

ARMY RUGBY UNION - DISCIPLINE & GOVERNANCE

Reference:

A. RFU Handbook 2014/15.

1. Under the auspices of RFU Regulation 19 (within Reference A), The Rugby Football Union (RFU) has delegated to the Army Rugby Union (ARU) as one of its Constituent Bodies (CB) the power to hold enquiries and inflict punishment/sanction or take such action as they see fit for any acts of foul play or actions bringing the Game into disrepute, subject to a right of appeal to the RFU. The ARU may act in relation to all Clubs who are members of the ARU covering:

- a. Any infringement of any Law of the Game.
- b. Any conduct which is in the opinion of the ARU prejudicial to the interests of the Union or of the Game as authorized by RFU Rule 5.12
- c. Any infringement of any of the RFU Regulations and/or IRB Regulations relating to the game.

2. The ARU Chairman of Discipline & Governance will undertake the role as Chairman for all hearings including Germany and Cyprus (or anywhere else in the world that an ARU member/club is playing).

3. Every club accredited to the ARU shall be responsible for the conduct of its own members. Each ARU Club is to appoint its own internal Disciplinary Committee responsible for investigating and (subject to Regulation 19.5.2 to 19.5.4) taking appropriate action in relation to disciplinary matters and the conduct of its members and for generally maintaining discipline within that Club. Advice on this can be taken from the ARU Chairman of Discipline.

4. Any disciplinary cases regarding players at Army representative level (including inter-Service rugby matches) and other such cases considered by the ARU to merit special consideration will be handled by the RFU directly.

5. All clubs should note the information contained within the Discipline & Governance section on the ARU web site. This gives further information concerning discipline and governance. All Rugby Officers should make themselves aware of the contents of the RFU Regulation 19 and the Disciplinary process.

DISCIPLINARY PANEL

6. The following will constitute an ARU Disciplinary Hearing Panel:

- a. **Chairman.** ARU Chairman of Discipline & Governance (or a qualified individual nominated by the Chairman).
- b. **Members.** Two/Three members appointed by the ARU. Where possible, they should not be of the same cap badge of the accused. All members should have been accredited by the RFU.
- c. **Secretary.** Secretary of the ARU (or a nominated replacement).

In all disciplinary hearings, the ARU Chairman of Discipline would wish to see, if at all possible, the match referee in attendance. A representative of the Army Rugby Union Referees Society (ARURS) may, if required, be called to act as an observer for law interpretations. Due to geographical restrictions it may be necessary to conduct Disciplinary Panels by VTC or teleconference, although the ideal is for them to be held face to face.

OBJECTIVES AND FUNCTION OF THE DISCIPLINARY PROCESS

7. **The overriding objective of the Discipline Process is to maintain and promote fair play, protect the health and welfare of Players (and others involved in the Game), ensure acts of Foul Play and Misconduct (on and off the field of play) are dealt with expeditiously and fairly by independent means and that the image and reputation of the Game is not adversely affected.**

8. The function of the Disciplinary Panel is to take such action including, if it sees fit, the award of punishment additional to the sending off. If the referee states at the hearing that he may have made a mistake and that the player may not have committed the offence for which he had ordered him off then the Disciplinary Committee will direct that no conviction be recorded against the player concerned.

FUNCTIONS OF THE REFEREE

9. Under the provision of Law 6 and Reg 19.5.1, the referee is the sole judge of fact and law during the match. The referee's decisions on the field of play shall not be altered or overturned. The purpose of the subsequent review of an incident that occurred during a match by a Disciplinary Panel is to determine whether there should be any disciplinary sanctions for an act of Foul Play as provided for in IRB Law 10.

PLAYERS STATUS FOLLOWING DISMISSAL OR CITING

10. The player or individual being investigated by the Discipline Committee following and ordering off or citing for any acts of Foul Play is covered in Reg 19.5.2 – 19.5.4 summarised as follows:

A Player ordered off or cited may not take part or be selected for any match until his case has been dealt with by a Disciplinary Panel. The player (or any other individual) is not entitled to play the Game or be involved in any on-field match day activities anywhere in the world until his/her case has been finally resolved. This includes during any Appeal process.

STANDARD OF PROOF

11. (Reg 19.5.6) Offenders should be made aware that the standard of proof in all disciplinary cases is the balance of probabilities. For the avoidance of doubt there is no sliding scale.

RULE 5.12 CASES

12. Where information is given in writing to the ARU Chairman of Discipline & Governance, the ARU Secretary or Chairman BA(G) Rugby from a named person within the game (i.e. not anonymously), or an individual has been charged with a criminal offence, which in the opinion of the ARU would amount to a prima facie case of breach of Rule 5.12, the ARU may require the person or club to whom that information relates to attend before a Disciplinary Hearing to answer the allegations. Cases of misconduct outside the playing

enclosure, e.g. at the annual Army v Navy fixture or in the clubhouse, must be referred to the ARU for consideration under Rule 5.12.

PROCEDURE

13. The following procedure is to be adopted regarding a player or official dismissed from the field of play or touchline or who has had a charge against Rule 5.12 brought against them:

- a. The referee is to contact the ARURS representative on the next working day who will inform the ARU Secretary and Chairman of Discipline immediately of the incident.
- b. The referee is to complete and sign the Red Card or Abuse Report within 48 hours and send a copy by the fastest appropriate means to the Secretary ARU and Chairman of Discipline, the Club (Unit) of the offending individual and the ARURS representative.
- c. The ARU Chairman of Discipline, on receipt of the report will contact the unit to confirm the receipt of the report and to ensure the player and his rugby officer is notified that the individual is temporarily suspended from rugby under the auspices of Regulation 19.
- d. The ARU Chairman of Discipline and Secretary ARU will then decide on a date and location for the hearing in consultation with the Unit and the Referee (and any other party involved).
- e. Once the hearing date is set, the document pack will be sent to all those who require it. The individuals up in front of the Panel are to confirm whether they are accepting or disputing the alleged incidents and provide any evidence or the names of any witnesses they intend to bring to the Panel.

THE HEARING

14. Prior to the hearing the player (and his rugby officer) must read and fully understand the RFU Rules & Disciplinary Procedures (Regulation 19) available on the RFU website <http://www.rfu.com/thegame/discipline> They should also look at the ARU website <http://www.armyrugbyunion.org.uk/>. These websites are to aid the rugby officer and the accused to prepare them for the hearing. Unfortunately, past hearings have demonstrated that not all unit, rugby officers, players and COs fully appreciate and understand the complexities and detail of what is required.

15. The player, and referee in attendance, are entitled to be present throughout the hearing, but not during the deliberation.

16. Witnesses should only be permitted to be present in the room whilst they are giving evidence or making statements.

17. The player may nominate one person to be present throughout the hearing and represent his case. (This should preferably be the Rugby Officer or Coach who knows the individual as a player and as a serviceman/woman).

CONDUCT

15. The referees report should be read in its entirety by the Secretary of the hearing.

16. The referee, when present, may make additional comments to clarify his report. If at this stage the referee states that the player did not commit the offence for which he was ordered off, the committee is to resolve that no conviction be recorded against the player and that the meeting be terminated. The referee may be questioned by the player, his representative, and members of the committee.

17. The player or his representative may make a statement.

18. Witnesses may be called and make their statements and be cross questioned by or on behalf of the player and by the committee. Video evidence is admissible and may be judged on face value. Written statements are acceptable but clearly cannot be questioned. Should these contain information which may significantly affect the case, the chairman should consider an adjournment until the witness can be present.

19. The unit representative will make a statement as to the character of the player and in mitigation.

20. The Disciplinary Panel should then deliberate on the case. The Chairman will at the conclusion of the deliberation, and in the presence of the player, the representative and the referee (if present) state the finding of the committee and the punishment, if appropriate.

Note: Questions to the player, referee or to witnesses may only be put through the Chairman or members of the Panel. The referee may only be questioned with a view to clarifying his report but not to challenge the facts.

PROMULGATION OF PENALTY

21. The Secretary will promulgate the decision of the Panel to the Unit, the RFU and to the ARU Secretary. It is up to the unit to ensure that the player/individual serves the sanction awarded as per the decision of the Panel.

NOTES ON PENALTIES

21. When imposing sanctions, disciplinary panels dealing with an ordering off and/or citing shall apply the recommended penalties for illegal and/or foul play as designated in Reg 19 Appendix 2 and reproduced at para 22 below. The process used is as follows:

a. **Decision on Entry Point.** (19.11.8) Disciplinary panels shall undertake an assessment of the seriousness of the player's conduct which constitutes the offending and 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 as shown in Appendix 1 for each specific instance of Foul Play.¹ Such assessment of the seriousness of the player's conduct shall be determined by reference to the following features of offending:

- Whether the offending was intentional, that is, committed intentionally or deliberately.

¹ For Rule 5.12 cases, this schedule may be used as a guidance for sanctioning, but it is up to the Chairman of Panel to consider the starting point for these cases.

- Whether 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.
- The gravity of the player's actions in relation to the offence.
- The nature of actions, e.g. the manner in which offence committed including the part of body used, i.e. fist, elbow, knee or boot.
- The existence of provocation.
- Whether the Player acted in retaliation and the timing of such.
- Whether the Player acted in self-defence (that is whether he used a reasonable degree of force in defending himself).
- The effect of the offending Player's actions on the victim (i.e. extent of injury, removal of player from game).
- The effect of the offending Player's actions on the game.
- The vulnerability of the victim player including the part of the victim's body involved/affected, his position or ability to defend himself.
- The level of participation in the offending and level of premeditation.
- Whether the conduct of the offending player was completed or amounted to an attempt.
- Any other features of the Player's conduct in relation to or connected with the offending.

Based on the assessment of the offence(s) under consideration against the above features of offending, the disciplinary panel shall categorize the offence(s) as being at the **lower end, mid range or top end** of the scale of seriousness of offending and identify the applicable entry point where set out in the table at Appendix 1 to this Annex.

b. **Aggravating Factors.** Having identified the applicable entry point for consideration of a particular incident, the Disciplinary Panel shall identify any relevant off field 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 factors include the following:

- The Player's status as an offender of the laws of the game.
- The need for a deterrent to combat a pattern of offending.
- Any other off field aggravating factor that the Disciplinary Panel considers relevant and appropriate.

c. **Mitigating Factors.** 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 the following:

- The presence and timing of an acknowledgement of culpability or guilt by the offending player
- The Player's disciplinary record and/or good character.
- The youth and experience of the player.
- The player's conduct prior to and at the hearing.
- Remorse to the player's actions and the victim player, including the timing of remorse.
- Any other off field mitigating factors the panel considers relevant and appropriate.

22. The table below, as produced by the RFU may be amended at any stage. Clubs should ensure that they note the most up to date table on the RFU web site.

DESCRIPTION AND LAW (Check with www.rfu.com for latest laws, entry points and sanctions)	ENTRY POINT BASED ON Scale of Seriousness of the Player's conduct, which constitutes the offending. Lower End (LE), Mid Range (MR), Top End (TE)	MAXIMUM SANCTION
10.4(s)(m) Verbal abuse of match officials	LE – 6 weeks MR – 12 weeks TE – 18+ weeks	52 weeks
10.4(s)(m) Threatening Actions or Words towards match officials	LE – 12 weeks MR – 24 weeks TE – 48+ weeks	260 weeks
10.4(s)(m) Physical abuse of match officials	LE - 24 weeks MR - 48 weeks TE - 96+ weeks	Life
10(4)(a) Striking another player with a hand, arm or fist	LE - 2 weeks MR – 5 weeks TE – 8+ weeks	52 Weeks
10(4)(a) Striking another player with the elbow	LE - 2 weeks MR - 5 weeks TE – 9+ weeks	52 Weeks
10(4)(a) Striking with the knee	LE - 4 weeks MR – 8 weeks TE -12+ weeks	104 weeks
10.4(a) Striking with the head	LE – 4 weeks MR – 10 weeks TE – 16+ weeks	52 Weeks
10.4(b) Stamping or trampling on an opponent.	LE – 2 weeks MR – 5 weeks TE – 9+ weeks	52 weeks
10.4 (c) Kicking an opponent	LE - 4 week MR -8 weeks TE –12+ weeks	52 weeks
10.4(d) Tripping an opponent with the foot/leg	LE - 2 weeks MR - 4 weeks TE – 8+weeks	52 weeks
10.4(e) Dangerous tackling of an	LE - 2 weeks	52 weeks

Opponent, including early or late and including the action known as the “stiff arm tackle”	MR – 6 weeks TE – 10+ weeks	
10.4 (e) Dangerous tackling of an Opponent including a tackle or attempted tackle above the line of the shoulders even if the tackle starts below the line of the shoulders	LE – 2 weeks MR – 6 weeks TE – 10+ weeks	52 weeks
10.4 (f) Holding, pushing or obstructing an opponent not holding the ball, by a player who is not in possession of the ball, except in a scrum, ruck or maul	LE - 2 weeks MR – 4 weeks TE – 6+ weeks	52 weeks
10.4 (g)(k) Dangerous charging or obstructing or grabbing of Opponent without the ball, including shouldering.	LE - 2 weeks MR - 5 weeks TE - 10+ weeks	52 weeks
10.4 (g) Dangerous charging or obstructing or grabbing of Opponent with the ball, including shouldering.	LE - 2 weeks MR - 5 weeks TE - 10+ weeks	52 weeks
10.4(h) A player must not charge into a ruck or maul. Charging includes any contact made without use of the arms, or without grasping the player.	LE - 2 weeks MR - 5 weeks TE - 10+ weeks	52 weeks
10.4(i) Tackling, tapping, pushing an Opponent jumping for the ball in a lineout or in open play	LE - 3 weeks MR - 6 weeks TE - 10+ weeks	52 weeks
10.4(j) Lifting a player off the ground and dropping or driving that player into the ground whilst that player’s feet are still off the ground such that his head/upper body comes into contact with the ground first	LE - 4 weeks MR - 8 weeks TE - 12+ weeks	52 weeks
10.4(k) Causing a scrum, ruck or maul to collapse	LE - 2 weeks MR - 5 weeks TE - 8+ weeks	52 weeks
10.4(m) Testicle grabbing or twisting or squeezing	LE - 12 weeks MR - 18 weeks TE - 24+ weeks	208 weeks
10.4(m) Biting	LE - 12 weeks MR - 18 weeks TE - 24 + weeks	208 weeks

10.4(m) Contact with eyes or eye area	LE - 12 weeks MR - 18 weeks TE - 24+ weeks	156 weeks
10.4(m) Spitting at players	LE - 4 weeks MR - 7 weeks TE - 11+ weeks	52 weeks
10.4(m) Verbal abuse of players based on religion, race, colour or national or ethnic origin, sexual orientation or otherwise	LE - 4 weeks MR - 8 weeks TE - 16+ weeks	52 weeks
10.4(m) Any other acts (not previously referred to) which are contrary to good sportsmanship	LE – 4 weeks MR – 8 weeks TE – 11+ weeks	52 weeks
10.4(m) Hair pulling or grabbing	LE – 2 weeks MR – 7 weeks TE – 11+ weeks	52 weeks
10.4(m) 2 yellow in one match	Entry Point – 1 week	
10.4(m) Totting up of 3 foul play yellow cards within season – applies only to Levels 1-4	Entry Point - 1 week	

Note: Notwithstanding the above, the recommended sanctions, in cases where the player's actions constitute mid range or top end of offending for any type of offence which had the potential to result, and in fact, did result in serious/gross consequences to the health of the victim, the Disciplinary Panel may impose any periods of suspension including a suspension for life.

In cases of multiple offending, a Disciplinary Panel may impose sanctions to rung either on a concurrent or consecutive basis.

23. Any period of suspension imposed by the Disciplinary Panel may:
 - a. Be back-dated to start at such a date as it thinks fit if it wishes to take account of any effective disciplinary action taken by the player's club arising out of the same incident.
 - b. Include or exclude the whole or any part of the closed season taking into account any tour or other games to which the player is committed.
24. When the ARU Disciplinary Committee imposes a period of suspension it should:
 - a. Make it clear whether the period of suspension is from playing or administration or both.
 - b. Specify the exact dates (not simply the number of days/weeks) between which the suspension will take place, the commencing and finishing dates to be inclusive of the period of suspension. The period of suspension may be split into two distinct periods to exclude the whole or part of the closed season.

c. Previous offences should be taken into account only when deciding the scale of the punishment.

25. **These rules are taken from the RFU Regulation 19 – Discipline taken from the RFU Handbook 2013/2014 (RFU Disciplinary Regulations) and have been adapted as necessary for the ARU. The revised RFU Handbook for 2014/2015 has yet to be issued. Please note that the RFU Handbook/RFU website is the definitive source of information and as the RFU regulations can change in year, the RFU website should always be used in the first instance. Further guidance can be sought from the ARU Secretary or Chairman of Discipline & Governance.**