

Protests and Appeals (1)

We continue a three-part series of articles on rules enforcement in Club Racing. This month, we look at protests and the Stewards of the Meeting (SOM). The SOM is very concerned to provide due process to all parties.

Alternatives to a Protest

The GCR provides a formal process (protests and appeals) for resolving disputes. You might also consider trying an informal approach before protesting. Talk with the other driver about the problem. If that does not work, speak informally with the Chief Steward. Either of these approaches may resolve your issue.

Remember, though, that there are strict time limits for filing protests. As a practical matter, you might do better to file a protest before holding a long conversation. You can withdraw the protest if you are able to settle things.

Who May Protest?

Any participant (entrant, driver, crew, or official) may file a protest. Only entrants or drivers may file mechanical protests. You can protest "...any decision, act or omission of another entrant, driver, crew, organizer, official, or any other person connected with that event" for a breach of the rules.

The rules (GCR or supps) may explicitly exempt certain acts from protest (e.g., sound readings or failure to display a "1" sign signaling the last lap of a race).

Filing a Protest

Complete and sign an SCCA Protest form. The form is available from the Chief Steward or Chairman of the SOM. It is also available online at scca.com. You must specify the relevant provisions of the GCR and/or supps. There is no group protest; an individual must file it (but nothing prevents several individuals from filing protests for the same incident).

You will need to provide evidence such as a witness list and/or witness statements, in-car video, etc. These do not have to accompany the protest. You can submit them at the hearing. The critical thing is to file within the time limit.

Some events offer a Driver's Advisor. This person (usually a steward) can advise you about the forms and process. He or she may not help you with the specifics of your protest (i.e. identifying what you want to protest, or drafting the protest). Absent a Driver's Advisor, the CS can answer your process questions.

Members of the SOM may not advise you on filing your protest, nor advise you about the rules, since they may judge the incident that prompted the question.

Deliver the protest and applicable fee (\$25 for Regionals and Schools, \$50 for Nationals) to the CS, who will forward it to the SOM. Please note that the only role of the CS in this process is to receive and transmit the protest.

There are time limits in which to file your protest:

- You must file mechanical protests no later than one hour before the race.
- You must file other protests (driver-to-driver protests, protests against an official's action, and protests against results) within 30 minutes of the relevant action.
- The SOM may extend these limits in exceptional cases, where evidence was not available within the time limit or the protestor was unable to meet the deadline due to unavoidable circumstances.

If you file a protest, the Chief Steward must transmit it to the SOM. The SOM may uphold it or not, and/or may decide to extend the time limits for filing.

The process for mechanical protests involves more steps. We shall cover them in a later article.

The Protest Hearing

When the SOM receive a protest or an RFA, they notify all the parties (if you are the subject of an RFA, you are the protested party), collect their licenses, and establish a time and place for a hearing.

The SOM will not make a judgment without holding a hearing, and listening to the parties and witnesses. Only those members of the SOM who hear the entire protest may judge it. SOM members with significant personal or business ties to any of the parties will excuse themselves. The hearing process is as follows:

- All parties have the right to call witnesses. You must state your case individually (you cannot have anyone with you or represent you) and in private.
- All parties, once notified, must remain at the track until released by the SOM. In the absence of a party, the SOM may issue a judgment by default. As a practical matter, the SOM will not do this unless a party deliberately avoids a hearing. The court can continue the case, and holding hearings later by conference call.
- The SOM will ask you and your witnesses to complete and sign witness statements, confirming your testimony.
- The SOM will view any video that you submit. If you have a laptop with a larger screen than your camera, bring that along. It makes viewing easier. The court will retain videos, etc. entered in evidence until the time for appeal has lapsed. SCCA will return your video.
- The SOM will deliver their judgment as soon as possible after the hearing. You must obey this judgment, but have the right of appeal. The SOM Chairman can explain the appeals process for you.
- If you are assessed a penalty, the SOM will give you a formal notification.
- If your penalty includes probation, the SOM will retain your license, and give you a probation letter detailing the provisions of your probation. During the period of your probation, this will serve as your license.
- If your penalty includes suspension, the SOM will retain your license.
- SCCA will return your license at the end of the suspension or probation.