

Discretionary Penalty Policy for Competitors

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.

Advertising	
<ul style="list-style-type: none"> NoR 5.1 Advertising not in accordance with regulation 20.2.4 and class rule 2.8.2 	4
<ul style="list-style-type: none"> NoR 5.1 Advertising not in accordance with regulation 20.3.1 and class rule 2.8.1 	2-4
<ul style="list-style-type: none"> NoR 5.2 Failing to display advertising chosen and supplied by the Organizing authority required 	2-4
<ul style="list-style-type: none"> NoR 5.2 Applied event stickers, but they failed to stay in place 	1
<ul style="list-style-type: none"> NoR 5.3 Not wearing bib – good reason 	1-2
<ul style="list-style-type: none"> NoR 5.3 Not wearing bib – no good reason 	3-4
Equipment Inspection	
<ul style="list-style-type: none"> NoR 8.1 Not valid measurement certificat 	4
<ul style="list-style-type: none"> NoR 8.2, SIs 18 Failing to comply with instructions of equipment inspector – good reason or justification 	1-2
<ul style="list-style-type: none"> NoR 8.2, SIs 18 Failing to comply with instructions of equipment inspector – no good reason or justification 	3-4
Insurance	
<ul style="list-style-type: none"> NoR 16 No proof of insurance 	1-4
Avoiding starting line	
<ul style="list-style-type: none"> SIs 11.2 Boat whose warning signal has not been made not avoiding starting area 	1-4
Fleet ribbons	
<ul style="list-style-type: none"> SIs 5.2: Not displaying coloured fleet ribbon – good reason 	1-2
<ul style="list-style-type: none"> SIs 5.2: Not displaying coloured fleet ribbon – no good reason 	2-3
<ul style="list-style-type: none"> SIs 5.3: Displaying wrong coloured fleet ribbon 	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	1
Possibly but not certainly	2 - 3
Yes	4
Can the boat prove it has not obtained a competitive advantage?	
Yes, no advantage is possible.	1
No, possible advantage but not certain.	2 - 3
No, certain advantage	4
Could the breach bring the sport into disrepute? <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
Could the breach result in damage or injury?	
No	1
Possibly but not certainly	2 - 3
Yes	4

Discretionary Penalty Policy for Support Persons & Boats

1 General

When a protest committee decides in a hearing that a support person has broken a rule or as required by local regulations, RRS 64.5 provides for penalties to the support person and penalties to a boat in specific instances. 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. In case of Misconduct, the penalty to support persons and boats will be determined according to RRS 69.

2 Discretionary Penalties to Support Person

2.1 Penalties are divided into 5 levels as follows:

Level 1: Warning

Level 2: Exclude the person from going afloat for one race or more

Level 3: Exclude the person from going afloat for one day or more

Level 4: Exclude the person from the venue for one day or more

Level 5: Exclude the person from the venue for the rest of the event and/or take other action within the protest committee's jurisdiction as provided by the rules, including charging the support person with misconduct under RRS 69.

Support boats	
<ul style="list-style-type: none"> NoR 13.1 Support boat not registered at the Race Office 	3-5
<ul style="list-style-type: none"> NoR 13.2, Sis 20.1 Support boat identification number not applied or not visible at all times 	2-4
<ul style="list-style-type: none"> SIs 20.4 & 20.5: Support boats in the area where boats racing, approaching closer than 100 m to course area or windward of the finishing line – not interfering with boat racing 	3
<ul style="list-style-type: none"> SIs 20.4 & 20.5: Support boats in the area where boats racing, approaching closer than 100 m to course area or windward of the finishing line – interfering with boat racing 	3-5
<ul style="list-style-type: none"> NoR 13.5 Fuelling support boats in the club area 	1-2

3 Discretionary Penalties to a Boat

3.1 The protest committee may also penalize a boat that is a party to a hearing under RRS 60.3(d) or 69 for the breach of a rule by a support person by changing the boat's score in a single race, up to and including DSQ. In determining the penalty, the protest committee will be guided by this document.

3.2 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

3.3 Start by using the questions in tables below to find which band applies. The protest committee may use other questions to determine if a penalty should be increased or decreased. Consider the 'base penalty' to be at the mid-point of the band.

Could the boat have obtained a competitive advantage?	
No advantage is possible	1
Possibly advantage	2 - 3
Yes, certain advantage	4
The support person committed a further breach after the protest committee warned the boat in writing, following a previous hearing, that a penalty may be imposed. Could the breach result in damage or injury?	
No	1
Possibly but not certainly	2 - 3
Yes	4
Could the breach compromise safety?	
No	1
Possibly but not certainly	2 - 3
Yes	4
Could the breach bring the sport into disrepute?	
No	1
Possibly but not certainly	2 - 3
Yes	4

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 competitive advantage, it should be applied to all races affected.
- (d) When the breach does not affect competitive advantage, the penalty should be applied to the race sailed nearest in time to that of the incident as specified in RRS 64.2.

3.4 The protest committee has discretion to decide the appropriate penalty for a breach, from issuing a warning to excluding the person from the event or removing any privileges or benefits, or taking other action within its jurisdiction as provided by the rules. The answers to the questions below determine if there is cause to increase or decrease the penalty. A positive answer to these questions would lead to reducing the penalty. (a) Was the breach accidental or could not be avoided? (b) Was there a good reason or justification for the breach?

The answers to the questions below determine if there is cause to increase or decrease the penalty.

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

- (a) Was the breach accidental or could not be avoided?
- (b) Was there a good reason or justification for the breach?
- (c) Did anyone who was not part of the support team contribute to the breach?
- (d) Did the support persons admit to the breach and contribute in the investigation?

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

- (a) Was the breach deliberate as opposed to a misjudgment or carelessness?
- (b) Was there any attempt to conceal the breach? (c) Was anybody inconvenienced?
- (d) Did the support person commit a further breach?

The protest committee may use other questions to determine if a penalty should be increased or decreased.