

Jury Policies

Including information to
Athletes and Discretionary
Penalty Policy

February 2017



Section A: Information to Athletes

1. Protests by the Jury for Incidents on the Water

- 1.1 The Jury will not usually protest for a breach of a rule of Part 2 unless they observe an apparent breach of good sportsmanship (RRS 2). Examples of breaches, where the Jury will consider protesting, 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 2013-2016 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.
 - (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. Requests for Redress – RS:X under B5.62.1(e)

5.1 A board requesting redress under RRS B5.62.1(e) must demonstrate that the capsize was caused by the actions of a boat that broke a rule of Part 2. It is for the requesting board to prove this case to the Jury and competitors should consider whether calling an independent witness to the hearing will assist their case. If the Jury is not satisfied that a breach of Part 2 occurred, redress will be denied.

6. Video and Tracking Evidence

6.1 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.

6.2 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.

7. Observers at Hearings

7.1 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.

8. RRS 69

8.1 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.

9. Questions on Jury Procedure and Policy

9.1 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 Office.

Section B: Jury Internal Policies

1. Answering Questions

- 1.1 It is always preferable to be with another race official when answering questions. When accompanied by another judge:
- (a) Ashore: judges may answer questions on the application of racing rules that do not involve a protest. However, questions that involve an interpretation of a rule, a sailing instruction or a class rule should be submitted to the jury in writing.
 - (b) Afloat: judges are free to discuss their rule 42 penalties and medal race calls with competitors. If such a conversation becomes lengthy or heated, ask the competitor(s) to come to the Jury Office to continue the discussion. If possible, talk to the competitor in English.
 - (c) Ashore and afloat: The primary conversation should be between one of the judges and the competitor. The second judge will only observe the discussion, and may help calm down the situation as needed, but not try to explain as this may cause confusion. Avoid conversations with competitors or coaches in private.

2. Jury Protests and Observation of Incidents on the Water

See also: Information to Athletes in Section B

- 2.1 There are a number of reasons why the Jury does not protest for breaches of a rule of Part 2. One reason is that the boat does not have a chance to take a voluntary penalty on the water.
- 2.2 Promptly notify the Jury Chairman or Vice-Chairman of any grounds for a jury protest against a boat in order that a decision can be made about whether or not to lodge a protest. The intention to protest must be posted before the protest time limit expires and the protest lodged within this time as well. The time limit may be extended if the judge cannot return to shore in time. If the judge is held up afloat, the basic information should be transmitted ashore if possible so the Jury can post the intention to protest
- 2.3 A judge having information that may make him/her a knowledgeable witness in an incident will take notes and avoid a discussion of the incident with any other judge, except to decide if a protest by the Jury is appropriate. A judge who witnesses an incident on the water will notify the Jury Secretary (race number, leg, location, boats involved).

3. Managing Observers

See also: Information to Athletes in Section B

- 3.1 In general, the policy is to allow observers in hearings. However, the size and seating arrangement may limit the number of observers invited. In this case, seats will be filled in this order:
- (a) one (1) observer nominated by each party.
 - (b) one (1) media pool representative.
 - (c) any other competitors or their representatives (one per competitor), unless there is insufficient space to accommodate all requesting a seat, in which case, none will be allowed.
 - (d) event technical officials wishing to observe, as space allows.

(e) additional media representatives, as space allows.

- 3.2 Observers must sign and comply with the requirements in the document titled Information for Observers. The Panel Chairman should remind observers of the 'rules'.

4. Panel Decision Approval and Posting

- 4.1 The first level of quality control of written panel decisions resides with the Panel Chairman, who should make sure that the facts, conclusions, decision and rules that apply are correct. After the decision is read to the parties, the panel scribe prints the decision. The panel chairman will make a final check and sign it. All decisions will subsequently be reviewed by the Chairman or Vice-Chairman.

5. Permission to Withdraw a Protest

- 5.1 Panels may decide to approve the withdrawal of a protest. Such approval is a protest committee decision (rule 63.1) following a discussion by the full panel. It is a competitor's decision to protest, so normally a request to withdraw should be approved. However, approval should not be given if the panel believes the reason for withdrawing the protest may be to gain an advantage or manipulate the results or the protestor may have been pressured or intimidated into requesting the withdrawal. If the panel is in doubt, consult the Jury Chairman or Vice-Chairman.

6. Redress

- 6.1 A boat given redress should be scored in a finishing position when there is a high likelihood that the boat would have finished in that position. This is most likely to occur when the incident occurs late in the race or after the boat has finished. In other cases, average points would be appropriate.
- 6.2 Recommended method for calculating average points:
- (a) Single-Fleet Series Case O1: For redress in any race before the last day of the opening series, award "average points in accordance with rule A10(a) replacing 'in all races' with 'in all races from A through B'" (where A is the first day of the opening series and B is the day before the last scheduled day of the opening series).
 - (b) Single-Fleet Series Case O2: For redress in any race on the last day of the opening series, award "average points in accordance with rule A10(a) replacing 'in all races' with 'in all races in the opening series'."
 - (c) Split-Fleet Series Case Q1: For redress in any race before the last day of the qualifying series, award "average points in accordance with rule A10 (a), replacing 'in all races' with 'in all races from A through B'" (where A is the first day of the qualifying series and B is the day before the last scheduled day of the qualifying series) "
 - (d) Split-Fleet Series Case Q2: For redress in any race on the last day of the qualifying series, award "average points in accordance with rule A10 (a), replacing 'in all races' with 'in all races in the qualifying series'" .
 - (e) Split-Fleet Series Case F1: For redress in a race in the final series before the last day, award "average points in accordance with rule A10 (a), replacing 'in all races' with 'in all races from A through B'" (where A is the first day of the final series and B is the day before the last scheduled day of the final series).

(f) Split-Fleet Series Case F2: For redress in any race on the last day of the final series, award “average points in accordance with rule A10(a) replacing ‘in all races’ with ‘in all races in the final series’.”

- 6.3 In all cases in which average points will be awarded to a boat that has a finishing position, add ‘but no worse than N’ (where N is the boat’s finishing position).
- 6.4 In any redress case, a boat should only be granted redress within the following limit from World Sailing Case 116, Answer 2: “More than half of a boat’s scores are based on her finishing positions in races where she has started”.
- 6.5 Before deciding what an appropriate redress arrangement should be, the panel should, if practicable, consult the Jury Chairman or Vice-Chairman prior to making the decision. Report all redress decisions to the Jury Chairman or Vice-Chairman as soon as possible.

7. Redress Affecting the Rest of the Fleet

- 7.1 Where a panel realizes that the possible outcome of a redress might affect the finishing positions of a large proportion of the fleet, it should consult the Jury Chairman or Vice-Chairman, even if the hearing has been started.

Section C: 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.

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

- (a) Using the DP Guide a starting penalty of xx% was decided
- (b) The penalty was decreased because.....or There were no circumstances to justify decreasing the penalty.
- (c) The penalty was increased because..... or There were no circumstances to justify increasing the penalty.
- (d) The penalty applied is xx% applied to [all races of the day] or to [race numbers yy]

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.

2.3 Be sure that a discretionary penalty is authorised for the specific breach.

| | |
|---|-----|
| Safety | |
| • Failing to notify the Race Office when staying ashore | 1 |
| • Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit or failing to sign out or to sign in. | 1 |
| • When non-compliance results in initiation of search and rescue | 4 |
| • Berthing – Boat not in assigned place but has notified the OA | 1 |
| • Berthing – Boat failing to promptly notify the OA | 2 |
| • Failing to avoid commercial traffic | 1-4 |
| • Removal of pfd for more extended period while not racing | 1-2 |
| Code of Conduct | |
| • Failing to comply with a reasonable request by an official | 2-4 |
| • Failing to follow instructions, failing to take proper care of, or interfering with the function of supplied equipment | 1-4 |
| Leaving the Shore | |
| • Failing to comply with an instruction to remain ashore (e.g. AP over H, D flag) | 1-4 |
| The Start | |
| • Failing to avoid the starting area not interfering with a racing boat | 1 |
| • Failing to avoid the starting area and breaking RRS 24.1. | 4 |
| Equipment Inspection | |
| • Failing to comply with instructions – good reason or justification | 1 |
| • Failing to comply with instructions – no good reason or justification | 3 |
| Replacement of Crew or Equipment | |
| • Failing to comply with instructions – good reason or justification | 1 |
| • Failing to comply with instructions – no good reason or justification | 3 |
| • Replacing crew or equipment with non-compliant crew or equipment | 4 |
| Identification and Advertising | |
| • Failing to apply event stickers as required (e.g. advertising, bow numbers, sail dots etc.). | 2-4 |
| • Applied event stickers, but they failed to stay in place (0% if applied by OA) | 1 |
| • Failing to wear bib as required | 1-2 |
| • National Flag not applied | 1 |
| • National Flag applied but fails to stay in place | 1 |
| • National Flag applied but is not produced by an approved manufacturer as required by the Class Rules | 1 |
| Radio Communication | |
| • Making or receiving radio or text or cell phone message not available to all boats | 3 |
| Trash Disposal | |
| • Deliberate trash disposal | 4 |

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.

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

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