, together with all of its required attachments, by the December 1 date for doing so may cause the Appeal to be rejected*.
2. By appealing, the Appellant agrees to abide by all MWPHRF Appeal Procedures. The Appellant further agrees the decision of MWPHRF’s Council of Handicappers (Council) shall be final unless Appellant timely seeks a reconsideration of that decision. In that case, the decision on reconsideration shall be final unless Appellant timely appeals that decision to the United States Performance Handicap Fleet (USPHRF) following the USPHRF Appeals Subcommittee’s Rules and Procedures.
3. Appellant may ask the any Regional or Club Handicapper (or any other person so designated by the Executive Director) to assist Appellant in preparing a Notice of Appeal or any other documents for the Appeal. Any person who so assists Appellant may not participate in any MWPHRF deliberations on the Appeal or in writing the Appeal Decision.
4. The completed Notice of Appeal with all of its attachments shall constitute Appellant’s entire appeal package (Record). Once the Record is submitted to the Executive Director, Appellant may not amend, alter or supplement the Record without the Executive Director’s prior written authorization.
5. Within seven (7) days of receipt of the Record, the Executive Director shall forward the Record to the MWPHRF Technical Committee. The Technical Committee shall then review the Record to determine if:
6. Appellant completed and submitted to the Executive Director a Notice of Appeal in the form attached as Exhibit A and paid the Appeal Fee by the December 1 deadline for doing so;
7. Appellant’s Certificate and any other appealed Certificates are part of the Record, and are current;
8. Appellant attached to its Notice of Appeal a completed Handicap Appeal Data Form in the form attached as Exhibit B;
9. The Record contains a statement of the relief sought on appeal;
10. The Record contains race or other data sufficient to decide the Appeal, including but not limited to race or other data regarding sister yachts of the yacht whose rating is appealed;
11. The appealed Certificate was not the subject of an appeal decided less than two years before the date the Executive Director received the Notice of Appeal; and
12. The hull (including all hull appendages), rig and sail dimensions of the sailboat appealing have not changed since the date of its current Certificate.
13. If the Technical Committee determines the Record meets the requirements of paragraph 5 above, the Technical Committee shall so advise the Executive Director. The Executive Director shall then: (a) notify Appellant the appeal will be submitted to the Council for a hearing; (b) send copies of the Record to the Chair of the Technical Committee and to the Council; and (c) send copies of Record to the competitor whose Certificate is being appealed (Competitor) and to all Certificate holders for sister yachts, if any, of the yacht whose rating is appealed together with a written notice advising each of the Appeal and of its right to submit to the Council race or other data for consideration on appeal, and a written statement not longer than 300 words about the Appeal. If there is more than one sister yacht, however, those sister yachts may submit only one 300-word written statement for all of them.
14. If the Technical Committee determines the Record does not meet the requirements of paragraph 5 above, the Technical Committee shall so notify the Executive Director and ask the Executive Director to reject the Record without any hearing or to request Appellant to supplement the Record to bring it in compliance with those requirements. If the Executive Director rejects the Record or if Appellant does not supplement the Record as requested, the Executive Director shall send Appellant a Notice of Rejection together with a brief explanation of why the Record was rejected, and return to Appellant all original documents in the Record and the Appeal Fee. Such a rejection of the Record will not bar Appellant from refiling the Appeal provided Appellant does so within thirty (30) days of the date of the Executive Director’s Notice of Rejection.
15. The Appeal shall then be scheduled for a hearing before the Council at the first regularly scheduled meeting of the Council following the forty-fifth (45th) day after the Technical Committee accepts the Record.
16. The following rules and procedures will apply to such Council hearings:
	1. The hearing may be in person or via Internet conferencing (such as Zoom);
	2. Executive Director (or a Councilor designated by the Executive Director) shall preside;
	3. All persons participating in the hearing or the deliberations shall maintain decorum and the person presiding over the hearing may take whatever steps reasonably necessary to maintain that decorum;
	4. All interested parties at the hearing shall identify themselves and provide valid email addresses;

c. The Appellant may make a presentation of ten (10) minutes or less in length in support of Appellant’s appeal;

d. Members of the Council and Competitor’s representative may question the Appellant;

1. Competitor’s representative may make a rebuttal presentation of ten (10) minutes or less in length;
2. Members of the Council and Appellant may question Competitor’s representative;
3. A Technical Committee representative may make a presentation of ten (10) minutes or less in length regarding the appealed Handicap;
4. A Council representative may make a presentation of ten (10) minutes or less in length regarding the appealed Handicap;
5. Members of the Council, the Appellant, and the Competitor’s representative may question the Technical Committee representative and the Council representative who make such presentations;
6. Once the hearing concludes, those Councilors whose sailboats have base MWPHRF handicaps within 10 of Appellant’s base MWPHRF handicap may be required to leave the hearing; and
7. Once the Council deliberates and reaches a decision, all persons asked to leave the hearing will be invited to return to be informed of the Council’s decision.
8. Within fourteen (14) days of the Council hearing, the Council will email a written Notification of Decision (which will include a brief statement of the reasons for that decision) to the Appellant and to any Certificates holders whose Certificates changed because of the Council’s decision.
9. There will be no other communications between the Council, the Appellant and the Competitor regarding the substance of the Appeal absent a timely request for reconsideration and, in such case, all such communications shall be limited to those pertaining to such request for reconsideration.
10. The holder of any Certificate whose handicap changed as a result of the Council’s decision will have thirty (30) days from the date of the Notice of Decision to file a request for reconsideration to the Executive Director. The Executive Director will send the request for reconsideration to the Chief Handicapper and the Chair of the Technical Committee for review. If the Chief Handicapper and the Technical Committee vote by a majority of those present to reconsider the Appeal, they shall so advise the Executive Director and advise the Executive Director what further action should be taken. Otherwise, they shall advise the Executive Director to deny the request for reconsideration. The Executive Director will then forward the Executive Director’s decision to the person seeking reconsideration.
11. The holder of any Certificate whose handicap changed as a result of the Council’s decision may appeal to USPHRF pursuant to the Rules and Procedures of the USPHRF’s Appeal Subcommittee, but only after requesting reconsideration as provided in paragraph 12 above.