

(These notes, which are posted to people appearing at Disciplinary Hearings,, are to help them know what to expect, and how the system works. They are not a substitute for the RFU rules, found in the RFU Handbook, which every Club Secretary has a copy of.)

Discipline Hearing procedures - Your rights and obligations How your Club can help – What happens next ?

Your Club must hold a disciplinary meeting - and may ban you until your case is heard, or may decide you can continue to play until the hearing. This will not affect your right to deny the offence, but if found guilty, a suspension starts from the last game played, not when you were dismissed.

Referee sends a report to Disciplinary Secretary who contacts your Club

Copy of Referees Report and notice of the Hearing date and time, will be sent to you and to your Club. If you cannot attend, telephone the County Disciplinary Secretary immediately and ask advice. We recognise that many players work, evenings, **but a hearing cannot take place without you being present except as below.**

Consult your Club Secretary immediately, decide on your plea, on who will go to the Hearing with you (normally a Club Officer), and what witnesses or evidence you will call.

You are asked if you plead Guilty, and in rare circumstances, if you do, you can be excused attendance at the Hearing, the sanction being notified to you by Post.

You cannot challenge a Report unless the Referee is present or in telephone contact so if you intend to do so, you must tell the Disciplinary Secretary before the hearing, to ask for the Referee to be present, (their expenses being paid by you if you are found guilty). Where a Referee cannot attend, a three-way telephone conversation can be held, and you can question the report at the Hearing. You can show Video evidence, subject to RFU rule 7.2).

The Hearing

Is governed by RFU rules, (**RFU Handbook pp 327-363 which all Club Secretaries have**) and the **County Disciplinary Officer** as Chairman, assisted by two or more senior ex-players as panel members, must follow them.

The **County Disciplinary Secretary** is present and takes notes.

A **Referees' Observer** attends but does not take part in the discussion or deciding the verdict or sanction.

Club Officers will appear with you, and witnesses may be called later.

The Chairman first confirms your details, identifies everyone present and outlines the procedures. These may seem long-winded, but are necessary to give you a fair hearing. **You will have several opportunities to give your side of the events.**

The Referee's report will be read out and you will be asked to admit or deny the offence as stated.

You must do one or the other – if you agree that something happened but dispute the details – the plea is Not Guilty.

A Guilty plea may reduce your sentence.

A plea of Guilty

If you plead Guilty, you accept the Referees' report and why you were sent off. Your previous disciplinary record will be given, and taken into account. You may call witnesses and Club Officers to give evidence in mitigation. This may be a previously good record, what you do for the Club, and your playing attitude. The Panel members may question the witness and ask for more information.

You will be invited to make a final statement, before everyone except the panel retires.

(Now go to 'Assessing the Penalty')

A plea of Not Guilty

You will be asked for your account of the incident, and this may be given by a Club officer for you. If you have asked for the Referee to be present, or on the telephone, (*but not otherwise*) you may challenge the report, by asking direct questions – not by making general comments. You may call witnesses or produce signed statements from those – (*including opponents*)- who saw the incident,

(Giving a misleading witness statement is a serious offence under RFU Rule 5.12) or show Video evidence (RFU rule 7.2).

You and the witnesses will be questioned by the Panel members.

You will be invited to make a final personal statement, before everyone except the Panel retires .

The panel will then consider the Referees report, and the evidence in your defence and decide on the verdict 'on the balance of probabilities'. You and the other parties are invited back to hear the verdict.

If it is **Not Guilty**, the hearing is over, and no Disciplinary record will be incurred by you or your Club.

If it is **Guilty**, the Secretary will tell the Panel of any previous disciplinary record. You may then call character witnesses to give evidence in mitigation. **You will then be invited to address the Panel again, before they consider the Penalty.** Everyone, except the Panel, will then withdraw.

How the Penalty is Assessed

The Chairman and Panel first decide the seriousness of the offence – and ask what you consider it to be.

There are three 'Entry points' – Lower End, Mid Range and Top End

(Example)

*If you have punched a Player the 'norm' ranges from: **Lower End** - 2 weeks, **Mid Range** – 12 weeks, **Top End** – 24 weeks, maximum of 12 months.*

*Assume that the Panel decide that it is a **Mid Range** offence and carries a 'norm' of 12 week, they can increase or decrease this sentence by 50% up or down – i.e. between 6 and 18 weeks*

Reasons to decrease -

Pleading Guilty - Apology to the Referee – Evidence of genuine regret – Conduct post-match and at the Hearing – Accidental or reckless rather than intentional Conduct – (Reckless means that you knew it could be illegal or dangerous but went ahead anyway) - Vulnerability of and effect on the victim – Effect on the result – Previous playing record - Provocation or Retaliation - Whether the action was completed or amounted to an attempt.

You have been sent off - what happens next



Reasons to increase -

Lack of remorse – Intentional conduct – Joining an incident not originally involving you
- Vulnerability of and injury to the victim – Effect on the result - **Previous disciplinary record** – Conduct post-match and at the Hearing.

The sentence

You and all the other parties will be invited back to hear the sentence, which is one of two alternatives.

Being sent off is sufficient punishment, if for instance you have received two yellow cards in a match.

Banning from taking part. This will normally be banning for a number of weeks, (bans by your Club are taken into account) and you will be told when you can play again. It can include Playing, Coaching involvement or other measures

Report of the Findings and Right of appeal

You will be advised of any special circumstances taken into account, and that a written report of the hearing will be sent to you, and of your right of Appeal to the RFU.

A fee is be payable, either by you or your Club, and the sanction will go on your Club's Record.

Procedures and sanctions for Junior (U18) players, and for Citings are different from this procedure.

Sussex RFU Disciplinary Secretary - Mr. Kenny Gordon
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Hearings are held at various Clubs – the most often used are:
Lewes RFC – 01273 473732, Hove RFC – 01273 505103,
Brighton FC – 01273 562729, Horsham RFC – 01403265027