RFU REGULATION 19 – DISCIPLINE

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19.1 Jurisdiction and Interpretation

Jurisdiction

19.1.1 Regulation 19 applies to all disciplinary matters arising under the Rules and Regulations of the RFU, including under the auspices of the RFUW.

19.1.2 Separate Regulations will be issued for the Premiership or any other league and/or competition where there is any variation of these procedures.

19.1.3 Disciplinary matters arising for Age Grade Rugby (under 18 yrs) shall be dealt with as set out in Appendix 6.

19.1.4 Every Club shall appoint a Disciplinary Panel charged with the responsibility of maintaining the standards of discipline within that Club. They are further required to take appropriate action in accordance with these Regulations and, unless set out to the contrary in these Regulations, shall be responsible for the conduct of their own members and for investigating allegations of foul play and/or acts of Misconduct which have taken place on Club premises or as part of Club activity.

RFU Disciplinary Panels

19.1.5 An RFU Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon the following:

(a) Those who are subject to the jurisdiction of the RFU; and

(b) Overseas Clubs and Overseas Players playing in England in relation to both on and off field matters except where there is a tour agreement which specifies how disciplinary matters should be dealt with or in relation to international matches which are dealt with under IRB 17.

Constituent Body Disciplinary Panels

19.1.6 Subject to RFU Regulations 19.1.9 - 19.1.11 a Constituent Body shall act in relation to Clubs in membership of their Constituent Body and individuals who are members of those Clubs in relation to:

(a) Any infringement of any Law of the Game;

(b) Any conduct which is, in the opinion of such Constituent Body, prejudicial to the interests of the Union or the Game as authorised by RFU Rule 5.12; or

(c) Any infringement of any of the RFU Regulations and/or IRB Regulations relating to the Game.

19.1.7 A Constituent Body may exercise its powers as delegated under RFU Regulation 19.1.6 when all individuals and Clubs involved in a specific incident during or after a match are under its jurisdiction. In all cases involving members from more than one Constituent Body the power shall be delegated to a joint committee of the Constituent Bodies of the individual Clubs involved or otherwise as directed by the RFU Disciplinary Manager.

19.1.8 No Constituent Body has the power or right to further delegate any of these powers.

19.1.9 A Constituent Body may in special circumstances, with the consent of the RFU Disciplinary Officer, surrender back to the RFU its delegated powers generally or in specific cases.

19.1.10 The RFU excludes from the delegation to Constituent Bodies the jurisdiction and authority to act in respect of:

(a) Players who are registered with or who are under a contract with Clubs playing in the Premiership, Championship or National Leagues 1 and 2N and 2S;

(b) Players who, although not registered or under contract, represent a Premiership Club's Under 21/A XV or are members of an RFU Academy licensed to a Premiership Club;

(c) Players dismissed from the field of play or cited during County Championship or Inter Service matches;

(d) Breaches of IRB Regulations 10 and 21 (Medical and Anti-Doping) and breaches of RFU Regulation 20;

(e) Breaches of RFU Regulation 21 unless referred to the Constituent Body by the RFU as a minor disciplinary matter;

(f) All cases involving serious injury;

(g) All cases under investigation by the Police;

(h) All cross-Constituent Body citings; and

(i) All cases involving allegations of breach of fiduciary or corporate duty to the RFU.

19.1.11 The RFU Disciplinary Officer and the RFU Company Secretary and Legal Officer each have the power to direct that the RFU shall deal with any case.

The RFU Disciplinary Officer

19.1.12 The Council shall each year appoint an RFU Disciplinary Officer to oversee the exercise of the disciplinary powers contained in the RFU Regulations.

19.1.13 The Disciplinary Officer shall be a senior legal practitioner of at least seven years standing or a serving or retired judge who shall have had previous experience in rugby disciplinary proceedings and relevant rugby experience.

19.1.14 The Disciplinary Officer derives his authority from the Council to whom he is responsible.

Interpretation

19.1.15 The RFU Disciplinary Officer is authorised to issue practice notes as guidance on the interpretation of these Regulations which shall be binding until they are ratified by Council or are withdrawn, whichever is the sooner. Extant memoranda are at Appendix 5.

19.1.16 Suspensions imposed on persons shall apply universally such that a person shall not play/coach/participate as indicated in the decision anywhere in the world during the period of suspension.

19.1.17 Where in these Regulations any notice or correspondence is required to be sent to the Constituent Body, then where the matter is outside the jurisdiction of the Constituent Body, all such notices shall instead be sent to the RFU Disciplinary Manager, RFU, Rugby House, Twickenham Stadium, 200 Whitton Road, Twickenham, TW2 7BA.

19.1.18 Where a disciplinary hearing or an appeal is being heard by a single Judicial Officer or the RFU Disciplinary Officer sitting alone, that person shall carry out the role of Chairman of the Disciplinary Panel / Appeal Panel.

19.2 Composition of Disciplinary Panels and Appeal Panels

Constituent Body Disciplinary Panels

19.2.1 A Constituent Body Disciplinary Panel shall be chaired by a Chairman or his appointee who must be accredited to sit in that capacity by the RFU.

19.2.2 The quorum for a Constituent Body Disciplinary Panel shall be three members, but exceptionally the hearing may proceed with a panel of two provided that all parties first agree. A secretary shall also be appointed, who is not a member of the Disciplinary Panel.

19.2.3 No active Referee, nor any person with an interest in the proceedings, shall be permitted to sit on a Constituent Body Disciplinary Panel. Without prejudice to the generality of that prohibition, no member of the Club of which the Player appearing is also a member, nor a member of that Club's opponents on the day the events occurred, shall take part in the Disciplinary Panel's proceedings other than as an advocate or witness.

RFU Disciplinary Panels

19.2.4 The RFU Disciplinary Officer, the RFU Disciplinary Manager or the RFU Company Secretary and Legal Officer shall appoint a panel, a single Judicial Officer or the RFU Disciplinary Officer to sit on RFU Disciplinary Panels.

19.2.5 An RFU Disciplinary Panel, when not comprised of a single Judicial Officer or the RFU Disciplinary Officer sitting alone, shall normally comprise of three persons:

(a) A Chairman who is legally qualified; and

(b) Two others experienced in rugby matters.

19.2.6 These requirements may be varied if the RFU Disciplinary Officer, the RFU Disciplinary Manager or the RFU Company Secretary and Legal Officer decide that a variation is appropriate.

19.2.7 Exceptionally a hearing may proceed with a panel of two provided that all parties to the case first agree.

19.2.8 Cases referred under RFU Regulation 21 shall be heard by the RFU Disciplinary Officer, or a professional/professionals experienced in

safeguarding children and/or vulnerable adult issues, as the Disciplinary Officer shall direct.

19.2.9 Breach of fiduciary duty cases referred under RFU Regulation 19.3.3 shall be heard by the RFU Disciplinary Officer or a professional/professionals appointed by the RFU Disciplinary Officer and experienced in issues relating to breaches of fiduciary or corporate duty.

Constituent Body Appeals

19.2.10 The RFU Disciplinary Officer, the RFU Disciplinary Manager or the RFU Company Secretary and Legal Officer shall appoint RFU Appeal Panels to hear appeals against decisions of Constituent Body Disciplinary Panels, which shall be made up as either:

(a) An independent single Judicial Officer or the RFU Disciplinary Officer sitting alone; or

(b) An Appeal Panel comprised of three persons who may be RFU Council Members.

19.2.11 Representatives from Constituent Bodies involved in the case shall not be appointed to sit on an Appeal Panel.

19.2.12 No more than one member shall be nominated from the same Constituent Body.

RFU Disciplinary Panel Appeals

19.2.13 The RFU Disciplinary Officer, the RFU Disciplinary Manager or the RFU Company Secretary and Legal Officer shall appoint RFU Appeal Panels to hear appeals against decisions of RFU Disciplinary Panels, which shall be made up as either:

(a) An independent single Judicial Officer; or

(b) An Appeal Panel chaired by an independent lawyer and consisting of two others.

19.3 Disciplinary Offences

19.3.1 In addition to dealing with all disciplinary matters arising out of the RFU Rules and Regulations (including, but not limited to, allegations of Misconduct, Cheating, citings or cases brought under RFU Rule 5.12) a Disciplinary Panel shall have jurisdiction over the matters set out in RFU Regulations 19.3.2 – 19.3.5.

Bad disciplinary record

19.3.2 Where Players or members (or persons with a 'non-member' relationship) of a Club appear before a Disciplinary Panel on more than five separate occasions in any one season, that Club can be charged and summoned to attend a disciplinary hearing on the basis that it has a bad disciplinary record, at the discretion of the Constituent Body Disciplinary Secretary, the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer.

Breach of fiduciary duty

19.3.3 The RFU shall have jurisdiction to take such action as it believes is appropriate (including removal of a person from a position held at the RFU) in the event that there has been a breach of fiduciary or corporate duty to the RFU.

Pilot Coach Licensing

19.3.4 The RFU shall have jurisdiction to take such action as it believes is appropriate where there is a breach of the RFU Coach Licence Scheme Terms and Conditions and/or the Coach Education Licensing Terms and Conditions by an individual who has become a licensed coach or an educator under the pilot scheme.

Recognition of other sporting bodies' sanctions

19.3.5 The RFU may recognise the disciplinary sanctions of any other sporting body. Any person suspended or banned by any other sporting body may be suspended or banned concurrently by the RFU. Before imposing any such suspension or ban the RFU shall grant the person the opportunity to offer an explanation at a disciplinary hearing, the procedure for which shall be determined by the RFU Disciplinary Officer.

19.4 Summary Sanction, Interim Suspensions and Criminal Convictions

Summary sanction

19.4.1 Where an allegation of Misconduct is referred to the RFU Disciplinary Officer and the person against whom the allegation is made admits the offence, the matter may be dealt with summarily by the RFU Disciplinary Officer who may impose any sanction which a Disciplinary Panel could have imposed had the alleged breach been referred to it and a breach been established to its satisfaction. The conditions for the imposition of such a sanction shall be that:

(a) The person must consent to the matter being dealt with summarily under this Regulation;

(b) There is no appeal against a sanction imposed under this Regulation;

(c) The person sanctioned shall have 24 hours after being informed of the proposed sanction to withdraw his consent for the matter to be dealt with under this Regulation and no sanction shall take effect until the expiry of the 24 hour period; and

(d) Where consent is not given for the matter to be dealt with under this Regulation, or consent is withdrawn in accordance with RFU Regulation 19.4.1(c), no reference to this process shall be made by the RFU in any subsequent disciplinary proceedings.

Interim Suspension Order

19.4.2 The RFU Disciplinary Officer and the RFU Company Secretary and Legal Officer shall have the power to issue an Interim Suspension Order (ISO) against any person against whom an allegation of Misconduct has been made and is being investigated or, without prejudice to the power under RFU Regulation 19.4.5, against someone who has been convicted of a criminal offence. The ISO shall be in writing, signed by the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer, may be issued without a hearing and may order that the person shall not participate in any specified activity, attend any specified location or communicate with any specified people.

19.4.3 Following the imposition of the ISO, the person suspended shall have the right of appeal before an RFU Disciplinary Panel to be convened as soon as is reasonable practicable. The procedure for the disciplinary hearing shall be determined by the Chairman of the Disciplinary Panel.

19.4.4 The ISO shall automatically cease:

(a) When the matter has been dealt with at a disciplinary hearing;

(b) When the allegation is withdrawn and no further disciplinary action is taken; or

(c) After 120 days from its issue, unless the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer determines that it is in the interests of the Union or the Game that it should be extended for a further period or periods of not more than 120 days.

Criminal convictions

19.4.5 Where an individual has been convicted of a criminal offence which directly or indirectly relates to the playing, administration or image of the Game, the RFU Disciplinary Officer shall have the power to sanction the individual without holding a Disciplinary Panel hearing. A person so sanctioned shall have the right of appeal before an RFU Disciplinary Panel to be convened as soon as is reasonable practicable. The procedure for the disciplinary hearing shall be determined by the Chairman of the Disciplinary Panel.

19.5 Presumption of Innocence, Standard of Proof and Rules of Evidence

Presumption of innocence and Player availability

19.5.1 The Referee is the sole judge of fact and law during the match, but where after the match his decision is challenged, there is a presumption of innocence.ZXC

19.5.2 Subject to any ISO or any suspension which has been imposed upon a Player by his Club or by a Disciplinary Panel, a Player who has been sent off or cited may continue to play in any RFU domestic match until his case is determined by a Disciplinary Panel. However, a Player will not be permitted to play in an international or any other match governed by IRB Regulation 17 until the final determination of the case.

19.5.3 Where an appeal is lodged against finding and sanction the sanction shall not take effect pending the determination of the appeal unless the RFU Disciplinary Officer is of the opinion that it is in the interests of the Game to impose a sanction pending final determination. If the appeal is against sanction only, the Player may not play pending the determination of his appeal.

19.5.4 Where the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer appeals a Player may play pending the hearing of the appeal if the period of suspension has expired or if no suspension was imposed by the original Disciplinary Panel.

Natural Justice and Fairness

19.5.5 The conduct of disciplinary proceedings shall be fair and just.

19.5.6 Proceedings, findings or decisions of a Disciplinary Panel or an Appeal Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the Disciplinary Panel's or Appeal Panel's proceedings, findings or decisions.

Standard of Proof

19.5.7 The standard of proof in all disciplinary cases (including before Appeal Panels) is the balance of probabilities.

Attendance of hearings and representation

19.5.8 The RFU Disciplinary Manager or the Constituent Body Disciplinary Secretary may appoint a person to assist with the prosecution of any case or appeal.

19.5.9 A Player or person whose conduct is the subject of inquiry is entitled to be represented or assisted by one person of his choice and is entitled to be present throughout the proceedings except during the deliberations of the Disciplinary Panel or Appeal Panel.

19.5.10 In addition to Club Officers or Members, a Club that is charged may be represented or assisted by one person of its choice.

19.5.11 In cases of a citing the Club or Union responsible for making the complaint shall be required to present the case and may be represented or assisted by one person of its choice.

Rules of Evidence

19.5.12 Disciplinary Panels and Appeal Panels shall not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. Where the subject matter of a complaint or matter before the Disciplinary Panel or Appeal Panel has been the subject of previous civil or criminal proceedings, the result of such proceedings and the facts and matters upon which such result is based shall be presumed to be correct and the facts presumed to be true unless it is shown by clear and convincing evidence that this is not the case.

Time Limits

19.5.13 In general, a failure to observe the time limits specified in these Regulations shall not nullify any proceedings, but such failure may be a cause for a hearing to be adjourned.

19.5.14 However in the following cases compliance with the specified time limit is mandatory, and failure to comply will render any proceedings, application or appeal void:

(a) A citing must be made within the time limit specified in these Regulations;

(b) An appeal must be made within the time limit specified in these Regulations.

Audio recordings

19.5.15 The RFU Disciplinary Officer, the RFU Company Secretary and Legal Officer, a Disciplinary Panel and/or an Appeal Panel shall have the power to direct that a hearing before a Disciplinary Panel or Appeal Panel shall be audio recorded.

19.6 Referral to the Disciplinary Panel

Sendings off

19.6.1 In all cases where the Referee has sent off a Player the Referee shall, within 48 hours after the end of the match, send a completed copy of the Referee's Report to:

(a) The Secretary of the Constituent Body to which the Player's Club is affiliated or allocated, or to the RFU Disciplinary Manager at Twickenham where the Disciplinary Panel has jurisdiction; and

(b) The Referee's own Referee Society or, if he is not a member of a Referee Society, to the Constituent Body in whose area the match was played.

19.6.2 Where a Player is sent off following foul play drawn to the Referee's attention upon the intervention of an Assistant Referee, that official shall also comply with the obligations under RFU Regulation 19.6.1.ZXC

19.6.3 In all cases Club Secretaries must report to their Constituent Bodies within 48 hours after the match, or when an RFU Disciplinary Panel has jurisdiction to the RFU Disciplinary Manager, the name, address and telephone number of any Player who has been ordered off the playing enclosure, including players under the age of 17.

Misconduct

19.6.4 If a Player is being reported for Misconduct in the playing enclosure, then the procedure set out in RFU Regulations 19.6.1 – 19.6.3 shall be followed.

19.6.5 Cases of Misconduct outside the playing enclosure must be referred to the appropriate Constituent Body Disciplinary Secretary or to the RFU Disciplinary Manager for consideration under RFU Rule 5.12.

Abuse of an Official

19.6.6 An Official reporting abuse shall comply with the requirements set out in RFU Regulations 19.6.1 – 19.6.3, save that where the Player has not been sent off in relation to the alleged abuse an Abuse Form shall be completed and submitted within 7 days.

19.6.7 The Official shall set out in the report full details of the alleged abuse, including, in the case of verbal abuse, his recollection of the actual abusive words spoken. The Official should also list on the form any witnesses to the abuse.

RFU Rule 5.12 cases and citings

19.6.8 Subject to RFU Regulation 19.6.9, the RFU Disciplinary Officer, the RFU Company Secretary and Legal Officer, the RFU Disciplinary Manager and a Constituent Body Disciplinary Secretary are each authorised to institute disciplinary proceedings where there is an alleged breach of RFU Rule 5.12 and may require the person or Club to whom the allegations relate to attend before a Disciplinary Panel to answer the allegations.

19.6.9 Disciplinary proceedings against Council Members may only be brought by the RFU Disciplinary Officer save that, where the RFU Disciplinary Officer is conflicted, such proceedings may be brought by the President of the RFU. Before

bringing disciplinary proceedings against Council Members permission must first be obtained from at least two of the 'three wise men' elected by Council.

19.6.10 The RFU Disciplinary Officer, the RFU Company Secretary and Legal Officer, the RFU Disciplinary Manager and a Constituent Body Disciplinary Secretary may each require a person or Club to provide information or make written representations before deciding whether that person or a Club has a case to answer, in which event that person or Club shall have the right to see a copy of any relevant documents submitted to the RFU Disciplinary Manager or Constituent Body Disciplinary Secretary.

19.6.11 The procedures set out in Appendix 4 shall be followed in respect of citings.

19.6.12 Where a dispute arises between two or more Clubs, the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer may direct that the Clubs attempt to settle their dispute by mediation before making a formal complaint for an alleged breach of RFU Rule 5.12.

19.6.13 The RFU Disciplinary Officer and the RFU Company Secretary and Legal Officer each have the power to take over any citing made by a Club by the RFU bringing a charge under RFU Rule 5.12.

19.6.14 Insofar as no sanction is imposed by a Disciplinary Panel for a breach of an RFU or IRB Regulation, the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer may take appropriate disciplinary action if either believes that the conduct in question constitutes a case of prejudicial conduct within the terms of RFU Rule 5.12.

19.7 Notice of Hearing

19.7.1 A Notice of Hearing shall be sent to the person, Player or Club charged or cited and, where appropriate, to the relevant referee society.

19.7.2 The Notice of Hearing shall include the following:

(a) Details of the specific charge or, where appropriate, a copy of the citing or complaint being investigated;

(b) In applicable cases, the Referee's Report or Abuse Form; and

(c) Any directions on case management including, where appropriate, the time, date and place for the hearing.

19.7.3 Where a Player has been sent off or reported for abuse of an Official, the appropriate authority will complete and forward the Notice of Hearing as soon as possible (preferably no later than 7 days from the receipt of the Referee's Report or Abuse Form).

19.7.4 In a citing or RFU Rule 5.12 case the hearing shall take place within 21 days unless there are exceptional circumstances that merit a longer period.

19.8 Case Management

Response to Notice of Hearing: Cases other than under RFU Rule 5.12

19.8.1 The Player shall within such period as set out in the Notice of Hearing confirm in writing:

(a) Whether he admits the offence specified in the Referee's Report or Abuse Form and wishes to plead guilty and, if so, whether he wishes the case to be dealt with in his absence (provided that the Notice of Hearing has not indicated that he must attend a hearing); or

(b) Whether he disputes the allegations and, if so, whether he wishes the Referee (or Assistant Referee in appropriate cases) be invited to attend the disciplinary hearing.

19.8.2 Except in cases where the Notice of Hearing has required his attendance, if a Player admits the offence and requests that the case be dealt with in his absence he may provide a written statement of mitigation including representations as to the appropriate entry point for the relevant sanction in Appendix 2. In determining the penalty, the Disciplinary Panel shall take into account the fact that the Player pleaded guilty as an off field mitigating factor.

Response to Notice of Hearing: RFU Rule 5.12 Cases

19.8.3 A person, Player or Club who has been cited or charged under RFU Rule 5.12 shall within such period as set out in the Notice of Hearing confirm in writing:

(a) Whether he/it admits the offence specified in the Notice of Hearing and wishes to plead guilty; or

(b) Whether he/it disputes the allegations.

Directions

19.8.4 A Disciplinary Panel may give any directions necessary for the proper conduct of proceedings including, but not limited to:

(a) Ordering a preliminary hearing;

(b) Requiring that parties make written submissions or submit skeleton arguments in advance of the Disciplinary Panel hearing;

(c) Extending or abridging time limits;

(d) Requiring disclosure of documents in possession of the parties;

(e) Granting an adjournment; and/or

(f) Establishing the date, time and place of the Disciplinary Panel hearing.

19.8.5 A Disciplinary Panel may change any reference to any law of the Game contained in a report or charge sheet before or during a hearing provided it is satisfied, if necessary after hearing submissions, that to do so is not unduly prejudicial.

Attendance of Witnesses

19.8.6 It shall be the duty of the RFU Disciplinary Manager or the Constituent Body Disciplinary Secretary (as appropriate):

(a) To notify the Match Official(s) and/or Match Assessor of the date, time and place of the hearing if his attendance is required;

(b) In a case of citing or an RFU Rule 5.12 case to notify any person, Club, Union or Affiliated Organisation making a complaint of the date, time and place of the hearing and provide a copy of the Notice of Hearing and any representations made by the person, Player or Club against whom the citing or complaint is made.

19.8.7 It shall be the duty of any person, Club, Union or Affiliated Organisation involved in disciplinary proceedings to notify and arrange the attendance of any witnesses he or they may wish to call.

19.9 Procedure at Hearing

Failure to Attend

19.9.1 Where a person, Player or Club, to whom a Notice of Hearing has been sent, fails to attend a hearing, the Disciplinary Panel has the discretion to adjourn the hearing or, where it is satisfied that there are no reasonable grounds for the failure to attend, to proceed to hear the case against the person, Player or Club.

19.9.2 In the event that the Disciplinary Panel adjourns a hearing following a Player failing to attend a hearing (to which the Player is a party), it shall have the power to suspend the Player until such time as he appears.

19.9.3 Where the person appearing before a Disciplinary Panel is or is likely to be subject to civil or criminal proceedings arising from the circumstances which are the subject of the case, the Disciplinary Panel will decide whether it is in the interests of the Game to proceed. If it adjourns the matter until the conclusion of the civil or criminal proceedings, it may impose an interim suspension on the person against whom the allegations are made. Before so doing, the Disciplinary Panel shall give the person the opportunity to make representations.

Conduct of the Hearing

19.9.4 The procedure for the hearing shall be determined by the Chairman of the Disciplinary Panel who shall have regard to, but shall be entitled to depart from, the guidance set out in Appendix 7.

19.9.5 All parties shall be given a proper opportunity to state their case and to challenge or respond to any evidence given.

19.10 Evidence

Match Referee

19.10.1 The provisions of this Regulation shall apply equally to the evidence of an Assistant Referee who has been independently appointed by the RFU or by a Referee Society, as they do to the Referee.

19.10.2 Aside from cases of Match Official abuse, the Referee is not a party to disciplinary proceedings. Instead, he is an independent eye-witness of what occurred and his evidence carries considerable weight.

19.10.3 If a Player appearing before a Disciplinary Panel wishes to challenge the Referee's Report, he must request the Referee's attendance at the hearing. Once

the Referee's attendance has been requested, the Player may challenge the Referee's Report irrespective of whether the Referee is able to attend the hearing.

19.10.4 If the Referee is unable to attend the hearing in person, then he may give his evidence by video-link or by telephone conference.

Other Eye-Witnesses

19.10.5 Witnesses should attend the hearing in person to give oral evidence. If this is not reasonably possible, witnesses can give evidence via telephone conference or video link.

19.10.6 Written evidence from witnesses may be received, and is as equally valid as oral testimony but, unless that evidence is unchallenged, written evidence will ordinarily carry less weight than oral testimony.

19.10.7 Hearsay evidence is permitted but should be treated with caution as its reliability cannot be tested by cross-examination.

19.10.8 Any person or Club who deliberately misleads a Disciplinary Panel will be liable to disciplinary action under RFU Rule 5.12.

Match Footage

19.10.9 Where a Player is sent off, cited or is the subject of a complaint under RFU Rule 5.12, and footage has been taken of the match in which the incident in question occurred (the 'Match footage'), any Club which took or commissioned the Match footage shall forward a copy of it as soon as possible to either the RFU Disciplinary Manager or the Constituent Body Disciplinary Secretary with jurisdiction over the case.

19.10.10 Where there is Match footage of the incident, and a Disciplinary Panel has advised a Player appearing before the Disciplinary Panel or his Club that it does not have the required equipment for the screening of the footage, it is the responsibility of that Player or his Club to provide and install the required equipment.

19.10.11 Where the Match footage is in the possession or control of the Club of which the Player appearing before the hearing is a member, and, without reasonable excuse, the Match footage is not produced to the Disciplinary Panel, the Disciplinary Panel shall be entitled to infer that it is unfavourable to the Player.

19.10.12 A Disciplinary Panel shall be entitled to consider other footage from any source, including (but not limited to) footage commissioned by a Referee Society, Referee Group or Match Official. The Referee shall be obliged to provide any such footage to the Disciplinary Panel.

19.10.13 Where the authenticity of Match footage or other visual evidence is challenged, it is for whoever produces that footage or other visual evidence to satisfy the Disciplinary Panel that the footage of the incident being investigated has not been edited or altered in any way.

19.11 Decision, Sentencing and Costs

Decision and mitigation

19.11.1 Where the alleged offence is not admitted, the Disciplinary Panel shall consider their decision in private and shall determine whether the alleged offence has been proven.

19.11.2 A decision of the Disciplinary Panel shall (save for when the disciplinary case is heard by a single Judicial Officer or the RFU Disciplinary Officer sitting alone) be determined by a majority. Each member of the panel shall have one vote. In the event of a deadlock the Chairman of the Disciplinary Panel shall have the casting vote.

19.11.3 If the offence has not been proven, the Chairman shall so state and the Disciplinary Panel's finding shall be a bar to further disciplinary proceedings arising from the issues then before the Disciplinary Panel, save in the case of an appeal by the RFU Disciplinary Officer or RFU Company Secretary and Legal Officer or an exercise of the powers under RFU Regulation 19.6.14.

19.11.4 Where a Player has been sent off and a Disciplinary Panel subsequently finds that the red card was erroneously awarded because of mistaken identity or where no act of foul play occurred, the Disciplinary Panel may direct that the red card be removed from the Player's record.

19.11.5 Where the offence is admitted or proven, the Disciplinary Panel shall proceed to hear submissions regarding sanction. Before the Disciplinary Panel deliberates as to sanction:

(a) The person, Player or Club facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation;

(b) The party that brought the charge or made the citing may make representations as to any aggravating factors; and

(c) The previous disciplinary record of the person, Player or Club should be ascertained.

No other person may address the Disciplinary Panel as of right, but the Disciplinary Panel may seek such further information as it requires from any party.

Finding and Sanction

19.11.6 Where the alleged offence is admitted or proven the Disciplinary Panel shall have power to impose penalties in accordance with the sanctioning regime and shall apply the recommended penalties set out in Appendix 2.

19.11.7 "Appropriate punishment" referred to in RFU Rule 5.12 shall include, but shall not be limited to:

(a) For a person, a reprimand, a financial penalty or suspension from playing and/or administration.

(b) For a Club, in addition to the sanction set out in RFU Regulation 19.11.7(a), financial or other compensation, deduction of league points or

relegation, exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of the RFU a Club may be required to withdraw from that competition.

19.11.8 Disciplinary Panels shall undertake an assessment of the seriousness of the Player's conduct which constitutes the offending and shall categorise the offence as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s), where such incident(s) is expressly covered in Appendix 2.

19.11.9 Such assessment of the seriousness of the Player's conduct shall be determined by reference to the following features of offending:

(a) The offending was intentional, that is, committed intentionally or deliberately;

(b) The offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of illegal and/or foul play;

(c) The gravity of the Player's actions in relation to the offence;

(i) Nature of actions, manner in which offence committed including parts of body used i.e. fist, elbow, knee or boot; and

(ii) The existence of provocation and whether the Player acted in retaliation;

(d) The effect of the offending Player's actions on the victim (i.e. extent of injury, removal of Player from game);

(e) The effect of the offending Player's actions on the game;

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

(g) The level of participation in the offending and the level of premeditation;

(h) Whether the conduct of the offending Player was completed or amounted to an attempt;

(i) Any other feature of the Player's conduct which constitutes the offending; and

(j) Any other circumstances that the Disciplinary Panel considers relevant.

19.11.10 If a Disciplinary Panel decides that the offending is at the Top End of the scale of seriousness, it shall then make a further assessment of an appropriate entry point between the length of suspension specified in Appendix 2 and the maximum suspension for the appropriate offence and then undertake the normal exercise of increasing or decreasing from that point. In written decisions Disciplinary Panels should specify the period they considered to be the starting point.

19.11.11 Having identified the applicable entry point for consideration of a particular incident, the Disciplinary Panels shall identify all relevant aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should apply to the case in question. Aggravating features include:

(a) An absence or lack of remorse and/or contrition on the part of the offending Player;

(b) The Player's status as an offender of the laws of the game;

(c) The need for a deterrent to combat a pattern of offending; and

(d) Any other off field aggravating factor that the Disciplinary Panel considers relevant.

19.11.12 Thereafter, Disciplinary Panels shall identify all relevant mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Mitigating factors include:

(a) The presence and timing of an acknowledgment of culpability/guilt by the offending Player;

(b) A good record and/or good character;

(c) The age and experience of the Player;

(d) The Player's conduct prior to and at the hearing;

(e) Remorse for the Player's actions; and

(f) Any other off field mitigating factor that the Disciplinary Panel considers relevant.

19.11.13 In cases involving offending of the least serious kind where there are compelling mitigating features and an absence of aggravating features, sanctions less than the lower end sanctions specified in Appendix 2 may be applied, and, in this respect only, the lower end sanctions set out in Appendix 2 are not minimum sanctions. Further guidance in this respect is provided by in Appendix 5.

19.11.14 In cases not covered by Appendix 2, Disciplinary Panels shall determine the level of sanction having given consideration to all relevant factors arising in the case, including appropriate mitigating or aggravating factors.

19.11.15 In cases of multiple offending, Disciplinary Panels may impose sanctions to run either on a concurrent or a consecutive basis, provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.

19.11.16 Any period of suspension imposed by a Disciplinary Panel may:

(a) Be back-dated to start at such date as it thinks fit, if it wishes to take account of any effective disciplinary action taken by the Club of which the Player or person to whom the suspension relates is a member, arising out of the same incident; and/or

(b) Be split into two distinct periods if it is desired to include or exclude the whole or any part of the closed season, taking into account any tours or other games to which the Player or person to whom the suspension relates is committed.

19.11.17 For cases involving illegal and/or foul play, a Disciplinary Panel may not suspend the effect of any sanction to be imposed.

19.11.18 In RFU Rule 5.12 cases, a Disciplinary Panel may suspend the effect of any sanction to be imposed.

19.11.19 If a Disciplinary Panel imposes a period of suspension it should:

(a) Make it clear whether the period of suspension is from playing and/or administration and/or coaching and/or refereeing and/or attending a Club; and

(b) Specify the dates between which the suspension will take place, the commencing and finishing dates to be inclusive of the period of suspension.

19.11.20 The Player or Club must furnish the RFU Disciplinary Manager or the Constituent Body Disciplinary Secretary (as appropriate) with a list of Club's Competitive Matches relevant to a suspension at the conclusion of the hearing or within 4 days thereafter.

19.11.21 When dealing with a Club under the 'bad disciplinary record' provisions under RFU Regulation 19.3.2, the Disciplinary Panel has power to suspend the whole Club, a specific team or individuals from playing or taking part in the administration of Rugby Union Football, or both, for such a period as it thinks fit.

Costs

19.11.22 In the event that a charge against a person, Player or Club is not proven, there will be no costs order against that person.

19.11.23 If the charge is proven, the Disciplinary Panel's usual administration fees in Appendix 3 will be payable by that person, Player or Club (see Appendix 3).

19.11.24 The Disciplinary Panel may, in its discretion, also order that the costs of the hearing be paid by the person, Player or Club against whom the charge has been proven, save that no further cost order shall be made in respect of a person, Player or Club who pleaded guilty in accordance with RFU Regulations 19.8.1(a) or 19.8.3(a).

19.11.25 In a citing case:

(a) Where the complaint is not proven, the Disciplinary Panel shall have the power to order the party making the complaint under RFU Rule 5.12 to pay the costs of the hearing; and

(b) Where a citing is upheld, the Disciplinary Panel shall have the power to order the party against whom the complaint has been proven to pay the costs of the hearing. The monies deposited by the citing Club will be refunded unless there is good reason for them to be forfeit (the reasons for which shall be explained in any written judgment by the Disciplinary Panel Chairman).

19.11.26 No party shall be required to pay or contribute towards the legal costs incurred by the other party.

19.11.27 Where a person, Player or Club is ordered to pay costs, such costs, unless the Disciplinary Panel grants a longer period for payment, shall be paid within 21 days of the receipt by the person, Player or Club of the written decision. If such costs are not paid by the date specified in the decision, a Disciplinary Panel may impose further sanctions on a person, Player or Club (including, in relation to Players, suspending the Player from playing) until they are paid. A failure to pay any costs so ordered shall also be an offence under RFU Rule 5.12.

Notification of Decision

19.11.28 An RFU Disciplinary Panel shall within 4 working days after the conclusion of the case, deliver written reasons to the person, Player or Club charged. Where that party is a Player the reasons shall also be delivered to the Player's Club and the League Organising Committee. This period may be extended by the RFU Disciplinary Panel in exceptional circumstances. The written reasons shall be sufficient to identify the material facts established by the RFU Disciplinary Panel and, in summary, how it resolved material conflicts, how it categorised the seriousness of the offence by reference to the standard features of offending and how it applied aggravating and mitigating factors. A failure to comply with this Regulation will not invalidate the decision and any sanction awarded.

19.11.29 In all RFU cases the Disciplinary Manager will inform all relevant parties of the decision and place a copy of the written decision on the disciplinary section of www.RFU.com within 14 days.

19.11.30 In all cases considered by a Constituent Body Disciplinary Panel, a short form written decision shall be produced and a copy passed to the person, Player or Club charged at the conclusion of the hearing or within 72 hours. In addition, the Constituent Body Disciplinary Secretary shall report the decision of the Disciplinary Panel to his own Constituent Body and the RFU Disciplinary Manager. If the person, Player or Club charged exercises the right to appeal, the Panel Chairman shall, within 7 days of the appeal being lodged, produce written reasons in accordance with RFU Regulation 19.11.28.

19.12 Appeals

RFU Disciplinary Panel Appeals

19.12.1 A person, Player or Club which has been found guilty of an offence, the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer may commence an appeal against a decision of an RFU Disciplinary Panel on the grounds that the RFU Disciplinary Panel:

(a) Came to a decision to which no reasonable body could have come;

(b) Made an error in law in reaching its decision; or

(c) Failed to act fairly in a procedural sense.

19.12.2 In addition:

(a) The person, Player or Club which has been found guilty of an offence may appeal on the grounds that the sanction imposed is excessive;

(b) A person, Player or Club which has been found guilty of an offence or the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer may commence an appeal where there is evidence available for the appeal which was not reasonably available at the original hearing and which had it been available would have caused the RFU Disciplinary Panel to reach a materially different decision;

(c) The RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer may appeal on the grounds that the sanction imposed was so unduly lenient as to be unreasonable; and

(d) In exceptional circumstances, where a person, Player or Club has been cleared of a charge the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer shall have the right to appeal against that finding.

19.12.3 Ordinarily the parties to an appeal shall be entitled to make oral submissions to the Appeal Panel but an appeal shall be way of a review of documents only without oral evidence.

19.12.4 A de novo hearing against the decision of an RFU Disciplinary Panel may be permitted if the RFU Disciplinary Officer or the Appeal Panel considers it to be in the interests of justice. This will only be permitted in exceptional circumstances, such as when new evidence which was not reasonably available at the original hearing is to be adduced.

Constituent Body Appeals

19.12.5 Where a person, Player or Club is dissatisfied with the decision of a Constituent Body Disciplinary Panel he/it shall have a full right of appeal to an RFU Appeal Panel.

19.12.6 The RFU Disciplinary Officer and the RFU Company Secretary and Legal Officer each have a right to appeal a decision of a Constituent Body Disciplinary Panel to an RFU Appeal Panel in the event that either considers it to be in the interests of the Union or the Game to do so.

Notice of Appeal

19.12.7 The party bringing the appeal (the 'Appellant') shall serve a Notice of Appeal in writing upon the RFU Disciplinary Manager within 14 days following the date of the written notification of the disciplinary decision against which the appeal is lodged, except in the case of the Premiership where an appeal must (unless the RFU Disciplinary Officer in his discretion determines otherwise) be lodged within 24 hours of the finding which is being appealed against.

19.12.8 The Notice of Appeal shall:

(a) State the date and decision of the Disciplinary Panel against which the appeal is lodged;

(b) State the grounds of appeal relied upon;

(c) Set out the statement of facts upon which the appeal is based, specifying whether the appeal is against finding and sanction or just sanction alone and include any supporting documentation upon which the Appellant will rely;

(d) State whether the Appellant wishes to have a de novo hearing and, if so, the grounds for that request; and

(e) Be accompanied by a cheque for the relevant sum specified in Appendix 3.

19.12.9 An appeal, once validly lodged, cannot be withdrawn unless the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer grants permission for the appeal to be withdrawn. In exercising this power the RFU Disciplinary Officer or the RFU Company Secretary and Legal Officer shall have the right to require that the Appellant pay the costs of the appeal.

Powers of Appeal Panel

19.12.10 An Appeal Panel has the power to:

(a) Dismiss the appeal;

(b) Quash a finding and any sanction imposed by the original Disciplinary Panel;

(c) Remit the matter for a re-hearing;

(d) Substitute an alternative finding;

(e) Reduce or increase the original sanction; and/or

(f) Make such further order as it considers appropriate.

19.12.11 Any sanction imposed, confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal, but may be delayed to take account of the close season or other relevant factors, or be backdated if the Player has not played since the incident.

Case Management

19.12.12 The Appeal Panel shall give directions as to the procedure for the appeal and the evidence to be adduced in order to limit the issues to be adjudicated upon or for the more efficient determination of the hearing.

19.12.13 Where a de novo hearing is permitted the Appeal Panel shall have regard to, but shall be entitled to depart from, the guidance set out in Appendix 7.

19.12.14 The hearing date shall be set by the RFU Disciplinary Manager after consultation with the Appeal Panel Chairman.

19.12.15 The Referee or Referee's Assistant shall be invited to attend where the Chairman of the Appeal Panel considers it desirable. A member of the Disciplinary Panel which heard the case at first instance may attend the appeal hearing as an observer. He may give evidence at the appeal hearing about the first hearing where it becomes apparent that the Appellant or any witnesses have changed their account of what had occurred.

19.12.16 The RFU Disciplinary Manager/Constituent Body Disciplinary Secretary (or nominee) shall be in attendance and shall record the decision.

19.12.17 Where the appeal is against a decision which followed a citing or in a RFU Rule 5.12 case not arising from a Player being sent off ("a citing case") the Club, Union or person responsible for the complaint shall be entitled to a copy of the documents to be referred to at the appeal, shall be invited to attend the appeal hearing and shall be entitled to be present throughout the hearing.

Appeal Panel Finding

19.12.18 The decision will be communicated orally at the hearing or within 24 hours of the hearing.

19.12.19 The Chairman of the Appeal Panel shall at the conclusion of the hearing, or as soon as possible after, deliver a written decision to the RFU Disciplinary Manager who will distribute to the Appellant and all other interested parties and place it on RFU.com.

19.12.20 The decision of an Appeal Panel shall be final and binding upon the parties, and there shall be no further right of appeal from it.

Costs

19.12.21 Whilst the Appeal Panel shall have discretion in this regard, an unsuccessful Appellant will normally be required to pay the costs set out in Appendix 3 together with the costs of the appeal which shall include:

(a) The costs of the Appeal Panel;

(b) The travelling expenses of the Referee; and

(c) The legal costs of the Union (but not the legal costs of any other party to the appeal).

19.13 Competitions Sub-Committee and Organising Committee Appeals

Lodging of Appeal

19.13.1 If a Club, or either party to a complaint or dispute, or any other person or Club is dissatisfied with a decision of the Competitions Committee, Organising Committee, Constituent Body, or NCA Executive it may within 14 days from the date of the letter informing it of the decision, or such other period as the RFU may from time to time specify, appeal or request a review of the decision in writing to the RFU Disciplinary Manager stating the grounds on which the original appeal or complaint was made.

19.13.2 Any such appeal must be accompanied by such payment as is specified at Appendix 3, which is refundable in the event the appeal is upheld unless the Appeal Panel decides otherwise.

19.13.3 The RFU Disciplinary Manager shall refer the appeal to an Appeal Panel for determination.

Appeal Panel's discretion

19.13.4 The Appeal Panel is empowered to decide:

(a) Whether or not it should hold a hearing;

(b) The time and place of any hearing;

(c) The nature of the evidence it would wish to be adduced;

(d) Who (if anybody) should be invited to appear at any hearing; and

(e) How and when any decision it takes should be acted upon.

19.13.5 The Appeal Panel will be entitled to seek advice from such other persons (including, if it deems it appropriate, members of the relevant Committee) as it deems appropriate.

19.13.6 The Appeal Panel shall have the power to hear evidence from any third party or Club not directly involved in the appeal if the Appeal Panel is of the view that such third party or Club may be materially or adversely affected by any decision it may make.

Evidence

19.13.7 Where the Appellant wishes to rely upon any new evidence it must notify the Chairman of the Appeal Panel at least 72 hours ahead of the hearing who will give any other party to the hearing as much notice of the new evidence as is reasonably possible. The Chairman of the Appeal Panel shall determine the weight to be given to such evidence.

Decision

19.13.8 The Appeal Panel shall only be allowed to depart from the application of RFU Regulation 13 in exceptional circumstances where the Appeal Panel is of the opinion that the application of RFU Regulation 13 has resulted or would result in a perverse and/or unfair outcome.

19.13.9 Subject to RFU Regulation 19.13.10, the decision of the Appeal Panel, which shall be given within 28 days of all information required by it being supplied, shall be final and binding.

Review

19.13.10 In cases where the Appeal Panel is of the opinion that the exceptional circumstances set out in RFU Regulation 19.13.8 exist, the RFU Disciplinary Officer (or the President where the RFU Disciplinary Officer chaired the Appeal Panel) shall review the decision within 96 hours of receipt of the written decision. The RFU Disciplinary Officer (or the President as the case may be) shall have the power to:

(a) Affirm the decision of the Appeal Panel; or

(b) Substitute the original decision for that of the Appeal Panel where he is of the opinion that the application of RFU Regulation 13 would not result in a perverse and or/unfair outcome, or that to depart from the original decision would not be in the interests of the Union or the Game.

19.13.11 Unless otherwise permitted by the RFU Disciplinary Officer (or the President as the case may be), this review process will be by consideration of the papers presented to the Appeal Panel only. The decision taken by the RFU Disciplinary Officer (or the President) shall be final and binding.

Sanction

19.13.12 No sanction will be applied until the appeals procedure has ended.

19.13.13 Sanctions may be increased as well as decreased on appeal.

Costs

19.13.14 The Club and/or Appellant may be required at the sole discretion of the Appeal Panel to pay the costs of the appeal when a personal hearing is requested and granted.

19.14 Confidentiality

19.14.1 All disciplinary proceedings which take place under RFU Regulation 19 are confidential and take place in private.

19.14.2 Subject to RFU Regulations 19.14.3 all documents are confidential between the parties to the proceedings and the RFU. All evidence, representations and submissions shall be privileged. Any audio or other recording made under these Regulations shall be the property of the RFU.

19.14.3 The RFU shall have the right to publish any written decision of a Disciplinary Panel or Appeal Panel on the disciplinary section of RFU.com and parties are deemed to have consented to such publication.

19.14.4 These provisions as to confidentiality shall not prevent the RFU from using material received for the purpose of implementing compliance with its Rules and Regulations.