DISCIPLINE GUIDANCE FOR RFU CLUBS

The Rugby Football Union's Core Values of Teamwork, Respect, Enjoyment, Discipline and Sportsmanship define our sport and make it special for players, coaches, match officials, administrators, volunteers and fans.

Fair, yet robust, disciplinary procedures are critical in ensuring that rugby remains a game of controlled physical endeavour, with the health, welfare and enjoyment of all involved protected. A defined and comprehensive disciplinary system protects rugby's image, integrity and values and, by observing the Laws of the Game, its Rules and Regulations, and reporting breaches, we are supporting rugby's values so that action can be taken and further violations deterred.

We all have a part to play in the system that protects rugby's good name. This guidance aims to help everyone involved in setting and maintaining standards of behaviour to understand and comply with the essential regulation underpinning the game's discipline and constraints.

RFU Regulation 19 provides the framework for dealing with all disciplinary matters.

19.2.1 states the following:

"The overriding objects of RFU Regulation 19 are:

- to maintain and promote fair play;
- to protect the health and welfare of those within the RFU's jurisdiction;
- to ensure that acts of Foul Play, Misconduct and breaches of regulation are dealt with expeditiously and fairly by independent means; and
- to achieve consistency and uniformity in the administration, assessment and, where applicable, implementation of sanctions.

The RFU is committed to ensuring that all those who wish to participate in rugby union in England, are given the opportunity, and are treated equitably and respectfully.

The guidance is designed to help clubs understand the regulations governing rugby disciplinary proceedings; appoint their own Club Disciplinary Panels; understand how to convene a panel within their club to deal with a disciplinary allegation; and to understand the disciplinary process when a player is required to attend a Constituent Body (CB) or RFU Disciplinary Panel hearing.

OBJECTIVE OF REGULATION 19

1. RFU Regulation 19 applies to all on and off-field disciplinary matters, whether dealt with by a club, CB or RFU Disciplinary Panel.
2. RFU Regulation 19.2.4 requires all those under the jurisdiction of the RFU to cooperate with an RFU or CB disciplinary investigation or disciplinary proceedings.
3. Clubs are also required to appoint an Internal Disciplinary Panel to investigate and, subject to Regulations 19.2.15 to 19.2.18, take appropriate action on disciplinary matters and members' conduct, and to generally maintain discipline within their club. They must also ensure that their disciplinary process is conducted in line with the club's internal constitution/rules.
4. Please also note that demonstrating that the club "Operates a disciplinary process to deal with contraventions of RFU Regulations'" is a part of the RFU Whole Club Accreditation process.

REQUIREMENTS FOR A DISCIPLINARY PANEL

5. Every club should have a nominated panel of people to sit on cases that arise. Those nominated should be capable of demonstrating the qualities set out below:

    a. Possess a thorough understanding of the Laws of the Game
    b. Have the ability to assess and interpret evidence and give reasoned findings
    c. Be able to work in a confidential setting
    d. Be capable of commanding the respect of the parties appearing before the panel.

6. A disciplinary panel should consist of the following people:

    a. Chair
    b. Two Panel members
    c. Panel Disciplinary Secretary

7. There is no requirement for anyone on the Panel (including the Chair) to be legally or medically qualified.

8. The Disciplinary Secretary should not be involved (or give the impression that they are in any way involved) in the decision making. They bring the charge, obtain and serve the evidence relied upon (both from the witnesses and the accused person) and select the panel members to hear the case. They must remain impartial at all times. They provide a judgment or minute of the hearing and liaise with the relevant CB Discipline Secretary in relation to the CB hearing that may, subject to what has been alleged, follow.

9. Those sitting on Club Disciplinary Panels must ensure that the principles of natural justice are followed. All hearings must be conducted fairly, by an objective panel, with the accused person given a full opportunity to answer the charge and call any evidence in support. Those accused are also entitled to be assisted or represented by a person of their choice.

10. The Panel Chair should ideally be a senior individual within the club with experience of chairing hearings and/or meetings.

CLUB LEVEL DISCIPLINE HEARING PROCEDURE

11. RFU Regulation 19, Appendix 7 sets out a step-by-step process to follow when holding a disciplinary hearing. This is normally used to deal with players who have been ordered off the field of play while representing the club. Clubs may need to amend the procedure below to meet the specific circumstances of the allegations made against an accused person.

    1. **PRELIMINARY POINTS FOR ALL HEARINGS**
    Introduction of the panel
    Check there are no objections to the composition of the panel
    Introduction of all the parties (names and roles etc.)
    Chair then reads out the charge and asks the accused person to confirm if they accept or deny the charge(s)

    2. **IF THE ACCUSED PERSON ACCEPTS THE CHARGE**
    3. They should be asked to talk through the incident. During this time, they may be asked to talk through any video footage (if available)
    4. The accused person will then be asked to put forward any mitigation (Regulation 19.4.52)
    5. The opposition club (for example, in the case of a youth citing that a club is dealing with) may wish to make submissions on any aggravating factors (19.4.55)
    6. The accused person will then be asked by the panel about their previous disciplinary record (19.4.52(b))

    3. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE

    - The panel will undertake an assessment of the seriousness of the incident (19.4.49) and establish the entry point in line with the sanctions table at Appendix 2 of the RFU Regulations
    - The panel will then consider whether there are any mitigating factors (19.4.52)
    - The panel should then consider all aggravating factors (19.14.55)

4. THE PARTIES SHOULD THEN BE CALLED BACK AND THE DECISION GIVEN TO ALL AT THE SAME TIME

5. THE ACCUSED PERSON SHOULD BE ADVISED OF THEIR RIGHT TO APPEAL (AS PER THE CLUB'S INTERNAL CONSTITUTION/ RULES)

6. IF THE ACCUSED PERSON DENIES THE CHARGE

- The party bringing the charge (i.e. the Club Disciplinary Secretary) should present the case including calling any witnesses in person or by phone. The accused person or their representative should be given the opportunity to question each of the witnesses
- The video evidence should be shown (if applicable)
- The match referee should be called to give their evidence and the accused person or their representative given the chance to ask questions
- The panel has the opportunity to put any questions to the accused person or any witness

7. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE AS TO WHETHER OR NOT THERE IS A CASE TO ANSWER. THE PARTIES WILL THEN BE CALLED BACK.

- If there is insufficient evidence to justify a case to answer then the charge is dismissed
- If it is established that there is a case to answer the panel proceeds to hear evidence from the accused person
- The accused person may give evidence on their version of events, including by reference to the video footage, if available. The Secretary bringing the charge then has the opportunity to ask any questions
- The accused person may then call any witnesses upon which he/she relies and they can be asked questions by the Secretary
- The panel has the opportunity to put any questions to the accused person or any witness

8. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE

- If the charge is not proven, the case is dismissed
- If the charge is proven, the panel should then follow steps 3 – 5 above.

12. Having considered all of the factors, and determined the sanction, this should be clearly set out for the benefit of the accused person, others within the Club and the CB Discipline Secretary. A club may use a short form judgment if required (see Appendix 7) to guide them through the process and a long form judgment template is available on the RFU website here: https://www.englandrugby.com/run/rules-governance/rfu-rules-and-regulations

ATTENDANCE AT CB OR RFU DISCIPLINARY HEARING

13. Where possible, when a player is ordered-off the field of play, an internal Club hearing should be convened by the Club Discipline Secretary as soon as possible.
14. It may be that a CB Discipline Secretary will require the player to attend a CB Disciplinary hearing before the club has had time to convene its own hearing. In that case, the CB Disciplinary hearing should take priority.
15. If a player is required to attend a hearing, it is important that they attend with someone from the club familiar with the Laws of the Game (in particular Law 9 – Foul Play), the disciplinary process and knows the player well and can speak on their behalf.
16. Even if a Club Disciplinary Panel has considered the case, please note that the player is still provisionally suspended under RFU Regulation 19 (by virtue of the fact that they were ordered-off) and cannot play until their case has been heard by a CB or RFU Panel. Both the player and club may face an additional charge for breaching RFU Rules/ Regulations if a player plays before their case has been considered by the CB or RFU Disciplinary Panel.
17. Club Disciplinary Panels exist to ensure high standards of conduct within the club and that there is a fair and proper administrative process to deal with any allegations of member's misconduct.

FURTHER ADVICE AND ASSISTANCE

The CB Disciplinary Secretary and the RFU Discipline Department are on hand to provide any advice and assistance that Clubs requires in dealing with any member's on or off-field misconduct.

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Please do not hesitate to get in touch if your Club needs any advice.