**YAI SENIOR MULTICLASS NATIONAL SAILING CHAMPIONSHIP 2019**

**34TH HYDERABAD SAILING WEEK**

**Discretionary Penalty Policy**

**1. General**

1.1 When the Jury has discretion to decide the appropriate penalty for a breach, the

penalties may range from zero points through to DNE. In determining the penalty, the

Jury will be guided by this document.

1.2 Discretionary Penalties are not just a list of standard penalties. The penalty should be

adjusted as justified, while maintaining consistency. The overall concept is to establish a base penalty for a particular breach and then increase or decrease the penalty depending on the circumstances.

1.3 Suggested base penalties are listed in the attached two tables. These suggest the base band for common specific breaches and the answers to some general questions to be used when there is no specific breach listed. When a range of penalties is suggested for a specific breach, use the general questions to determine the band for the specific breach.

1.4 Penalties are divided into 4 bands with the mid point being the normal base penalty:

(a) Band 1 – 0 - 10% (mid point 5%)

(b) Band 2 – 10 - 30% (mid point 20%)

(c) Band 3 – 30 - 70% (mid point 50%)

(d) Band 4 – DSQ / DNE (starting point DSQ)

1.5 Start by using the tables below to find which band applies. Consider the ‘base penalty’ to be at the mid-point of the band. Then determine if there is cause to increase or decrease the penalty within the band or to change the band.

1.6 A positive answer to these questions would lead to reducing the penalty.

(a) Was the breach accidental?

(b) Was there a good reason or justification for the breach?

(c) Was the breach reported by the competitor?

(d) Did anyone who was not part of the boat’s crew or support team contribute to the breach?

1.7 A positive answer to these questions would lead to increasing the penalty.

(a) Was the breach repeated?

(b) Was the breach deliberate as opposed to a misjudgement or carelessness?

(c) Was there any attempt to conceal the breach?

(d) Was anybody inconvenienced?

1.8 The Jury may use other questions to determine if a penalty should be increased or

decreased.

1.9 To calculate and apply the penalty:

(a) The discretionary penalty may not make a boat’s score worse than retirement or

disqualification.

(b) Percentage penalties are calculated to the nearest tenth of a point, (0.05 to be

rounded upward).

(c) When the breach affected racing performance, it should be applied to all races

sailed that day, provided any protest is valid for all races.

(d) When the breach does not affect racing performance and especially when it is

largely administrative, the penalty should be applied to the race sailed nearest in time to that of the incident as specified in RRS 64.1.

**2. Base Penalty Bands for Discretionary Penalties**

2.1 Generally the base penalty will be the mid-point of the band.

2.2 If the specific breach is not listed or a range of bands is suggested, go to second table.

2.3 Be sure that a discretionary penalty is authorised for the specific breach.

|  |  |
| --- | --- |
| **Areas that are obstructions** SIs 10.2 | |
| 􀀀 Interfering with Race Area 1 Competitors on returning to shore after finishing their races. | 1 |
| **Safety** SIs 18.2, 18.4 | |
| 􀀀 Failing to wear personal flotation devices at all times whilst afloat.  (except windsurfers)  􀀀 Failing to notify the Race Committee for reporting retirement. | 1-2  1 |
| 􀀀 When non-compliance results in initiation of search and rescue | 4 |
| **Berthing** NoR 14 | |
| 􀀀 Boat not in assigned place but has notified the OA | 1 |
| **The Start** SIs 11.3 | |
| 􀀀 Failing to avoid the starting area during the starting sequence for other races.  􀀀 Failing to avoid the starting area and breaking RRS 24.1. | 1  4 |
| **Penalty System** SIs 14.2 | |
| 􀀀 Failing to comply with instructions to complete the forms, retirement and exoneration, at the race office within the protest time limit. | 1 |
| **Equipment Inspection** SIs 20 | |
| 􀀀 Failing to comply with instructions – good reason or justification  􀀀 Failing to comply with instructions – no good reason or justification | 1  3 |
| **Replacement of Crew or Equipment** SIs 19 | |
| 􀀀 Failing to comply with instructions – good reason or justification  􀀀 Failing to comply with instructions – no good reason or justification  􀀀 Replacing crew or equipment with non-compliant crew or equipment | 1  3  4 |
| **Identification and Advertising** SIs1.9, 21 | |
| 􀀀 Failing to apply event stickers as required (e.g. advertising, bow numbers etc.).  􀀀 Applied event stickers, but they failed to stay in place (0% if applied by OA)  􀀀 Failing to wear bib as required | 2-4  1  1-2 |
| **Radio Communication** SIs 25, NoR 15 | |
| 􀀀 Making or receiving radio or text or cell phone message not available to all  boats | 3 |
| **Trash Disposal** SIs 24 | |
| 􀀀 Deliberate trash disposal | 4 |
| **Support Vessels** SIs 23.1, 23.2 NoR 13 | |
| 􀀀 Failing to stay minimum 50 meters away from the area where boats are racing at all time.  􀀀 Failing to register.  􀀀 Failing to mark with white flag at all the time when afloat.  \*: Penalties are divided into 5 levels as follows;  Level 1: 1 is Waring,  Level 2: Exclude the person from going afloat for one race or more.  Level 3: Exclude the person from going afloat for one day.  (plus Band 1 penalty for the related competitor )  Level 4: Exclude the person from the venue for more than one day.  (plus Band 2 penalty for the related competitor )  Level 5: Exclude the person from the venue for the rest of the event and/or take other action within the jury’s jurisdiction as provided by the rules, including charging the support person with misconduct under rule 69.  (plus Band 3-4 penalty for the related competitor ) | 1\*  \*  \* |
| **Media Interaction** SIs 29 | |
| 􀀀 Failing to comply with instructions to attend for media interaction or present ceremonies. | 1-3 |
| **Boats and Equipments** SIs 30 | |
| 􀀀 Failing to comply with instructions to use the equipment. | 1-4 |

**3. General Questions**

3.1 To be used when there is no specific breach in the table above, or when the table above suggests more than one band.

|  |  |
| --- | --- |
| **Could the breach compromise safety?** | |
| No  Possibly but not certainly  Yes | 1  2 - 3  4 |
| **Can the boat prove it has not obtained a competitive advantage?** | |
| Yes, no advantage is possible.  No, possible advantage but not certain.  No, certain advantage | 1  2 - 3  4 |
| **Could the breach bring the sport into disrepute?**  *(Note: if the Jury considers that the sport may have been brought into disrepute, it should consider action under RRS 69, especially if no other rule is available.)* |  |
| No  Possibly but not certainly  Yes | 1  2 - 3  4 |
| **Could the breach result in damage or injury?** | |
| No  Possibly but not certainly  Yes | 1  2 -3  4 |

*International Jury*

*2nd July 2019*