Disciplinary Policy

1.0 DEFINITIONS

Balance of Probabilities- Is a reference to the standard of proof which must be applied by panels considering disciplinary cases. 'Beyond reasonable doubt' is the generic term associated with this.

Burden of Proof- If the Player does not accept that the act(s) of Foul Play which is the subject of the disciplinary hearing warranted the Player being Ordered Off or cited, the burden of proof rests on the Player to show that the referee/citing commissioner was wrong. In all other cases the burden rests upon the Party bringing the charge to prove their case (in club v club citings, the responsibility rests with the Club bringing the citing).

Citing- A form of complaint brought by a senior representative of a club or by a Citing Commissioner in respect of acts of foul play which in the view of the person bringing the citing warranted the issue of a red card but which either went unobserved by the referee or did not receive a red card.

Disciplinary Panel- Usually consisting of three members appointed to hear disciplinary cases. Panels will be chaired by a senior committee member

Entry point- The starting point for the determination of a disciplinary sanction before consideration of relevant mitigating features or aggravating factors.

Formal Written Warning- To issue a formal written warning to a person for any Misconduct or breach of the Rules and Regulations of the RFU or CB Disciplinary Secretary.

Hearsay- Relates to a written or verbal statement relied upon in a disciplinary hearing to establish the truth of a fact or facts in it of which the maker of the statement had no direct knowledge. An example would be where a person is advancing evidence of an incident based on what they have been told about it but which they did not themselves witness.

Match Day Activities- Match Day Activities includes any involvement in a team's participation of a match, this will include selection for the team, support staff, spectators etc. from 2 hours before until 2 hours after the finish of match day. Any person suspended is not permitted within the Playing enclosure. For most teams, this would mean inside the pitch barrier.

Match Official(s)-The person(s) appointed to a match as the Match Official team including the Referee, Assistant Referees/touch judges

Misconduct- Any conduct, behaviour, or practices on or off the playing enclosure, in connection with a match or the Game generally, that is unsporting, unruly, ill-disciplined, brings or has the potential to bring the sport of Rugby Union, the RFU, or which is prejudicial to the interests of the RFU or the Game, including but not limited to:

- a) acts of violence or intimidation within the venue in which the match is taking place
- b) acting in an abusive, insulting, intimidating or offensive manner towards Match Officials, any other person associated with the clubs participating in the match, or spectators;

- c) acts or statements that are, or conduct which is, discriminatory by reason of religion, race, gender, sexuality, colour or national or ethnic origin;
- d) seeking or accepting any bribe or other benefit to fix, achieve a contrived outcome or to otherwise influence improperly the outcome of any dimension
- e) entering into any wager, bet or form of financial speculation, directly or indirectly as to the result or any other dimension or aspect

Match Official Abuse (MOA)- Any disrespect, written (including any comments posted online), verbal or physical abuse that is directed at a Match Official

Notice of Appeal- A written notice submitted by or on behalf of a person or Club that wishes to challenge the outcome of a disciplinary hearing in accordance with Regulation 19.5.

Notice of Hearing- The document issued in disciplinary cases handled by a club or CB under delegated powers which formally notifies a person or body charged with a disciplinary offence of a pending disciplinary hearing. The Notice will set out details of the charge and the date, time and place of the hearing, see Regulation 19.4.16. It will also contain the key information required to enable the person or body charged to prepare to answer the case against them.

Proceedings- Any action taken under Regulation 19 including investigations and hearings at Club, CB and RFU level.

Proportionate- Proportionality is a legal principle which means that where a decision must be made as a result of the actions of a person or club the outcome of that decision must be in proportion to the offending actions. 'The punishment must fit the crime.'

Reasonable excuse- A reasonable excuse is a matter to be considered in light of all the circumstances of the particular case. What is a reasonable excuse for one person may not be a reasonable excuse for another person and will be considered objectively by the Panel.

Reckless- This is defined in RFU Regulation 19, Appendix 5 as follows 'The player knew (or should have known) that there was a risk of committing an act of Foul Play.' For example, if a Player makes an upright tackle and makes contact with the head of an opposition Player, a Panel may find this is reckless because the Player knew or should have known that there was a risk of that contact happening.

Red card- A red card is shown by a Referee for acts of on-field foul play.

Referee's Report- The report submitted, usually by the match referee, where the referee has dismissed a player or wishes to report match official abuse.

2.0 PURPOSE

2.1 Under Regulation 19 RFU, each club is required to provide a disciplinary procedure following a breech of any rules or regulation

2.2 The objectives of the regulation is to maintain and promote fair play, protect health and welfare of those within rugby, ensure foul play and misconducts are dealt with fairly and expeditiously, to achieve consistency and uniformity with the assessment and application of sanctions.

2.3 The policy is to highlight the procedure SRFC will follow in relation to all those involved within SRFC at all events provided by the club.

2.4 Under the roles of the club committee, it is also responsible for handling complaints, queries and disciplinary matters relating to club matters. The appointment of the Club Disciplinary Officer to handle any disciplinary issues and grievances.

2.5 Everyone within SRFC and those involved are to comply with SRFCs policies and Codes of Conduct

3.0 GRIEVANCE PROCEDURE

3.1 Any player, parent, supports, sponsor etc that has any grievance they should initially speak to the lead coach for the relevant team or age group. Following the issue being raised the matter would be referred to the other club officers

3.2 Should the individual feel that the grievance has not be resolved satisfactorily or the grievance is with lead coach etc they will raise the matter with a club officer.

3.3 Any grievance although maybe raised verbally, it should be in best practice be followed with a written request so evidence and issues relating the matter are not lost. Once submitted it will be reviewed by level of severity. Highest levels would trigger a meeting with a disciplinary committee where as lesser levels will be reviewed at a club meeting

3.4 Any player or those involved in match day activities receiving a red card from the match official, an immediate removal from the grounds. Following a red card being issues the referee is required to submit 'referee's report' to the CB. From this point, the CB will contact the SRFC nominated league contact and disciplinary officer.

3.5 Those who are issued with a yellow card, details will be passed to the committee to allow for an internal club review of the event and subsequent action made

4.0 ACTIONING SRFC DISCIPLINARY COMMITTEE

4.1 Following a breech of regulation or rule relating to Misconduct or 3.3 will initiate the disciplinary procedure. A coach, referee, player, parents, supports or member of the club can report any misconduct within or outside the match day activities

4.2 Further committee action will be called in the event of:

- SRFC player receiving a red card
- An intention to cite an opposition player or SRFC player
- Written complaint by Somerset CB or other CB if playing outside of Somerset
- Unacceptable match official abuse or any abuse toward club members or opposition
- A complaint raised by another club
- Member of the public in relation to a player breeching SRFC codes of conduct

4.3 The Disciplinary Committee shall consist of at least three members from any of the following, if in the event a person laid out below is unable to attend, they may appoint a replacement in their place.

- President
- Chairman
- Secretary
- Club Captain
- Rugby Safe and Player Welfare Lead
- Disciplinary Officer
- Safeguarding Officer
- Senior Committee Member

For any Disciplinary action relating to age grade rugby, the above shall apply with the addition of the age grade team coach and Team Leader minis/juniors.

4.4 Following a red card being issued it will be complied with as per RFU reg 19.2.1.2 and Somerset CB procedure:

- Form a Disciplinary Committee
- If a club wishes to cite a player it must be no later than 14th day following match
- Team Captain must report any red card within 48 hours of occurrence
- Club secretary must inform CB within 48 hours of conclusion of match report, supplying details of the offenders age, name, address, contact number

- The club will receive Charge sheet, with charge response form and Referees match report from CB

4.5 Following any grievance or action requiring the disciplinary committee to be formed, the club committee will consider the level of severity. SRFC uses a 'traffic light system' to assess levels of severity, this is to indicate to the club the required timeline to deal with the grievance and collate evidence relating to the event. Following any breech or concerns regarding age grade or any safeguarding issue this would be automatically be treated as 'red', where a possible notification to RFU or CB safeguarding team

5.0 PROCEDURE

5.1 Once 4.1 or 4.2 is actioned and formation of the Committee set in 4.3 and 4.4, the following timeline of events should be followed by the club as best practice

1. Inform individual of pending case relating to the event, this would include, date, time, place, statement. Any and All information relating to grievance will be kept anonymous to protect the individuals both submitting the claim and involved.
2. Individual will be given a notice of hearing including, date, time, place, agenda
3. During this time, the club and individual may collate evidence to help establish a 'burden of proof' and hearsay. The club at this stage retains the right to delay the meeting subject to seeking advice from CB or RFU if necessary.
4. The Committee must establish an Entry point relating to the misconduct
5. During the hearing the Committee will state the reasons and any statements relating to the match official report, citing etc
6. The individual will have the chance to give a statement with mitigation
7. The Committee will consider the statement, given with the 'balance of probability' or mitigating factors, as well as past history. At this point, if applicable, reference to the clubs other policies and Codes of Conduct
8. Following the conclusion of the meeting, any request to appeal will be agreed a proportionate level of discipline will be set. If for whatever reason such as the need for more reports or submitting an action of appeal, a next meeting date will be agreed.

Failure to respond to notice of hearing or attend without proper notification, the Disciplinary Committee has the right to adjourn the hearing and conduct the meeting without evidence as per point 5.