



## **Information to Athletes from the Protest Committee<sup>1</sup>**

### **1. On the water penalties and protests by the Jury for incidents on the water**

1.1 As it states in SI 13.3 if a member of the Jury witnesses a breach of RRS Part 2, RRS 31 and/or Class Rule C.11, Jury may indicate their observation by making a sound signal, pointing a red flag at her and hailing her sailing number. The boat shall then exonerate itself by taking a Two-turns Penalty. If no penalty is taken the Jury may protest.

If the breach of the rule is clear to Jury member and the boat do not take appropriate penalty under rule 44.1 and SI 13.1 by herself, Jury will indicate observation as it stated above. If the breach of the rule is not clear to the Jury (not seen or seen just partially or under bad angle) it will not take any action.

When the rule is broken, Jury will always give the boat appropriate time to take the penalty voluntarily. What is 'appropriate' time significantly depends on circumstances. At the moment when it becomes clear that the boat has broke a rule and is not taking the penalty, the Jury boat will approach her as soon as possible and indicate the penalty. As soon as possible could be also on another leg or after the finish.

Independent of the actions (not) taken by the Jury boats can always protest each other for any breach of the rule.

1.2 The Jury will usually protest a boat if observe an apparent breach of good sportsmanship (RRS 2). Examples of breaches, where the Jury will consider protesting under rule 2, 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) reckless sailing that results in, or is likely to result in, damage or injury.

### **2. Outside Help**

2.1 RRS 41 applies from a boat's preparatory signal (see RRS 41 and the definition Racing). A boat that receives instructions or exchanges sailing gear with a coach or support boat after the preparatory signal breaks RRS 41.

2.2 When coach and other support boats are prohibited from entering the racing area, a boat not racing that needs to receive help must sail to the coach or support boat outside the racing area.

### **3. Propulsion**

3.1 The World Sailing RRS 42 Interpretations 2017-2020 are posted at:

<http://www.sailing.org/raceofficials/rule42/index.php>

3.2 In addition to the World Sailing RRS 42 Interpretations, the following points may help you to understand the application of RRS 42:

- (a) Although there are usually two judges in each jury boat, a single judge will signal a yellow flag penalty when satisfied that a boat has broken RRS 42.

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<sup>1</sup> Word »Jury« used in this document has same meaning as »Protest Committee«



(b) When a boat is penalised for a breach of RRS 42 in a race that is subsequently postponed, recalled or abandoned, the boat may compete in the restarted race. However, every penalty counts in the boat's penalty total.

(c) Although judges will signal a RRS 42 penalty as soon as possible, this might be after the boat has crossed the finishing line. In the case of a boat's first penalty, she must complete the penalty, return to the course side of the finishing line and then finish.

(d) A boat may only be granted redress when a judge's action failed to account for a race committee signal or a class rule (see RRS P4)

3.3 A competitor may ask the judges for an explanation of a penalty after the completion of the race. It can be done either on or off the water or by asking at the Jury Office to arrange a meeting with the judges.

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

4.1 Boats sometimes want to challenge the race committee's decision to score them OCS, UFD or BFD by requesting redress under RRS 62.1(a).

4.2 Competitors are advised to consult the race officer prior to a hearing to learn the race committee's evidence that the boat was OCS, UFD or BFD. For a boat to be given redress, the competitor must provide conclusive evidence that the race committee has made an error in identifying the boat. Even video evidence is rarely conclusive. In the absence of conclusive evidence to the contrary, the Jury will uphold the race committee's decision.

4.3 Evidence of the relative positions of two boats that are scored differently is not conclusive evidence that either boat started correctly.

#### **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. 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.

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

8.1 Competitors, team leaders and coaches are welcome to discuss procedure and policy with the Jury Chairman. He will usually be available by the Jury rooms during protest time or can be contacted through the Jury/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 64.1.

## 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.

<b>Safety</b>	band.
<ul style="list-style-type: none"> <li>SI 17 Failing to comply with requirements for reporting retirement (failing to notify RC)</li> <li>SI 17 When non-compliance results in initiation of search and rescue</li> </ul>	1 – 2 4
<b>Replacement of Crew or Equipment</b>	
<ul style="list-style-type: none"> <li>SI 18 Failing to comply with instructions – good reason or justification</li> <li>SI 18 Failing to comply with instructions – no good reason or justification</li> <li>SI 18 Replacing crew or equipment with non-compliant crew or equipment</li> </ul>	1 3 4
<b>Equipment Inspection</b>	
<ul style="list-style-type: none"> <li>SI 19 Failing to comply with instructions – good reason or justification</li> <li>SI 19 Failing to comply with instructions – no good reason or justification</li> </ul>	1 3
<b>Support boats</b>	
<ul style="list-style-type: none"> <li>SI 21: Entering an area where the boats are racing – not interfering with boat racing</li> <li>SI 21: Entering an area where the boats are racing – interfering with boat racing</li> </ul>	1-2 2-4
<b>Trash Disposal</b>	
<ul style="list-style-type: none"> <li>SI 22 Intentionally trash disposal</li> </ul>	4
<b>Berthing</b>	
<ul style="list-style-type: none"> <li>NoR 13.2 Boat not in assigned place but has notified the OA</li> <li>NoR 13.2 Boat not in assigned place failing to promptly notify the OA</li> </ul>	1 2
<b>Haul-out</b>	
<ul style="list-style-type: none"> <li>NoR 14, SI 22 Haul-out without written permission of RC – good reason</li> <li>NoR 14, SI 22 Haul-out with written permission of RC not according to the terms – good reason</li> <li>NoR 14, SI 22 Haul-out without written permission of RC – no good reason</li> <li>NoR 14, SI 22 Haul-out with written permission of RC not according to the terms – no good reason</li> </ul>	1 – 2 1 – 2 3 – 4 3 – 4
<b>Diving equipment and plastic pools</b>	
<ul style="list-style-type: none"> <li>NoR 15, SI 23 Use of diving equipment and plastic pools around the boats – good reason</li> <li>NoR 15, SI 23 Use diving equipment and plastic pools around the boats – no good reason</li> </ul>	1 – 2 3 – 4
<b>Radio Communication</b>	
<ul style="list-style-type: none"> <li>NoR 16, SI 24.1 Making or receiving radio or text or cell phone message not available to all boats</li> </ul>	3



### 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>	
<ul style="list-style-type: none"><li>• No</li><li>• Possibly but not certainly</li><li>• Yes</li></ul>	<p>1 2 - 3 4</p>
<b>Can the boat prove it has not obtained a competitive advantage?</b>	
<ul style="list-style-type: none"><li>• Yes, no advantage is possible.</li><li>• No, possible advantage but not certain.</li><li>• No, certain advantage</li></ul>	<p>1 2 - 3 4</p>
<b>Could the breach bring the sport into disrepute?</b> <i>If the Jury considers that the sport may have been brought into disrepute, it will consider action under RRS 69, especially if no other rule is available.</i>	
<ul style="list-style-type: none"><li>• No</li><li>• Possibly but not certainly</li><li>• Yes</li></ul>	<p>1 2 - 3 4</p>
<b>Could the breach result in damage or injury?</b>	
<ul style="list-style-type: none"><li>• No</li><li>• Possibly but not certainly</li><li>• Yes</li></ul>	<p>1 2 - 3 4</p>