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Discretionary Penalties Guidelines for Radio Sailing

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At radio sailing events RRS E.7 gives protest committees considerable scope for giving penalties that are less than disqualification. This discretion applies to breaches of all rules other than rules of:

Part 2, When Boats Meet

Part 3, Conduct of a Race

Part 4, Other Requirements When Racing

E7 PENALTIES

When a protest committee decides that a boat that is a party to a protest hearing has broken a rule other than a rule of Part 2, 3 or 4, it shall either

- (a) disqualify her or add any number of points (including zero and fractions of points) to her score. The penalty shall be applied, if possible, to the heat or race in which the rule was broken; otherwise it shall be applied to the next heat or race for that boat. When points are added, the scores of other boats shall not be changed; or
- (b) require her to take one or more One-Turn Penalties that shall be taken as soon as possible after the starting signal of her next heat that is started and not subsequently recalled or abandoned.

However, if the boat has broken a rule in Appendix G or rule E8, the protest committee shall act in accordance with rule G4.

These guidelines are intended to assist protest committees in their decision making, and to inform competitors of the likely outcome of a protest by establishing a clear method for calculating penalty points or turns penalties.

These guidelines apply only to penalties given by a protest committee that, in the course of a hearing, has decided that a boat or a competitor has broken a rule.

The Racing Rules of Sailing provides for a Scoring Penalty based on the number of places nearest to 20% of the numbers of boats entered (see rule 44.3(c)). These guidelines use this principle but, depending on the severity of the infringement, vary the percentage applied to calculate the penalty.

General Principle

When the protest committee has discretion to decide the appropriate penalty for a breach, points penalties under rule E7(a) may range from zero points through to DNE. Alternatively, the penalty may be to take one or more penalty turns after the starting signal under rule E7 (b).

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, of either points (based on a percentage of the number of boats entered) or in penalty turns, for a particular breach. The penalty is then increased or decreased depending on the circumstances.

In determining the penalty, the protest committee will be guided by this document.

Base penalties can be determined using 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.

Penalties are divided into 3 bands with the mid-point being the normal base penalty:

Low Band 1: 0 - 30% points penalty (mid point 15%) or a one turn penalty under rule E7(b).

Mid Band 2: 30 – 70% points penalty (mid point 50%) or a two turn penalty under rule E7(b)

High Band 3 : DSQ/DNE (starting point DSQ)

Points penalties shall be calculated as follows:

Number of entries x percentage determined by the Protest Committee (rounded to the nearest whole number)

However, the discretionary penalty should not make a boat's score worse than disqualification;

For instance, a 30% points penalty in a fleet of 76 boats would be 23 points. Any boat finishing in 53rd place or better would receive a points penalty of finishing place + 23. Any boat finishing worse than 53rd would receive 77 points.

Method

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.

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

1. Was the breach accidental?
2. Was there a good reason or justification for the breach?
3. Was the breach reported by the competitor?
4. Did anyone who was not part of the boat's crew or support team contribute to the breach?

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

1. Was the breach repeated?
2. Was the breach deliberate as opposed to a misjudgement or carelessness?
3. Was there any attempt to conceal the breach?
4. Was anybody inconvenienced?

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

The protest committee should then choose between giving a points penalty and imposing turns to be taken after the starting signal of the next heat sailed. It would be appropriate to give turns when the penalty applies to an incident occurring in only one heat. If the penalty is for an issue affecting racing performance over several heats then a points penalty would be more appropriate (with the penalty possibly applying to several races)

To calculate and apply the penalty:

- The discretionary penalty may not make a boat's score worse than disqualification;
- Percentage penalties are calculated to the nearest whole number, (0.5 to be rounded upward);
- When the breach affected racing performance, it should be applied to all races sailed that day, provided any protest is valid for all races;
- 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.

When writing a decision applying a discretionary penalty, include the following statements:

- Using the DP Guide a starting penalty of xx% (or X turns under rule E7(b)) was decided
- The penalty was decreased because.....or There were no circumstances to justify decreasing the penalty
- The penalty was increased because..... or There were no circumstances to justify increasing the penalty.

The penalty applied is xx% applied to [all races of the day] or to [race numbers yy]

Or

The penalty is applied is X turns to be taken as soon as possible after the starting signal of the next heat sailed by (sail number) that is started and not subsequently recalled or abandoned.

Tables

Rule	Description	Discretionary Penalty Band	Comments
E2.1	Hailing	none	Hail is invalid
E2.2	Giving Advice	Mid (High if advantage gained)	
E2.3	Out of Control: not hailing	none	Still subject to RRS. Can be protested for RRS breach
E2.3	Out of Control: trying to 'un-retire'-	High	
E2.4	Unprotected aerial >200mm	Low	
E3.1	Leaving control area except as permitted	Mid (High if advantage gained)	
E3.2	Launch area: breach of SIs	Mid (High if advantage gained)	
E4.2	Outside Help	High	
E4.3	Incorrect Penalty	Low	The DSQ is for the initial breach of rule as an appropriate penalty has not been taken
E5.1	Observers: breach of SI requirements	Low	
E8	Identification on sails	High	Comply with rule before sailing next heat
RRS1.1	Not giving help	High	Possible rule 69
RRS75.1	Entry or membership requirement not met	none	Entry not valid
RRS78.1	Compliance with class rules	Mid (High if advantage gained)	See RRS 64.3
RRS80	Advertising	Mid	See WS Regulation 20 and Class Rules

General Questions

To be used when there is no specific breach in the table above, or when the table above suggests more than one band.

Question	Band
Could the breach compromise safety?	
No	Low
Possibly but not certainly	Mid
Yes	High
Could the boat gain a competitive advantage?	
No – not possible	Low
Possible, but unlikely to affect positions	Mid
Almost certainly would affect finishing position	High
Could the breach bring the sport into disrepute? (Note: if a protest committee considers that the sport may have been brought into disrepute, it should consider action under RRS 69, especially if no other rule is available.)	
No	Low
Possibly but not certainly Yes	Mid to High
Could the breach result in damage or injury?	
No	Low
Possibly but not certainly	Mid
Yes	High