



DISCRETIONAL PENALTIES GUIDELINES – COMPETITORS (Version March 2023)

When the protest committee 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 protest committee will be guided by this document.

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.

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.

Penalties are divided into 4 bands with the mid point being the normal base 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 (starting point DSQ)

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.

- 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?

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 misjudgement or carelessness ?
- c) Was there any attempt to conceal the breach?
- d) Was anybody inconvenienced?

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

To calculate and apply the penalty:

- a) The discretionary penalty may not make a kiteboards 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.

DISCRETIONAL PENALTIES GUIDELINES

BASE BAND PENALTIES - COMPETITORS

| | |
|---|-----|
| Entry | |
| Failing to comply with instructions – good reason or justification | 1 |
| Failing to comply with instructions – no good reason or justification | 3 |
| Safety | |
| Removal of impact vest, PFD or helmet for more extended period while afloat | 1-2 |
| Code of Conduct | |
| Failing to comply with a reasonable request by an official | 2-4 |
| Leaving the shore and returning ashore | |
| Failing to comply with an instruction to remain ashore (e.g. AP over H; G ashore) | 1-4 |
| Failing to comply with an instruction to return ashore (G afloat) | 1-4 |
| When non-compliance results in initiation of search and rescue | 4 |
| The Start | |
| Failing to avoid the starting area not interfering with a racing kiteboard | 1 |
| Failing to avoid the starting area and breaking RRS 24.1 | 4 |
| The Finish | |
| Failing to avoid the finish area not interfering with a racing kiteboard | 1 |
| Failing to avoid the finish area and breaking RRS 24.1 | 4 |
| The Course | |
| Failing to remain in assigned zones of the field of play | 1-2 |
| Equipment Registration and Inspection | |
| Failing to comply with instructions – good reason or justification | 1 |
| Failing to comply with instructions – no good reason or justification | 3 |
| Replacement of Equipment | |
| Failing to comply with instructions – good reason or justification | 1 |
| Failing to comply with instructions – no good reason or justification | 3 |
| Replacing equipment with non-compliant equipment | 4 |
| Identification and Advertising | |
| Failing to apply event stickers as required (i.e. advertising, event limitation marks, class insignia, nationality flags, royalty stickers etc.). | 2-4 |
| Applied event stickers, but they failed to stay in place (0% if applied by OA) | 1 |
| Failing to wear competitor bib as required and intended | 2-4 |
| Radio Communication | |
| Making or receiving radio or text or cell phone message not available to all kiteboards | 3 |
| Trash Disposal | |
| Deliberate trash disposal | 4 |
| Class Rules | |
| Fairing to bring equipment into ready to race condition | 1 |
| Prohibited fairing or refinishing of foil surfaces | 4 |
| 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 |
| Equipment outside measurement tolerances (excluding wear and tear) | |
| No possible effect on equipment performance | 1 |
| Possible but not significant effect on performance | 2 |
| Any significant effect on performance | 4 |



DISCRETIONAL PENALTIES GUIDELINES – SUPPORT PERSONNEL

When a protest committee decides in a hearing that a support person has broken a rule in the Notice of Race, Sailing Instructions, Support Team Regulations (STR) or as required by local regulations, RRS 64.4 provides for penalties to the support person and penalties to a boat in specific instances. 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. In case of Misconduct, the penalty to support persons and boats will be determined according to RRS 69.

Penalties are divided into 5 levels as follows:

- Level 1: Warning
- Level 2: Exclude the person from going afloat for one race or more
- Level 3: Exclude the person from going afloat for one day
- Level 4: Exclude the person from the venue for more than one day
- Level 5: Exclude the person from the venue for the rest of the event and/or take other action within the jury's jurisdiction as provided by the rules, including charging the support person with misconduct under rule 69

In addition, the protest committee may also penalize a kiteboard that is a party to a hearing under rule 60.3(d) or 69 for the breach of a rule by a support person by changing the kiteboard's score in a single race, up to and including DSQ. In determining the penalty, the Jury will be guided by this document.

Penalties are divided into 4 bands with the mid point being the normal base 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 (starting point DSQ)

| | |
|--|-----|
| Could the kiteboard have obtained a competitive advantage ? | |
| No advantage possible | 1 |
| Possible advantage | 2-3 |
| Certain advantage | 3 |
| Could the breach result in damage or injury, or compromise safety ? | |
| No | 1 |
| Possible but uncertain | 2-3 |
| Yes | 3 |
| Could the breach bring the sport in disrepute ? | |
| No | 1 |
| Possible but uncertain | 2-3 |
| Yes | 3 |

LEVEL 1-5 PENALTIES – SUPPORT TEAM PERSONNEL

| | |
|---|-----|
| Failing to carry on board all safety equipment | 2-4 |
| Failing to comply after support person has been notified | 4-5 |
| Failing to carry on board enough life jackets for all persons on board | 3-5 |
| Failing to wear life jacket or allowing passenger not to wear life jacket while afloat, for the first time | 1-3 |
| Failing to comply after first warning | 3-4 |
| Failing to wear kill cord while afloat, for the first time | 1-3 |
| Failing to comply after first warning | 3-5 |
| Failing to have adequate insurance | 3-5 |
| The designated driver does not have a motorboat driving license | 3-5 |
| Carrying unaccredited personnel on board | 2-4 |
| Leaving any device, piece of equipment, buoy, marker or similar items permanently in the water | 3-5 |
| Not permitted use of electronics (including flying drones) | 3-5 |
| Failing to clearly display MNA identification | 2-4 |
| Failing to comply with local harbour regulations, including speed limits | 1-5 |
| Committing any inappropriate behaviour, dangerous actions or improper practices, or action affecting the fairness or safety of competition | 3-5 |
| Failing to use designated area for launching or returning ashore. Parking or leaving trailer in a prohibited area | 1-2 |
| Having an unregistered support boat in the regatta venue | 3-5 |
| Failing to stay outside the restricted area, or failing to stay inside the designated areas | 3 |
| Interfering with kiteboards that are racing | 3-5 |
| Failing to take care to minimize their wash when transiting the course areas | 1-3 |
| Improper communication over VHF (Interfering with RC) | 1-2 |
| Profane or Abusive language (to RC, TC, OA, PC or others support person) | 3-5 |
| Technical Doping: the use of unethical methods, technologies, etc. to enhance performance, including information (i.e. meteorology), hardware (i.e. boats) and athletes | 2-5 |
| Failing to comply with any other instructions | 1-4 |
| Failing to comply with a reasonable request from a race official | 1-5 |