

DISCRETIONARY PENALTIES [DP] - Guidance - Information for Athletes Regarding Discretionary Penalties.

When the jury has discretion to decide the appropriate penalty for a breach, the penalties may range from a zero penalty to disqualification. However, the following guidelines will be observed in assessing penalties. If the jury decide that a penalty greater than DSQ is appropriate, then they will consider initiating action under rule 2 or rule 69.

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

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

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

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

- Was the breach deliberate?
- Was there a good reason or justification for the breach?
- Was there any attempt to conceal the breach?
- Was the breach a careless or cavalier disregard of the rules?
- Has the breach been repeated?
- Was the breach reported by the competitor?

The following principles are then used to apply the penalty.

- Any penalty must exceed any likely gain.
- A discretionary penalty would not normally make a boat's score worse than retirement or disqualification.
- Percentages penalties are calculated and then rounded up or down to a whole number of points.
- If a fleet is split into groups; in the qualifying series the calculation is based on the largest group size, but in the final series it is based on the size of the group the boat is racing in.
- 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 (f) – (k)

Breach	Band
<i>SAFETY REGULATIONS.</i>	
Failing to comply with check-in at RC boat afloat	1
Failing to comply with requirements for reporting retirement	1
Failing to comply with requirements for reporting not leaving the harbor	1
When non-compliance results in initiation of search and rescue	4
<i>CAMERAS, RECORDERS AND ELECTRONIC EQUIPMENT</i>	
If boat refuses installation of equipment	4
Failing to install or comply with installation instructions	2
If equipment was installed but is deliberately broken	4
<i>CODE OF CONDUCT.</i>	
Failing to comply unintentionally	0
Failing to comply deliberately	3
Not proper care with a boat or equipment provided by the organizing authority	3
Crossing a race course when boats are racing, not interfering with a boat	1
Crossing a race course when boats are racing, interfering with a boat	2
<i>CROSSING THE BOUNDARY OF AN EXCLUSION ZONE</i>	
If crossing due to a navigational error	1
If crossing deliberately to gain advantage	4
<i>AVOIDING STARTING AREA.</i>	
If boat does not interfere with an official boat	1
If boat interferes with an official boat	2
If contact occurs with an official boat	3
<i>REPLACEMENT OF CREW OR EQUIPMENT</i>	
Failing to make prompt request for replacement	1
Removing measured equipment from venue without approval	3
Failing to comply with requirements for replacement afloat	2
<i>ADAPTIONS OF PERSONAL DEVICES (Paralympic Classes)</i>	
Failure to declare devices	3
<i>PERSONAL FLOTATION DEVICES</i>	
Failing to comply with requirements	3
<i>IDENTIFICATIONS AND ADVERTISING WHILE RACING</i>	
If applied but fails to stay in place	0
Incorrect placement	1
If deliberately not applied or removed	4
<i>TRASH DISPOSALS</i>	
Accidental	0
Careless	1
Deliberate	4
<i>BERTHING AND BOAT PARK</i>	
Boat not in assigned place	0
<i>HAUL – OUT – RESTRICTIONS</i>	
Boat launched or removed from water not in accordance with schedule	2
<i>RADIO COMUNICATION</i>	
Having a prohibited communications device on board, but ensuring it was not used	3
Using a prohibited communications device	4
<i>CLASS RULES.</i>	
Sail numbers and country codes	1
Sail stops missing or out of place	2
Sail set outside bands	3
Modification of manufacture supplied and controlled equipment	3

Prohibited fairing or refinishing of hull or foil surfaces Use of equipment not registered (but certified)	4
Safety equipment missing or inadequate	3
Use of prohibited GPS or other electronics	4
Use of uncertified equipment	4
Missing or misplaced correctors	4
Equipment outside measurement tolerances (excluding wear and tear)	4
No possible effect on boat speed	1
Possible but not significant effect on performance	2
Any significant effect on performance	4
<i>CLASS RULES. MOVEMENT OF CREW WITHIN BOAT (When class rules limit crew position or movement)</i>	
Single occurrences in a race.	1
Multiple occurrences in a race – with performance advantage.	3

Jury Chairman
Dan Mitici – IJ – ROU