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# Westcliff RFC

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## Disciplinary Process and Procedures

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## **Core Values**

Anyone involved in rugby will be exposed to the core values. It is what many people find attractive in the game. From a disciplinary view there are some very specific values that we should all support.

Sportsmanship is the foundation upon which rugby is built. We uphold the tradition of camaraderie between team-mates and opposition alike. We uphold fair play, both on and off the pitch, and are as generous in victory as we are dignified in defeat. We play to win but not at all costs.

Mutual respect forms the basis of our game. We hold in high esteem our sport, its values, traditions, and earn the respect of others in the way we behave. We respect our match officials and accept their decisions. We respect our opposition and their supporters.

Strong discipline underpins our sport. We ensure our sport is one of controlled physical endeavour and that we are honest and fair. We obey the laws of the game that ensure an inclusive and exciting game. We support our disciplinary system, which protects our sport and upholds its values. We observe the sports laws and regulations and report serious breaches.

In endorsing the core values of our sport we accept that we will be brought to task if we fall short.

The club have a Disciplinary Committee (DC) that is constituted in accordance with RFU requirements and is empowered by the RFU Disciplinary Committee. This Committee is required by the Executive Committee (EC), on behalf of the Club, to investigate, adjudicate, and report on any instances where members' behaviour has been reported as falling short of the core values of the game that we all love.

This guide covers some key aspects of the disciplinary process but the definitive guide and complete laws and regulations are found on RFU.com.

## **Reporting Breaches**

It is in the interest of all players, spectators, coaches, and officials to report unacceptable behaviour both on and off the pitch. Any such reports will be referred to the DC who will usually be asked to investigate and hold a hearing if required.

## **Responsibilities of Team Captains Coaches and Managers**

Captains, Coaches, and Managers have the closest link with the players in their teams. They have the responsibility to ensure that the players understand the Core Values of the game and play in accordance with them. With responsibility comes the requirement to report incidents regardless of their personal view of the circumstances that lead to them. Coaches and Managers of Junior teams have the added responsibility of safeguarding the welfare of all their players and ensuring that Core Values are embedded in young players' attitude to the game.

## **Responsibilities of Supporters**

Spectators have a responsibility to the players on the pitch, the match officials, team coaches and managers, and their fellow supporters to demonstrate their adherence to the Core Values of the game. They must understand that instances of poor behaviour can adversely affect the conduct of others and the only proper action is to report them.



## **Disciplinary Process**

The aim of the disciplinary procedures is to provide a fair and proper opportunity for a case to be heard before an impartial panel. The procedure will not be as formal as legal proceedings and should ideally be quick and affordable.

In fact it must be borne in mind that a panel is not a court of law. Those appearing before a panel may not be trained advocates, and therefore, in the interests of achieving a just and fair result, procedural and technical considerations must take second place to the paramount object of being as just and fair to all parties as is consistent with a duty to the Game.

## **Investigation**

Is there any substance in the allegation made? This question must be thoroughly investigated and evidence obtained. It is usually clear that an on pitch incident has happened. The EC may appoint an individual to carry out an initial investigation or ask the DC to do this. The investigator should keep an open mind and consider the case for and against the allegation. Investigation may take the form of an investigative phase at the start of a hearing, but this would only occur where there is sufficient indication that the event occurred and there is a charge to be answered.

## **The Charge**

The charge must be clearly stated, ideally with specific reference to the laws alleged to have been broken, in order to enable the individual concerned to prepare a response.

The charge must be notified to the individual in a clear and transparent manner, and well in advance of any hearing. Failure to do this may mean that the ultimate hearing is unfair. All evidence in support of the charge must be provided to the individual. This is to ensure that the individual is not taken by surprise, which may result in a later challenge.

Where an investigative phase is to take place this must be made clear so that the individual has time to prepare any information they may wish to present and arrange for any witnesses they may wish to appear.

## **The Hearing**

The hearing will take place within a reasonable time of the charge being made. Sufficient time will be given to the individual to prepare a response, but the hearing will not be significantly delayed, particularly when a provisional suspension is in place.

The Club Secretary will give notice of the hearing date, time and place, providing details of the charge, and the Laws under which it is made.

The individual should respond either with their intention to plead guilty or if the allegations are to be disputed.

Hearings will be in private, but the decision can be made public. The EC, in accordance with RFU Rules, has the right to publish any written decision of a panel and parties are deemed to have consented to such publication. A member of the EC may attend hearings as an observer but will not take an active part in the reaching of a decision.

At the start of any hearing the DC members will introduce themselves, outline the phases of the hearing, and clarify exactly how and in what order the evidence is to be heard. The charge will have to be proved “on the balance of probabilities”.

The DC Chairperson will set out the evidence that has led to the charge being made. The individual or his representative will respond. Witnesses may be asked to attend and provide verbal evidence if it will assist the DC’s understanding of the event. At a Club hearing there would be no expectation that any witnesses would be subjected to cross-examination. Witnesses will be called individually and once they have presented their



evidence be asked to retire. If an individual wishes to put questions to witnesses it must be understood that they cannot be compelled to subject themselves to questioning or answer any such questions.

### **The Decision**

At the conclusion of hearing the evidence the DC will “retire” and first consider the facts presented by both sides. The members must then decide whose evidence they accept and to what extent.

The DC will then weigh up the accepted facts against the relevant law. It can then reach a Decision. A majority decision is acceptable, with one vote per member; the Chairperson having the casting vote.

The DC will reach and disclose its decision, in accordance with the relevant disciplinary rules, giving a verbal outcome to the parties there and then. Where sanctions can be imposed these will be advised and explained. The chairperson will provide a reasoned written decision on behalf of the DC.

At the conclusion of the hearing it should be apparent to the parties why the DC have found for one side and not the other. However, where the case involves no breach of laws the outcome will be referred back to the EC who will consider the conclusion reached and upon acceptance inform the parties.

### **Sanctions**

In the event that the case is proven the DC can impose only those sanctions provided for in the relevant RFU regulations or Club rules. If there is no provision in the rules, the sanction cannot be imposed. In such cases the Executive can impose penalties ranging from admonishment to expulsion from the club.

### **Appeal**

Individuals have a right of appeal, which must be exercised within 14 days of receipt of the judgment. There are three allowable grounds for appeal, that the panel:

- 1) Came to a decision to which no reasonable body could have come; or
- 2) Made an error of law in reaching its decision; or
- 3) Failed to act fairly in a procedural sense.

The constituent body or RFU will hear the appeal where there are breaches of RFU laws, depending on where the original case was first heard. Where the breach refers to Club Rules the EC will appoint an Appeals panel consisting of the President and two other directors neither of whom may have sat as participants or observers to the original hearing. The EC may also co-opt senior Club members to an appeals panel should the president or other directors be ineligible. A club Appeals panel will follow the same process as may be applicable to that set out in this document.

It must be remembered under RFU regulations Constituent Bodies and the RFU have the right to appeal decisions reached by the DC and sanctions that have been imposed.