RFU REGULATIONS

RFU REGULATION 19 – DISCIPLINE (APPENDIX 7)

ADDITIONAL INFORMATION

Draft Long Form Disciplinary Judgment

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Constituent Body: .....

Venue:..... Date: .....

JUDGMENT

Player:..... Club:.....

Match:..... Match Date:.....

Match Venue:.....

Panel:..... Secretary:.....

Attending:..... Observing:.....

Decision

1. The Panel found .....

2. The Player pleaded guilty to the offence of .....
Contrary to Law 9

3. The Panel determined that the Player should be suspended for a period of ..... weeks from ..... to.....

Preliminary Matters

4. .....

Charge and Plea

5. .....

The Citing Complaint

6. .....

The Player's Case

7. .....

Sanction

8. We undertook an assessment of the Player's conduct under Regulation 19.4.49 as follows:

a) Intentional;

b) Whether the offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Foul Play;

c) The nature of the actions, manner in which the offence was committed including part of the body used (for example, fist, elbow, knee or boot);

d) The existence of provocation;

e) Whether the Player acted in retaliation and the timing of such;

f) Whether the Player acted in self-defence (that is whether they used a reasonable degree of force in defending themselves);

g) The effect of the Player's actions on the victim (for example, extent of injury, removal of victim Player from game);

h) The effect of the Player's actions on the match;

i) The vulnerability of the victim Player including part of the victim's body involved/affected, position of the victim Player, and the ability to defend themselves;

j) The level of participation in the offending and the level of premeditation;

k) Whether the conduct of the offending Player was completed or amounted to an attempt; and

l) Any other features of the Player's conduct in relation to or connected with the offending.

Mitigating Factors

9. We considered the mitigating factors under Regulation 19.4.52 etc.

Aggravating Features

10. We considered the aggravating factors under Regulation 19.4.55 etc.

Decision

11. .....

Costs

12. .....

Right of Appeal

13. There is a right of appeal against this decision. Any such appeal must be lodged with the RFU Head of Discipline by .....

Chair.....

Example Charge Sheet

(To be prepared after reference to the Match Official's report and current World Rugby Laws of the Game handbook).

STATEMENT OF OFFENCE

Striking, contrary to Law 9.12

PARTICULARS OF OFFENCE

On (enter date) (enter Player's name) of (enter Player's Club) struck an opponent to the head at (enter time and half) during the match played between (enter Clubs playing).

Procedure to be used at a Disciplinary Hearing

1. PRELIMINARY POINTS FOR ALL HEARINGS

- Introduction of the panel
- Check there are no objections to the composition or constitution of the panel
  Introduction of all the parties (names and roles)
- Chair then reads out the charge and asks the Player to confirm if they accept or deny the charge

2. IF THE PLAYER ACCEPTS THE CHARGE

- The Player should be asked to talk through the incident. During this time, they may be asked to talk through the video footage (if available)
- The Player will then be asked to put forward any mitigation including their previous disciplinary record (Regulation 19.4.52)
- The opposition club (in the case of a citing) may wish to make submissions on any aggravating factors (Regulation 19.4.55(c)) although this is ordinarily a matter for the Panel

3. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE (ALL RECORDING DEVICES MUST BE PAUSED/STOPPED)

- The Panel will undertake an assessment of the seriousness of the incident (Regulation 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 (Regulation 19.4.52)
- The panel should then consider all aggravating factors (Regulation 19.4.55)

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

5. THE PLAYER SHOULD BE ADVISED OF THE RIGHT TO APPEAL AND ADVISED OF ANY ORDER FOR COSTS

6. IF THE PLAYER DENIES THE CHARGE

- The party bringing the charge should present their case including calling any witnesses in person or by phone. The Player or their representative should be given the opportunity to ask questions of each of the witnesses
- The video evidence should be shown
- The Referee should be called to give their evidence and the Player or their representative should be given the chance to ask any questions
- The Panel have the opportunity to put any questions to the player 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 INTO THE ROOM.

- If the party bringing the charge has failed to make a case to answer, the charge will be dismissed.
- If the party bringing the charge has established that there is a case to answer then the panel shall proceed to hear evidence from the Player.
- The Player may give evidence as to their version of events including reference to the video

footage if available. The party bringing the charge will then have chance to ask any questions.

- The Player should then call any witnesses upon which they rely and again they can be asked questions by the other party.
- The Panel have the opportunity to put any questions to the Player or any witness.

8. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE (ALL RECORDING DEVICES MUST BE PAUSED/STOPPED)

- If the charge is not proven, the case is dismissed against the Player and informed there is no order for costs.
- If the charge is proven, the panel should then follow steps 3 – 5 above.

Assessment of Grounds of Appeal flowchart

19.5.17

Notice of Appeal received by RFU Head of Discipline.

RFU Head of Discipline undertakes a preliminary assessment to check whether the grounds stated and the supporting material amount to an arguable case.

19.5.18

Has the RFU Head of Discipline decided there is an arguable case?

Yes

No

Appellant will be offered two options. They can either withdraw the appeal or ask for a review of the RFU Head of Discipline's decision.

19.5.19

Independent Judicial Officer review of Head of Discipline decision

Appeal withdrawn and the appeal fee returned to the Appellant

Independent Judicial Officer reviews decision and finds there is an arguable basis for the appeal (contrary to the RFU Head of Discipline's assessment)

19.5.21

19.5.18

19.5.23

Appeal Panel appointed

Judicial Officer reviews decision and agrees with Head of Discipline's initial assessment that there is no arguable case; the appeal is not permitted and the appeal fee is forfeit.

19.5.20