

# Jury Policies

## European J80 2022

### Section A: Information to Competitors

#### 1. Protests by the Jury for Incidents on the Water

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 but are not limited to:
  - (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 directed to other boats;
  - (c) team tactics, sailing to benefit another boat to the detriment of your own position;
  - (d) sailing that results in, or is likely to result in, damage or injury or gaining a significant advantage.

#### 2. Outside Help

1. A boat that receives instructions or transfers sailing gear with a support vessel after the preparatory signal breaks RRS 41, even if the transfer starts before the preparatory signal.
2. When support boats are prohibited from entering the racing area, a boat not racing that needs to receive help must sail to the support vessel outside the racing area, unless she is unable to do so.

#### 3. Reserved

#### 4. Claiming RC Error in Scoring a Boat

1. Competitors sometimes want to question how the race committee has scored them. In that case, they may complete and deliver a scoring enquiry to the race office within time limit of RRS 62.2. The RC may arrange to share their evidence with the competitor before responding to the enquiry. If the competitor is not satisfied with the race committee's answer to the scoring enquiry, the competitor may deliver a request for redress within the time limit of RRS 62.2.
2. In the hearing of such a request for redress, a competitor must provide evidence that the race committee has made an error in scoring a boat. Video evidence or the relative positions of two or more boats scored differently rarely provides evidence that the race committee has made a scoring error. In finding facts, the protest committee will be governed by the weight of evidence. See World Sailing Case 136.

#### 5. Video and Tracking Evidence

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.

2. Tracking system information, if available, may be presented, but it usually has 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 or movements 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.

## **6. Observers at Hearings**

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.

## **7. Use of Electronic Devices During Hearings**

1. The use of electronic devices (e.g. tablets, smartphones, similar devices, etc.) by parties, observers and witnesses to take notes, check rules, cases, etc. is allowed during the hearings, provided the device is not used to record or communicate with other persons. Before the start of a hearing a jury member may check that all these devices are in flight mode and with the WiFi and Bluetooth turned off.

## **8. RRS 69**

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.

## **9. Questions on Jury Procedure and Policy**

1. Competitors, team leaders and support persons may submit questions in writing or 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 C: Discretionary Penalty Policy for Competitors

### 1. General

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 two tables. These suggest the base bands 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:
  - (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)
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.
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?
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 misjudgment or carelessness?
  - (c) Was there any attempt to conceal the breach?
  - (d) Was anybody inconvenienced?
8. The Jury may use other questions to determine if a penalty should be increased or decreased.
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 64.2.
10. When writing a decision or notice about 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

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.

Breach	Band
<b>Class rules (SI 1.1)</b>	1
Sail numbers and country codes	2
Sail set outside bands	3
Modification of manufacturer supplied and controlled equipment	3
Prohibited fairing or refinishing of hull/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
Missing or misplaced correctors	4
<b>Equipment outside measurement tolerances (excluding wear and tear)</b>	
No possible effect on boat speed	1
Possible but not significant effect on performance	2
Any significant effect on performance	4
<b>Bow numbers (SI 7)</b>	
Applied bow numbers but failed to stay in place	1
Failing to apply bow numbers	2-4
<b>Safety regulations (SI 18)</b>	
Failing to notify the Race Office when staying ashore	1
Navigating without motor or tow in the harbour - good reason	1
Navigating without motor or tow in the harbour - no good reason	2
<b>Replacement of Crew or Equipment (SI 19)</b>	
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
<b>Berthing, Haul out restrictions (SI 24)</b>	
Boat not in assigned place but has notified the OA	1
Boat failing to promptly notify the OA	2
Hauling out during the event	2

### 3. General Questions

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

<b>Question</b>	<b>Band</b>
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?	
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