# Discretionary and Standard Penalty Policy

1. **Standard Penalties [SP] and Discretionary Penalties [DP]**
   1. Clauses in the Notice of Race and Sailing Instructions may be marked with either or both of [SP] and [DP]. SP means Standard Penalty; DP means Discretionary Penalty.
   2. Where a clause is marked [SP] this means that for a breach of this clause (NoR or SI), the Race Committee may apply the SP without a hearing.
   3. The Race Committee are the only ones who can apply this penalty.
   4. The application of a SP is at the discretion of the Race Committee. They are not required to impose the penalty. The Race Committee can protest the offender instead, or they can ignore the breach. Consequently, failure by the Race Committee to apply a SP is not grounds for redress or protest by a competitor. This changes RRS 62.1 (a)
   5. When a SP is applied, it shall be applied to the race closest to the infringement.
   6. Further, although the Race Committee may have applied a SP, the Jury has discretion to protest the boat and possibly apply a further penalty.
   7. Where a clause is marked [DP] this means that for a breach of this clause (NoR or SI), the Protest Committee may apply a penalty other than DSQ in accordance with the guidelines in this document.
   8. The following clauses should be added at the start of the Notice of Race and Sailing Instructions.

*[DP] denotes a rule for which the penalty is at the discretion of the Jury. This changes RRS 64.1.*

*[SP] denotes a rule for which a standard penalty may be applied by the race committee without a hearing. This changes RRS 63.1, Appendix A4 and Appendix A5.*

1. **General Penalty Guidelines**
   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.
   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.
   3. Suggested base penalties are listed in the attached 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.
   4. Penalties are divided into 4 bands with the mid point being the normal base penalty:

|  |  |  |
| --- | --- | --- |
| **Band** | **Competitor** | **Support Person** |
| 1 | 0 - 10% (mid point 5%) | Ashore 1 race – 1 day (mid-point half day) |
| 2 | 10 - 30% (mid point 20%) | Ashore 1 - 2 days |
| 3 | 30 - 70% (mid point 50%) | Ashore 1 - 2 days associated competitor DSQ nearest race |
| 4 | DSQ / DNE (starting point DSQ) | Regatta de registration – associated competitor entry revoked. Report to MNA. |

* 1. Start by using the Base Penalty Band Tables 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.
  2. 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?
  3. 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 misjudgment or carelessness?
     3. Was there any attempt to conceal the breach?
     4. Was anybody inconvenienced?
  4. The Jury may use other questions to determine if a penalty should be increased or decreased.
  5. To calculate and apply the penalty:
     1. The discretionary penalty may not make a boat’s score worse than retirement or disqualification.
     2. Percentage penalties are calculated to the nearest tenth of a point, (0.05 to be rounded upward).
     3. When the breach affected racing performance, it should be applied to all races sailed that day, provided any protest is valid for all races.
     4. 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.
  6. When writing a decision applying a discretionary penalty, include the following statements:
     1. Using the DP Guide a starting penalty of xx% was decided
     2. The penalty was decreased because……or There were no circumstances to justify decreasing the penalty.
     3. The penalty was increased because…... or There were no circumstances to justify increasing the penalty.
     4. The penalty applied is xx% applied to [all races of the day] or to [race numbers yy]

1. **General Questions**
   1. To be used when there is no specific breach in the Base Penalty Band Tables, or when the Base Penalty Band Tables suggest more than one band.

|  |  |
| --- | --- |
| **Could the breach compromise safety?** | |
| No | 1 |
| Possibly but not certainly  Yes | 2 - 3  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?**  *(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.)* | |
| No | 1 |
| Possibly but not certainly Yes | 2 - 3  4 |
| **Could the breach result in damage or injury?** | |
| No | 1 |
| Possibly but not certainly | 2 - 3 |
| Yes | 4 |

1. **Base Penalty Bands**
   1. Generally, the base penalty will be the mid-point of the band.
   2. If the specific breach is not listed or a range of bands is suggested, go to second table.
   3. Be sure that a discretionary penalty is authorized for the specific breach.
2. **Hobie® Class Rules penalties**
   1. If the [IHCA Class Rule Penalty Policy](https://docs.google.com/viewer?url=http%3A%2F%2Fhobieclass.com%2Fwp-content%2Fuploads%2F2019%2F11%2FIHCA-penalties-related-to-class-rule-violations-1-1.docx) is not invoked by the Organizing Authority (OA), boats penalized under the class rules for boat, crew weight and equipment violations must be scored – DNE – Disqualified Not Excludable.