

## **Jury policies including Information to Competitors and Discretionary Penalty Policy**

### **Information to Competitors**

#### **1. Protests by the Jury for Incidents on the Water**

1.1 Jury will act on the water in accordance with sailing instructions 14.3 and 14.4.

SI 14.3 If a member of the Jury witnesses a breach of RRS Part 2, RRS 31 and/or Class rule C.11, they may indicate their observation by making a long sound (whistle) and showing a red flag. A boat involved in the incident may acknowledge breaking a rule by voluntarily taking a penalty.

SI 14.4 If a member of the Jury witnesses a protest being hailed and the protest flag being shown, they may impose a penalty or more to any boat that broke a rule and was not exonerated, unless the boat took a penalty voluntarily, or decide that no rule was broken. A red flag with one long sound means 'a penalty is imposed or remains outstanding.' The Jury member will hail or signal to identify each such boat. A boat penalized shall take a penalty according to Si 14.1. A failure to do so may be a breach of sportsmanship. A green and white flag with one long sound means 'No penalty'. This changes RRS 60.3, 63.1, 64.2.

SI 14.5 A member of the Jury may impose a penalty without a protest by a boat if she

- (1) breaks rule 31 and does not take a penalty,
- (2) gains an advantage despite taking a penalty,
- (3) commits a breach of sportsmanship, or
- (4) fails to take a penalty when required to do so by a Jury member,
- (5) breaks Class Rule C 11

If a boat is penalized for not taking a penalty or taking a penalty incorrectly, the original penalty is cancelled. This changes RRS 60.3, 63.1, 64.2.

1.2 When Jury will not act as above it will not usually protest for a breach of a rule of Part 2 unless they observe an apparent breach of good sportsmanship (RRS 2). Examples of breaches, where the Jury will consider protesting, include:

- (a) deliberately or knowingly breaking a rule without justification for exoneration and not taking the appropriate penalty;
- (b) intimidating other boats, often evidenced by unnecessary shouting or foul language;
- (c) team tactics, sailing to benefit another boat to the detriment of your own position;
- (d) sailing that results in, or is likely to result in, damage or injury or gaining a significant advantage.

#### **2. Outside Help**

2.1 A boat that receives instructions or transfers sailing gear with a support vessel after the preparatory signal breaks RRS 41, even if the transfer starts before the preparatory signal.

2.2 When support boats are prohibited from entering the racing area, a boat not racing that needs to receive help must sail to the support vessel outside the racing area, unless she is unable to do so.

#### **3. Propulsion**

3.1 RRS 42 applies from a boat's preparatory signal (see RRS 42 and the definition Racing). Any use of propulsion engine after the preparatory signal, except when giving help to vessel or person in danger is prohibited.

#### **4. Requests for Redress, Claiming RC Error in Scoring a Boat OCS, UFD or BFD**

4.1 Competitors sometimes want to question how the race committee has scored them. In that case, they may complete and deliver a scoring enquiry to the race office within time limit of RRS 62.2. The RC may arrange to share their evidence with the competitor before responding to the enquiry. If the competitor is not satisfied with the race committee's answer to the scoring enquiry, the competitor may deliver a request for redress within the time limit of RRS 62.2.

If an event does not provide the scoring inquiry system, competitors may deliver a request for redress within the protest time limit or as soon as reasonably possible after the results have been published.

4.2 In the hearing of such a request for redress, a competitor must provide evidence that the race committee has made an error in scoring a boat. Video evidence or the relative positions of two or more boats scored differently rarely provides evidence that the race committee has made a scoring error. In finding facts, the protest committee will be governed by the weight of evidence. See World Sailing Case 136.

#### **5. Video and Tracking Evidence**

5.1 A party wishing to bring video or tracking evidence to a hearing is responsible for providing the equipment required to view the evidence. Internet connection will not be generally available during a hearing. It should be possible for all parties and the panel to view the evidence at the same time.

5.2 Tracking system information, if available, may be presented, but is of limited accuracy. The images produced are enhanced from the actual data as an aid to the viewer. The system may be used to get an indicative position of the boats for visualization, but it is not sufficiently precise to be used for race management purposes or for jury decisions that require exact positioning information.

#### **6. Observers at Hearings**

6.1 Each party may bring one person to observe at a hearing, unless the jury panel decides in a particular case that it is inappropriate. Observers must sign and comply with the requirements in the document titled Information for Observers.

#### **7. Use of Electronic Devices During Hearings**

7.1 The use of electronic devices (e.g. tablets, smartphones, similar devices, etc.) by parties, observers and witnesses to take notes, check rules, cases, etc. is allowed during the hearings, provided the device is not used to record or communicate with other persons. Before the start of a hearing a jury member may check that all these devices are in flight mode and with the WiFi and Bluetooth turned off.

#### **8. RRS 69**

7.1 Any form of cheating, including not telling the truth in a hearing is a breach of sportsmanship and may result in a hearing under RRS 69 and a very heavy penalty.

#### **9. Questions on Jury Procedure and Policy**

9.1 Competitors, team leaders and coaches are welcome to discuss procedure and policy with the Jury Chairman. He will usually be available through the on-line system <https://www.racingrulesofsailing.org/questions/2206/event?name=melges-24-european-championship-2021#> or can be contacted through the Race Office.

## 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 64.2.

## 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.

<b>Safety</b>	
• SI 18: Failing to notify the Race Office when not intending to race	1
• SI 18: Failing to comply with requirements for reporting retirement	1
• SI 18: When non-compliance results in initiation of search and rescue	4
<b>Replacement of Crew or Equipment</b>	
• SI 19: Failing to comply with instructions – good reason or justification	1
• SI 19: Failing to comply with instructions – no good reason or justification	3
• SI 19: Replacing crew or equipment with non-compliant crew or equipment	4
<b>Trash Disposal</b>	
• SI 24 Intentionally trash disposal	1 – 4
<b>Haul-out</b>	
• SI 25: Haul-out without written permission of TC – good reason	1 – 2
• SI 25: Haul-out with written permission of TC not according to the terms – good reason	1 – 2
• SI 25: Haul-out without written permission of TC – no good reason	3 – 4
• SI 25: Haul-out with written permission of TC not according to the terms – no good reason	3 – 4
<b>Diving equipment and plastic pools</b>	
• SI 26 Use of diving equipment (Except snorkel and mask) and plastic pools around the boats – good reason	1 – 2
• SI 26 Use diving equipment (Except snorkel and mask) and plastic pools around the boats – no good reason	3 – 4
<b>Radio Communication</b>	
• SI 27: Making or receiving voice or data transmission not available to all boats	3
<b>Support boats</b>	
• SI Att. C.1: Support boat not registered at the Race Office	1 – 2
• SI Att. C.2: Support boat identification number not applied or not visible at all times	1 – 2
• SI Att. C.3: Passing information to the boat racing	4
• SI Att. C.4: Towing a boat to/form race course	2 – 3
• SI Att. C.5, 7: Communication or passing goods between boat and coach boat after 1 <sup>st</sup> warning signal and before finishing last race of the day	2 – 3
• SI Att. C.6, 8 Approaching closer than 100 m to boat racing – not interfering with boat racing	1 – 2
• SI Att. C.6, 8: Approaching closer than 100 m to boat racing – interfering with boat racing	2 – 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.

<b>Could the breach compromise safety?</b>	
No	1
Possibly but not certainly	2 - 3
Yes	4
<b>Can the boat prove it has not obtained a competitive advantage?</b>	
Yes, no advantage is possible.	1
No, possible advantage but not certain.	2 - 3
No, certain advantage	4
<b>Could the breach bring the sport into disrepute?</b> <i>(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.)</i>	
No	1
Possibly but not certainly	2 - 3
Yes	4
<b>Could the breach result in damage or injury?</b>	
No	1
Possibly but not certainly	2 - 3
Yes	4