**OeSV-Policy for DISCRETIONARY PENALTIES**

When the Protest Committee has discretion to decide the appropriate penalty for a breach (see SI OeSV 13.4), 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.

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).

|  |  |
| --- | --- |
| **Breach of Rule - Description** | band |
|  |  |
| **SAFETY REGULATIONS – Personal Flotation devices** |  |
| Removal of pfd for more extended period when racing is postponed due to lack of wind and with support boat in attendance | 0 |
|  |  |
|  Failing to comply with requirements while racing | 4 |
| Failing to comply with requirements in case of storm warning (add. SI OeSV #8) | 4 |
|  |  |
| **SAFETY REGULATIONS – in general** |  |
| Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit) | 2 |
|  |  |
| When non-compliance results in initiation of search and rescue | 4 |
|  |  |
| **SAFETY REGULATIONS – Remaining clear of Boats that are racing and** |  |
|  **Official Boats** |  |
|  If boat does not interfere with a boat racing or an official boat | 1 |
| If boat interferes with an official boat | 2 |
| If contact occurs with an official boat | 3 |
|  |  |
| **CODE OF CONDUCT** |  |
| Failure to comply with a reasonable request by an official | 1 |
|  |  |
| **INTERFERING WITH ANOTHER BOAT** |  |
| A boat not racing could have interfered with another boat (without really doing) | 1 |
| A boat not racing interfering with another boat | 4 |
|  |  |
| **EQUIPMENT AND MEASUREMENT CHECKS** |  |
| Failing to comply with instructions – valid reason | 1 |
| Failing to comply with instructions – no valid reason | 3 |
|  |  |
| **REPLACEMENT OF CREW OR EQUIPMENT** |  |
| Failing to make prompt request for replacement to the race committee | 1 |
| Failing to make request for replacement to the race committee at all | 2 |
|  |  |
| **IDENTIFICATION AND ADVERTISING WHILE RACING** |  |
| If applied but fails to stay in place | 0 |
| Incorrect placement or not applied | 1 |
| Failure to display coloured band or ribbon for its assigned fleet | 1 |
|  |  |
| **RADIO COMMUNICATION** |  |
| Using a communications device when prohibited while racing | 4 |
|  |  |

|  |  |
| --- | --- |
| **CLASS RULES** |  |
| Sail numbers and country codes | 1 |
| Sail stops missing or out of place | 2 |
| Sail set outside bands | 3 |
| Modification of manufacturer supplied and controlled equipment | 3 |
| Use of equipment not registered (but certified) | 3 |
| Safety equipment missing or inadequate | 1 - 4 |
| 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) |  |
| No possible effect on boat speed | 1 |
| Possible but not significant effect on performance | 2 |
| Any significant effect on performance | 4 |
|  |  |
| **ENVIRONMENT PROTECTION** |  |
| Trash put in the water |  |
| As act of nature beyond control (e.g. with a wave) | 0 |
| Due to inattention (e.g. plastic bag blown with the wind) | 2 |
| Deliberately, not polluting (e.g. banana peel) | 4 |
| Deliberately, polluting (e.g. cigarette butt) | 4 |
| Other polluting actions: |  |
| Due to inattention | 3 |
| Deliberately | 4 |
| Urine and excrement | 0 |
|  |  |