



## **DISCIPLINARY POLICY AND PROCEDURES**

This Policy is to be read in conjunction with the Rugby Football Union (RFU) Disciplinary Regulations. These can be found at:

[http://www.englandrugby.com/mm/Document/General/General/01/31/91/71/RFUDisciplineguidancenoteforclubs\\_English.pdf](http://www.englandrugby.com/mm/Document/General/General/01/31/91/71/RFUDisciplineguidancenoteforclubs_English.pdf)

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.

It is the Club's responsibility to deal with any act of indiscipline by players, and/or any supporters and spectators, or any club member who at any time uses threatening, abusive or insulting words or behaviour towards any other member or visitor to the club or in any way brings the club or the game into disrepute; such behaviour is deemed to include that which is displayed or communicated through the use of written, e-mail, telephone, voicemail, internet and other communication platforms such as social media.

It is an RFU requirement for every club to have a Disciplinary Policy and Procedure to manage and deal with such incidents, and to comply with RFU and SRFU regulations.

Any member / player / supporter / spectator will have a right to the relevant appeals procedure following any penalty imposed.

It is recognised that bad behaviour, including violent, abusive, threatening, bullying or discriminatory, is not in any way less serious because it occurs at a Rugby Club.

Matters considered to be criminal will be referred to the Police.

### **DISCIPLINE PROCEDURE**

The following outlines the procedure to be followed where an act of indiscipline has taken place. Whilst the bulk of incidents may be playing related, elements of this Policy apply to non-players.

**NB:** In the case of u18 Players (those who are 17 years old or above at the time of the offence/incident) who are playing in a club adult match or u19 or u20 age grade match the same procedure as for Senior Rugby will apply (see Section 1).

In the case of u18 players playing in age grade matches at u17 or u18 level the procedure for junior rugby will apply (see Section 3).

## **1. Senior / Adult Rugby (including Women's)**

**1.1 Red Cards:** Player or spectator or other person sent off from the field of play (Red Cards) by the referee (Society or Club).

**1.1.1** Referees (Society or Club) will in all adult matches report all players sent off to the Discipline Secretary of the County Constituent Body of the player's club on the RFU Discipline Report form.

**1.1.2** The Club, whilst awaiting the decision of the County Disciplinary committee, will immediately ban the player from all further matches until the report is received from the relevant Disciplinary committee.

**1.1.3** Should the player wish to appeal against the decision, the player will remain banned until the appeal is heard.

**1.2 Yellow Cards:** Player Sin Binned (Yellow Cards) by the referee (Society or Club)

The Captain/Manager/Coach of the team must report the name of any player sin binned (shown a yellow card) during a game (this relates to all teams and is irrespective of there being a Society or Club referee officiating) to the Club Discipline Secretary within 24 hours following the sin binning. This report will include details of the player's name, DOB, the details of the opposition, date of the match, playing position of the offending player, the reason for the yellow card and any other relevant information/mitigating factors.

A record of players being sin binned will be kept by the Club Discipline Secretary.

During the course of a season any player who, in the opinion of the Discipline Committee, has an excessive number of yellow cards will be asked to appear before that Committee to explain the reasons for this.

**1.3 Undetected Foul Play:** Acts of Foul Play not detected by the Referee/Match Officials

Any member / player who witnesses an act of foul play or bad behaviour by a player (of any club team), can report the incident giving name(s) and details of the incident to the Club Discipline Secretary as soon after the incident as possible. Any incident of foul play involving a member of an opposition team that has or has not been dealt with by the match official(s) and is witnessed by a Burnham Rugby player / member can be reported to the Club Discipline Secretary so that consideration and action can be taken if appropriate.

**Citing:** A Citing may be initiated where there is an allegation that a player committed an act of foul play but has not been awarded a red card for that act. The citing must be in writing, stating:

- a) The date, venue and teams participating in the match;
- b) Details of the alleged act of foul play, including as accurately as possible the point of time in the match, score at the time and position on the field when and where the incident is alleged to have occurred;
- c) The identity of (or means of identifying) the player or players alleged to be guilty of foul play;

d) Sufficient evidence to establish a prima facie case.

Only Unions, Constituent Bodies and Clubs or an accredited Referee Assessor/Advisor may cite, not a player or a spectator. Any consideration for a Citing must be reported to the Club Discipline Secretary immediately as there is a very short time scale and a detailed procedure that has to be followed. The Club Discipline Panel and/or Club Committee will determine whether there is sufficient evidence and case for taking forward any citing.

*Also see RFU Reg 19 appendix 4*

#### **1.4 Acts of Bad Behaviour by Players, Members, Spectators, Supporters or Visitors:**

1.4.1 Any member / player who witness an act of bad behaviour at any time by any Club Member, or visitor to the club, of whatever age, can report the matter to the Club Discipline Secretary or any member of the Club Board so that appropriate action can be considered.

1.4.2 In the event of it being alleged that any Club Member has acted in breach of any of the Club Rules, Constitution or Codes of Conduct, or has acted in a manner prejudicial to the interests of Burnham Rugby Club, the Club Discipline Secretary shall arrange for the allegation to be investigated by a member(s) of the Club Committee. Any complaint must be forwarded to the Club Discipline Secretary or to any member of the Club Committee within 72 hours of the alleged incident.

1.4.3 If on investigation, there appears to the Club Discipline Secretary to be substance to the allegation, he / she shall appoint a minimum of 2 members of the Discipline Panel, who have not been involved in the investigation to consider the allegation and adjudicate on it, affording the Club or Member against whom the allegation is made the opportunity to appear before the Discipline Committee and give evidence or make representations to it

1.4.4 If, on the balance of probabilities, the Discipline Panel is satisfied that the allegation is proven, the Discipline Panel is empowered to impose such penalties as it thinks appropriate including expulsion / banning from the Club and / or financial penalty.

1.4.10 Any financial penalty shall be payable within 7 days of receipt of the written notification of the Discipline Panel or, in the case of an Appeal, the Appeal Panel.

1.4.11 A member who fails to pay such a financial penalty, or who refuses to adhere to the decisions / findings of the process, shall automatically be suspended from membership of Burnham Rugby Club and denied all the membership benefits until the penalties are adhered to.

## **2. THE CLUB DISCIPLINE PANEL**

2.1 The Discipline Panel will be responsible for coordinating the implementation of the Club Disciplinary Procedure, including complying with RFU and SRFU procedures, and where appropriate investigating and taking action on any sending off, or any incident of foul play or bad behaviour by a Burnham Rugby Club and instances where a player has been sin binned an excessive number of times. The Discipline Panel will also investigate and take action on any instance of indiscipline, bad behaviour, acts in breach of any of the Club Rules, Codes of Conduct, Constitution or acts prejudicial to the interests of the Club or the Game, by any Club member, supporter, spectator and/or visitor.

The Discipline Panel will exercise such responsibility in a fair and open manner without prejudice and always in the interests of the Club as a whole.

**2.2 The Discipline Committee** shall consist of:

- Club Chairman/vice chairman (who will chair)

- Club disciplinary secretary

Plus:

In the case of an **Adult Rugby** incident:

- Ordinary Club member
- Seniors Head Coach
- Relevant Team Captain

In the case of a **Mini & Youth** incident:

- Club Mini & Youth Chair (who will Chair)
- Age group Head Coach
- Club Safeguarding Officer

### **2.3 Quoracy**

Any hearing must be heard by at least three members of the Discipline Panel/Committee. Such a panel will meet within five days of the alleged incident.

Further meetings may be held if circumstances require this.

The reported player, member, supporter or spectator **MUST** be invited to attend the discipline hearing. He/she may, if they wish, be supported / represented by one person of his/her choice. The Committee may also receive evidence (either verbally or in writing) from any other person(s) who witnessed the incident or was involved in it.

### **2.4 Persons attending the Hearing**

Those who will be called to attend a discipline hearing will be:

- The person against whom the allegation is made
- In the case of members who are under 18 at the time of the incident, the parent / guardian / person with parental responsibility
- His/her representative
- Other witness(es) to the incident
- The Panel of Discipline/Committee members

### **2.5 Procedure at the hearing**

The hearing will be conducted in accordance with RFU Regulation 19 and SRFU Procedures.

**See Appendix 2** for details of the procedure to be followed.

**NB:** any player (or other person) sent off from the field of play / playing enclosure by a match official (i.e. a red card) is **not allowed to play again until the disciplinary process has been completed.**

### **2.6 Decisions and Sanctions**

The Club Discipline Panel Committee will have the power to decide upon one or more of the following in addition to whatever sanctions the SRFU process (where it is relevant) may apply.

2.6.1 No further punishment additional to the punishment of sending off / action taken at the time

2.6.2 No further action and to leave the matter to the County Discipline Sub Committee (where relevant)

2.6.3 The person be cautioned or severely cautioned as to his/her future conduct

2.6.4 A period of suspension from playing, or taking part in the administration of Rugby Union Football (within the Club context only), or both of these, be imposed on the individual

**[NB:** in the case of Adult rugby, the SRFC will make a decision which will be acted upon by the Club unless there is felt to be sufficient evidence to support an Appeal. Appendix 2 at the end of the Disciplinary Procedures in the RFU Handbook prints a list of recommended sanctions from the RFU following acts of foul play or other incidents. It states the various entry points based on the scale and seriousness of the player's conduct.]

2.6.5 Suspend or terminate the person from membership of the club and entry to its premises and activities, for such period as it thinks fit

2.6.6 Any other penalties or suspensions as decided by the Sub Committee including financial, particularly in the case of behaviour which has led to damage to Club property.

A record of any penalty awarded against any person, plus the reasons how that decision was arrived at by the Club Discipline Panel, will be kept on file. This penalty can be taken into account when deciding any future penalties at any subsequent discipline hearing relating to that person. A person has the right to an appeal process as outlined in section 5 as appropriate.

### **3. Junior/Mini Rugby**

#### **3.1 Red Cards: Player sent off (Red Cards) by the referee (Society or Club)**

In the case of Junior Players the coach or manager of the relevant team **MUST** report the name, age, DoB, playing position and contact details of the player concerned, the referee's name and society (if any), the opposition and any relevant match details to the Club Discipline Secretary and Director of Mini & Youth Rugby within 24 hours of the incident.

If a player is Sent Off or cited in a club youth match, that player's club (via the club disciplinary panel) shall be responsible for taking disciplinary action against him or her.

The Club Secretary should receive the Referee's Report before he or she takes any further action. However, the lack of a referee's report should not prevent a case being heard, nor should it delay the case by more than 72 hours, as delays in proceedings should be kept to an absolute minimum.

Referees (Society or Club) who red card a player who has reached 17 years of age (and is playing in an U19 match) must send the report to the Discipline Secretary of the County Constituent Body of that players club.

For all incidents involving Junior players playing in club matches at any age group below and including u18, the referee (Society or Club) should send the report form to the Club safeguarding officer or Director of Mini & Youth Rugby within 48 hours of the incident.

All reports should be on the RFU Discipline Report form. Copies of this and other forms for referees are available on the England Rugby Website.

#### **3.2 Referees (Society or Club)**

For all incidents involving junior players, playing in club matches at any age group up to and including u18, the referee (Society or Club) should send the report form to the Club safeguarding

Officer and the Director of Mini & Youth Rugby within 48 hours of the incident. The Referee should also send a copy of his report to the Constituent Body Youth Disciplinary Secretary.

### **3.3 Yellow Cards: Player Sin Binned (Yellow Card) by a referee (Society or Club)**

In the case of Junior Players the manager/coach/coordinator of the relevant team should report the name of the player sin binned (shown a yellow card) to the Mini & Youth Chairman. A record of players who have been sin binned will be kept by the Director of Mini & Youth Rugby. During the course of a season any player who, in the opinion of the Discipline Panel, has an excessive number of yellow cards will be asked to appear before that Sub Committee to explain the reasons for this.

### **3.4 Acts of Bad Behaviour by Players, Spectators, Supporters and Visitors – Mini and Junior**

Any member/player who witnesses an act of bad behaviour at any time by any Club Member or visiting supporter/spectator, of whatever age, can report the matter to the Director of Mini & Youth Rugby who will consult with the Chairman of the Club and Secretary so the appropriate action can be considered. It will be the SRFU Disciplinary Committee that will deal with coaches, parents and other adult supporters reported for ill-discipline on the touchline at a club youth match, or making abusive comments on social media or on websites. These cases will be dealt with under RFU Rules, rule 5.12 “actions prejudicial to the interests of the game”.

Advice from SRFU Disciplinary Secretary should be sought in these matters.

### **3.5 Acts of Bullying**

Bullying of any kind is not acceptable in any form or at any age at Burnham Rugby Club. Any instances will be taken seriously, responded to promptly, and procedures followed to deal with the situation. The Club encourages and would expect anyone who knows that bullying is happening to report it to the Club Safeguarding Officer. He/she will follow the guidelines as outlined in the RFU Anti Bullying Policy which the Club follows. It is the responsibility of every adult working at the Club to ensure that everyone, adults and children & young people, can enjoy the sport in a safe, enjoyable environment.

## **4. JUNIOR DISCIPLINE SUB COMMITTEE**

**4.1 The Junior Discipline Sub Committee** will follow the format as in section 2 above.

However, the age, gender and other relevant factors of the child / young person will be taken into account in the way the hearing is conducted.

The members of the Junior Discipline Sub Committee shall comprise as listed in section 2 above.

Any hearing must be heard by a panel of at least three members of the Junior Discipline Sub Committee and chaired by the Director of Mini & Youth Rugby. The Safeguarding Officer or a suitable nominated deputy, must always be present.

Minutes of the Hearing and details of any decisions will be taken and shared with the Panel members and the person against whom the allegation has been made.

**NB:** any player (or other person) sent off from the field of play / playing enclosure by a match official (i.e. a red card) is **not allowed to play again until the disciplinary process has been completed.**

The Junior member should be accompanied by a parent/guardian and can be supported / represented, with the consent of their parent/guardian, by an adult of his/her choosing.

### **4.2 Sanctions**

A list of recommended sanctions for junior players (Under 18 years of age: Age Grade Rugby Regulations) are outlined in the Disciplinary Procedures section in the RFU Handbook.

A record of the penalty awarded against any junior player (if any), plus the reasons how that decision was arrived at by the Junior Discipline Committee will be kept on file.

This penalty can be taken into account when deciding any future penalties at any subsequent discipline hearing relating to that member (in the case of a player this is restricted to the playing of age grade rugby after which the provisions relating to adults will apply).

The details of any sanction will also be shared with the school of the player involved. Similarly, the Club will expect the school to support any sanction. The Club will support any sanction imposed by the school in any incident that happens during a school match. The parent or guardian is expected to inform the Director of Mini & Youth Rugby and Head Coach / Team Manager of any sanction imposed by the child's school within 24 hours of the sanction being imposed.

A junior player has the right to an appeal process as outlined in section 5.

## **5. APPEALS**

5.1 People dealt with through the SRFU disciplinary processes will have the right to appeal as laid out in the SRFU procedures.

5.2 Clubs or members against whom an allegation has been proven and who have been dealt with through the Club disciplinary process shall have the right to appeal against the Discipline Committee findings to an Club Appeal Panel comprising at least 3 people appointed for the purpose by the Chairman of the Club, none of whom will have served on the original Discipline Panel nor been involved in the alleged incident or the investigation thereof. Those eligible to sit on the Appeal Panel shall include those persons as described at 5.10 below and/or any other full member of the Club appointed for this specific purpose by the Chairman.

5.3 Notice of any such appeal shall be provided to the Club Disciplinary Secretary within 7 days of the date on which the written notification of the decision of the Discipline Panel was given.

5.4 Any penalties imposed by the Discipline Panel will be suspended pending the determination of the appeal.

5.5 The Appeal Panel shall afford to the Club or the Member against whom the allegation is found proven the opportunity to appear before the Appeal Panel and provide evidence or make representations to it.

5.6 The Appeal Panel are given the power to confirm, vary, or set aside the decision of any penalties imposed by the Discipline Panel. The decision of the Appeal Panel will be final.

5.7 Any Club or Member that unsuccessfully exercises the right of appeal provided here shall, in addition to any penalty imposed.

### **5.8 Players Reported by a Match Official**

Any senior male, female or Junior player (who has reached their 17th birthday and were playing in an adult or u19 / u20 match when the offence occurred) who has been reported by a match official has the right of appeal against the Club's Discipline Panel's decision to the Club's Appeal process and to the SRFU process for any decisions handed down by them.

### **5.9 Non Playing Members or Players not reported by a Match Official**

All other members, senior or Junior or any player dealt with by the Club Discipline Panel for an offence not detected by a match official have a right of appeal to the Club's Appeal Panel.

#### **5.10 Appeal Panel**

The Club Appeal Panel will comprise at least 3 people appointed for the purpose by the Chairman of the Club, none of whom will have served on the original Discipline Panel nor been involved in the alleged incident or the investigation thereof. Those eligible to sit on the Appeal Panel shall include those persons as described at section 2.2 and/or any other full member of the Club appointed for this specific purpose by the Chairman.

Any appeal must be submitted to the Club Discipline Secretary in writing giving reasons for the appeal within 7 days of the discipline hearing. The appeal will be heard within the following 7 days. The Appeal Panel may uphold the Discipline Panel judgement, it may increase or decrease the length of any period of suspension or other penalty, or it may annul and set aside the judgement. The result of any appeal will be kept on file as outlined above.

#### **5.11 Costs**

Costs will only apply to adults or u18 players whose incident falls under adult rugby.

It is the club's policy that any costs incurred as a result of a serious disciplinary offence (for example, malicious or accidental serious damage, blatant disregard of Club rules, violent conduct, racial or homophobic abuse etc.), which an individual admits or for which they have been found guilty, should be paid by the individual concerned. These costs may include those incurred from the SRFU process, or the cost of repair of damage, or other to be determined by the Panel.

The Disciplinary Panel have the power to set aside any costs being passed to the player where, despite the player being found guilty by other processes, the Club feels that they have been unjustly or harshly dealt with by another body.

Where costs are to be passed to any player, the club will invoice the player for the said amount.

Failure to pay the club this amount will result in the player being banned from playing any further matches or use any club facilities until the levy is paid in full.

If a player leaves the Club before settling any such costs, this fact will be passed to any Club that they subsequently join.

#### **Rules of conduct of Disciplinary Panel and Appeal Panel Hearings**

These apply to all such Panels, whether for senior or junior rugby matters or for non-playing incidents.

1. The Disciplinary Panel (DP) will meet at the earliest opportunity following the alleged incident, and this will be before the next scheduled fixture involving the Club / team, except in exceptional circumstances.

Where deemed appropriate by the Chair of a Panel, the proceedings may take place virtually (eg via email).



2. A minimum of 3 members of the relevant DP must be involved for a Panel to be quorate, all having an equal vote. In the event of a tied vote (due to an even number of members, or due to an abstention), the Chair of the meeting will have an additional casting vote.

If the normal Chair for a DP is unable to attend a quorate meeting, he/she will nominate who should act as Chair in his/her absence.

3. The proceedings of the meeting will remain confidential, and this will also be binding upon observers. Failure to comply with this rule will, in itself, be a matter for disciplinary hearing.

4. Meetings will hear evidence from relevant parties, including the alleged offender. In addition, others can volunteer to give evidence if they have not been asked to do so. The DP will use its discretion whether or not to accept such approaches.

5. Following the hearing of the evidence, proposals will be made and voted upon. These actions may range from decisions to suspend players; to defer decisions on suspension pending receipt of further information such as Referees Reports; to decisions not to suspend.

6. Once a vote has been taken, and a course of action decided, all members of the DP will communicate this decision as a 'decision of the DP', and will uphold it even if the individual disagreed with it in the Panel hearing. No member or observer will divulge the way that individual members of the DP voted at a particular meeting.

7. The outcome of a DP will be communicated to the individual member concerned as soon as possible by the Chair of the Panel (or the nominated representative). Wherever possible, this will be in person, though this requirement should not prevent timely notification if this has to take place by some other means.

8. Notes of meetings and hearings will be made and kept on file. A summary will be made and posted to the notice board of the Club at the earliest opportunity following a meeting.

## **Somerset**

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