

DISCRETIONARY PENALTIES GUIDELINES

When the International Jury has discretion to decide the appropriate penalty for a breach (see SI 18.7), the penalties may range from a zero penalty to disqualification. However, the following guidelines will be observed in assessing penalties.

Penalties are divided into 5 bands:

- Band 0 – zero penalty
- Band 1 – 0 -10% (mid point 5%)
- Band 2 – 10-30% (mid point 20%)
- Band 3 – 30-70 (mid point 50%)
- Band 4 – DSQ/DNE

Start by using the chart to find which band applies. Then work through the following questions:

Questions to be considered when deciding the appropriate initial penalty within the band include:

- 1(a) Did the breach compromise the safety of competitors or race organizers?
- 1(b) Did the boat gain a competitive advantage through her breach?
- 1(c) Could the breach bring the sport or the organization into disrepute?
- 1(d) Did the breach result in damage or injury?
- 1(e) Was anybody inconvenienced?

The following questions are then asked to determine if there is cause to increase or decrease the band or to maximise or minimise the penalty within the band.

- 2(a) Was the breach deliberate? Increase band at least one level – and consider RRS 2.
- 2(b) Was there a good reason or justification for the breach? Consider Band 0 if good reason.
- 2(c) Was there any attempt to conceal the breach? Increase band at least one level – and consider RRS 2.
- 2(d) Was the breach a careless or cavalier disregard of the rules? Increase to top of band or one level.
- 2(e) Has the breach been repeated? Consider increasing the penalty one band.
- 2(f) Was the breach reported by the competitor? May justify going to bottom of band or one band lower.

The following principles are then used to apply the penalty.

- Using the questions in 1(a) to (e) in conjunction with the guidance in the table following, determine the appropriate 'starting' penalty band and mid-point.
- Using the questions in 2(a) to (f), decide if mid-point is appropriate or if the penalty should be increased or decreased. A change to a higher or lower band should only be done in exceptional circumstances.
- Any penalty must exceed any likely gain.
- A discretionary penalty would not normally make a boat's score worse than retirement or disqualification.
- Percentage penalties are calculated and then are rounded up or down to a whole number of points.
- When a breach affects more than one race in a day but it is appropriate to penalise in one race only, the penalty should be applied to either the first race of the day or to the race nearest the incident.

If competitors realise they have broken a rule that is subject to discretionary penalties, they should report to the Jury where they will be asked to complete a form describing the breach. The Jury will then propose a penalty that a boat may accept without a hearing.

The following penalties are suggested as guidance as the starting point for assessing any penalty before considering questions 1(a) to (e) and 2(a) to (f).

SI	BREACH	BAND
2	ADDITIONAL IDENTIFICATION	
2.1	Failing to wear lycra vests identifying group/class	1
2.2	Failing to wear lycra vests identifying 1 st , 2 nd and 3 rd	1
2.3	Failing to fix self-adhesive disk (if required) identifying 1 st , 2 nd and 3 rd	1
2.5	Lycra vests not correctly worn or modified	1
3	CAMERAS AND ELECTRONIC EQUIPMENT	
3.1	Equivalent weight not carried	2
6	SIGNALS MADE ASHORE	
6.3	Boards going afloat with AP hoisted	1
6.4	Boards launching for Medal Race not under correct flag signal	1
10	RACING AREAS	
10.3	Failing to avoid the racing area affecting a racing board	4
13	THE START	
13.3	Failing to avoid the starting area not interfering with a racing board	1
22	REPLACEMENT OF EQUIPMENT	
22.2-22.3	Failing to make prompt request for replacement	1
22.1	Failing to comply with requirements for replacement	2
23	EQUIPMENT AND MEASUREMENT CHECKS	
23.1	Equipment sticker missing by accident	1
23.1	Equipment sticker not applied deliberately	4
23.4-1.6	Sail numbers and country code	1
23.3	Sail stops missing or out of place	2
23.3	Sail set outside bands	3
23.3	Modification of manufacturer supplied and controlled equipment	3
23.3	Prohibited fairing or refinishing of hull/foil surfaces	4
23.3	Use of equipment not registered (but certified)	3
23.3	Use of uncertified equipment	4
23.3	Safety equipment missing or inadequate	4
23.3	Use of prohibited GPS or other electronics	4
23.3	Missing or misplaced correctors	4
23.3	Equipment outside measurement tolerances (excluding wear and tear)	
	· No possible effect on board speed	1
	· Possible but non significant effect on performance	2
	· Any significant effect on performance	4
24	IDENTIFICATION AND ADVERTISING WHILE RACING	
24.1	If applied but fails to stay in place	0
24.1	Incorrect placement or not applied or cutted/adapted	1
24.1	Failure to apply dot to as required	1

SI	BREACH	BAND
28	TRASH DISPOSAL	
28.1	Accidental	0
28.1	Careless	1
28.1	Deliberate	4
29	RADIO COMMUNICATIONS	
29	Using a communication device when prohibited while racing	4
17	PENALTY SYSTEM	
17.1.1	Check-out SP applied to next race	SP
17.1.2	Check-in SP applied to last race completed	SP
21	SAFETY REGULATIONS	
21.1	Failing to comply with Class Rule C.1.2: no whistle/or tow rope	SP
21.3	Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit)	SP
21.4	Failing to notify the Race Office when staying ashore	SP

12th July, 2015

Chris Watts
Jury Chairman