

DISCIPLINARY RULES & PROCEDURES

Paragraph 2.8 of the Club Rules states: *In accordance with the requirements and regulations of the Rugby Football Union and the Middlesex County RFU, the Club shall appoint a Disciplinary Sub-Committee which will be responsible for implementation of the Club Disciplinary Rules and Procedures.* The following rules and procedures govern the manner in which the club will manage and administer disciplinary issues which might arise and the way in which the Disciplinary Sub-Committee of the Club's Board will operate.

1. The disciplinary process will endeavour to adhere to the procedures and sanctions laid down by the RFU and Middlesex RFU. The disciplinary process will follow the principles of natural justice.

2. The disciplinary process is governed by the Disciplinary Sub-Committee of The Board of Twickenham RFC ("the Club"). The Disciplinary Sub-Committee is drawn from a panel of members ("Disciplinary Panel" see Appendix) and would normally be chaired by one of the Club President, Chairman, Hon. Treasurer or Hon. Secretary. The Hon. Secretary will ex officio be the Disciplinary Officer unless an alternative appointment is made.

3. The disciplinary process will be applied where any event takes place or a complaint is made, internally or externally, which

- is connected to or associated with or incidental to any rugby related activity involving a member of the Club.
- may invoke the disciplinary process of either the RFU or Middlesex RFU.
- may give rise to a breach of the Rules of Rugby or the Club's Constitution or the Code of Conduct.
- may cause reputational damage to the Club or to Middlesex RFU or the RFU.

4. The event must be reported to the Hon. Secretary, Director of Rugby, and/or in the case of mini or junior rugby, the Chairman of the Section ("Section Chairman") or Age Group Manager as soon as practicable but in any event in not less than 72 hours after the occurrence. In any such case the Hon. Secretary will appoint an individual to draft a report on the event, as appropriate and necessary (to include the names, addresses, telephone numbers, e-mail addresses of witnesses). In default of the Hon. Secretary, Director of Rugby, Section Chairman or Age Group Manager being able to make the appointment, then the Team Coach or Captain or some other member of the Club should draft a report. A first draft of the report is to be submitted to the Hon. Secretary within 7 days of the incident occurring. Where possible, the individual appointed to draft a report on the event should be independent of the event.

5. In the case of incidents on or around the field of play within the jurisdiction of match officials, the Secretary of Middlesex RFU Disciplinary Committee must be notified within 72 hours of the event taking place and be supplied with the player's name, address, date of birth and RFU registration number, if registered. The notification should be made by the Hon. Secretary or in the event of his/her non-availability by the Club Chairman, Hon. Treasurer or Director of Rugby.

6. Where a member of the Club is subject to, or is likely to be subject to, a report from a referee to the RFU or Middlesex RFU (or any other Constituent Body), the Disciplinary Officer will convene an Internal Disciplinary Hearing, either formally or informally, which should include one of the Club

Chairman, Hon. Secretary or Hon. Treasurer together with the Chairman/Head of the relevant section or such other member(s) of the Disciplinary Panel , as appropriate, to :

- discuss the event with the member of the Club or individual concerned
- decide whether there is a prima facie case to answer
- decide whether a temporary sanction should be imposed and, if so what
- determine that no action be taken until the referee's report is received (should a report be in the process of being drafted).

Any temporary sanction will be taken into account at any subsequent disciplinary hearing.

7. Where any event is not subject to a referee's report, the Disciplinary Officer may, upon receipt of an oral or written report that may give rise to a breach of a Code of Conduct or the Rules of Rugby, appoint a member of the Disciplinary Panel to investigate the complaint. If the complaint is made orally, the Disciplinary Officer or the member of the Disciplinary Panel appointed to investigate the report, at their discretion, may request the report to be made in writing before any investigation takes place. The member of the Disciplinary Panel will report to the Disciplinary Officer following the investigation. It should be noted that if there is a sending off or an incident involving a player under the age of 18 or an incident involving any member of the Club, spectator or bystander (whether a member of the Club or not), the Disciplinary Officer shall have the jurisdiction to investigate.

8. The process followed thereafter will be decided by the Disciplinary Officer, Chairman, Director of Rugby and/or Section Chairman in discussion with other members of the Club, as appropriate and necessary. If the situation is one where the referee's report is awaited, on receipt of the referee's report, or otherwise, the options can include (but are not limited to):

- Require further investigation.
- Convene an Internal Disciplinary Hearing.
- Defer convening an Internal Disciplinary Hearing until some other event takes place or information is obtained.
- Decide not to convene an Internal Disciplinary Hearing.

9. The Disciplinary Officer will direct the Disciplinary Sub-Committee to hold an Internal Disciplinary Hearing, which will take place as soon as possible following the event and a decision has been taken to hold an Internal Disciplinary Hearing, unless exceptional circumstances dictate otherwise. Where possible It will be held on a date and a place convenient to those required to attend the Internal Disciplinary Hearing. The Disciplinary Officer will appoint a Chairman of the Internal Disciplinary Panel, who, will decide on the date and place that the Internal Disciplinary Panel will meet taking all relevant factors into account if no date, time or venue can be agreed upon.

10. The Internal Disciplinary Panel will consist of not less than two, and ideally not less than three, members of the Club Disciplinary Panel. The names of the individuals on the Internal Disciplinary Panel, date time and place will be communicated to the member of the Club who is required to attend before it at the address held by the Club for the member.

11. The following rules will apply to the conduct of the Disciplinary Hearing:

- The Chairman of the Internal Disciplinary Panel will determine the manner in which the Hearing should proceed following his appointment and communicate its decision to all interested parties.
- The Panel Chairman will determine what evidence is to be called on behalf of the club.
- It is the member's responsibility to identify and communicate the identity of witnesses the member wishes to call to attend the Internal Disciplinary Panel.
- It is the member's responsibility to organise any witnesses that he/she wishes to give evidence before the Internal Disciplinary Panel as to fact or character to attend and/or obtain evidence to be put before the Internal Disciplinary Hearing.

- The Internal Disciplinary Panel will hear the evidence and come to a decision.
- Where the Internal Disciplinary Panel decides that the member is in breach of the Rules of Rugby or the Club's Constitution, Rules or Code of Conduct, it will determine what penalty, if any, is appropriate.
- The Internal Disciplinary Panel will take into account the recommended procedure and penalties laid down in the current RFU Handbook, if appropriate.
- Pursuant to Paragraphs 31 and 32 of the Club's Memorandum of Association, the options available can vary from no action to expulsion from the Club.
- The decision of the Internal Disciplinary Panel will be communicated to the member of the Club or individual who has appeared before the Internal Disciplinary Panel after the hearing has taken place and it will be confirmed in writing with a copy of the decision being sent to the Disciplinary Officer, who in turn will report to the Club's board

12. Where a member of the Club or individual is required to attend a Disciplinary Hearing organised by the RFU or Middlesex RFU, the Discipline Secretary will endeavour to:

- Forward the relevant documents on to the member of the Club or individual including any referee's report.
- Make the member of the Club or individual aware of his/her right to call any evidence that he/she may wish to call as to fact or character at the Disciplinary Hearing.
- Discuss the alleged offence and explain the procedure and possible penalties with the member of the Club or individual.

The Club will support the member at the Disciplinary Hearing at which one or more representative from the Club will endeavour to be present. The Club makes no such commitment to an individual who is not a member of the Club.

13. It is the member's responsibility to identify any witnesses to attend the Disciplinary Hearing held by Middlesex RFU. The Discipline Secretary will organise statements to be taken from the witnesses, in conjunction with the member, but it is the member's responsibility to ensure that witnesses attend any hearing that may be held by Middlesex RFU or the RFU. The Club accepts no responsibility for the failure of witnesses to attend any Disciplinary Hearing. A player may not challenge the referee's report if he has not requested the referee's attendance in sufficient and reasonable time before the Disciplinary Hearing takes place.

14. Expenses may, at the Club's discretion be paid to witnesses who are asked to attend on behalf of the member or the Club and who attend any RFU or Middlesex RFU Disciplinary Hearing. The Club, at its discretion, will meet the costs imposed by the RFU or Middlesex RFU.

15. The Club will not support an appeal from the Middlesex RFU to the RFU without the Chairman, Secretary and Director of Rugby agreeing to that course of action.

16. Any decision by the Internal Disciplinary Panel can be appealed to the Chairman of the Club provided that an Appeal is made in writing and served on the Club Secretary not more than 14 days after the date on which the member receives the decision of the Internal Disciplinary Panel. The Chairman will determine the manner in which the Appeal will be heard in his/her discretion.

17. The Hon. Secretary will hold a current version of the Rules of Rugby and a copy of the Club's Constitution and Codes of Practice, copies of all of which are available for inspection by request.

Appendix

Disciplinary Panel

The Disciplinary Panel may be composed of any of the following individuals:

- Club President
- Club Chairman
- Hon. Treasurer
- Hon. Secretary
- Director of Rugby
- Head of Senior Rugby
- Chair/Head of Junior Rugby
- Chair/Head of Mini Rugby
- Club Captain
- Club Referee Co-ordinator
- Club Coaching Coordinator
- Club Membership Secretary
- Club Vice-Presidents