

Draft Long Form Disciplinary Judgment

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

Constituent Body:

Venue:..... Date:

JUDGMENT

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

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

Match Venue:.....

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

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

Decision

1. The Panel found

2. The Player pleaded guilty to the offence of
Contrary to Law 10(4)

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

Preliminary Matters

4.

Charge and Plea

5.

The Citing Complaint

6.

The Player's Case

7.

Sanction

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

- a) Intentional/deliberate;

- b) Whether the offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Foul Play;
- c) The gravity of the Player's actions in relation to the offending;
- d) The nature of the actions, manner in which the offence was committed including part of the body used (for example, fist, elbow, knee or boot);
- e) The existence of provocation;
- f) Whether the Player acted in retaliation and the timing of such;
- g) Whether the Player acted in self-defence (that is whether he used a reasonable degree of force in defending himself);
- h) The effect of the Player's actions on the victim (for example, extent of injury, removal of victim Player from game);
- i) The effect of the Player's actions on the match;
- (j) The vulnerability of the victim Player including part of the victim's body involved/affected, position of the victim Player, and the ability to defend himself;
- (k) The level of participation in the offending and the level of premeditation;
- (l) Whether the conduct of the offending Player was completed or amounted to an attempt; and
- (m) Any other features of the Player's conduct in relation to or connected with the offending.

Aggravating Features

9. We considered the aggravating factors under regulation 19.11.10 etc.

Mitigating Factors

10. We considered the mitigating factors under regulation 19.11.11 etc.

Decision

11.

Costs

12.

Right of Appeal

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

Chairman.....

Specimen Charge Sheet

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

STATEMENT OF OFFENCE

Striking, contrary to Law 10(4)(a).

PARTICULARS OF OFFENCE

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

Procedure to be used at a Disciplinary Hearing

1. PRELIMINARY POINTS FOR ALL HEARINGS

- Introduction of the panel
- Check there are no objections to the composition or constitution of the panel
- Introduction of all the parties (names and roles)
- Chairman then reads out the charge and asks the Player to confirm if he/she accepts or denies the charge

2. IF THE PLAYER ACCEPTS THE CHARGE

- The Player should be asked to talk through the incident. During this time, he/she may be asked to talk through the video footage (if available)
- The Player will then be asked to put forward any mitigation (Regulation 19.11.5)
- The opposition club (in the case of a citing) may wish to make submissions on any aggravating factors (19.11.5(b))
- The Player will then be asked by the panel about their previous disciplinary record (19.11.5.c)

3. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE

- The Panel will undertake an assessment of the seriousness of the incident (19.11.8) and establish the entry point in line with the sanctions table at Appendix 2 of the RFU regulations.
- The panel will then consider whether there are any aggravating factors (19.11.10)
- The panel should then consider all mitigating factors (19.11.11)

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

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

6. IF THE PLAYER DENIES THE CHARGE

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

7. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE AS TO WHETHER OR NOT THERE IS A CASE TO ANSWER. THE PARTIES WILL THEN BE CALLED BACK INTO THE ROOM.

- If the party bringing the charge has failed to make a case to answer, the charge will be dismissed.
- If the party bringing the charge has established that there is a case to answer then the panel shall proceed to hear evidence from the Player.
- The Player may give evidence as to their version of events including reference to the video footage if available. The party bringing the charge will then have chance to ask any questions.
- The Player should then call any witnesses upon which he/she relies and again they can be asked questions by the other party
- The Panel have the opportunity to put any questions to the Player or any witness

8. THE PANEL SHOULD THEN CLEAR THE ROOM TO DELIBERATE IN PRIVATE

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