



Esher RFC

DISCIPLINARY PROCEDURE

The Disciplinary Committee shall have jurisdiction to hold inquiries and impose punishment over all club players, members, officials and supporters, irrespective of level within the Club.

That jurisdiction may be exercised where:

- (a) A player has been dismissed from the field of play by the Referee.
- (b) A player has been cited for foul play.
- (c) A player, Club Official or other member/supporter is reported in writing for abuse/misconduct while he/she is on Club premises, or deemed to be representing the club elsewhere.

Dismissed from the Field of Play

In all cases where the Referee has sent off a player, that player is automatically ineligible for selection until otherwise advised by the Disciplinary Committee. The player or, in the case of Colts or Youth & Mini Section the player's team coach/manager, must inform the appropriate Minis/Junior Chairman, Club Disciplinary Officer and Secretary within 24 hours, giving the name, address and telephone number of the player concerned, along with the reasons for the sending off.

The Clubs Discipline officer/ Secretary is obliged to inform Surrey Rugby's Disciplinary Chairman within 72 hours after the match, the name and address and contact telephone number of any player who has been ordered off the playing enclosure including players under the age of 17.

Note: For the avoidance of doubt dismissal/sending off within the context of this Disciplinary Procedure means a straight Red Card offence or 2 yellow cards in the same match, and not a Yellow Card/temporary suspension.

Notice of Hearing

Where a player has been sent off, or a player/member/Club Official/supporter has been reported for abuse by a match official, or where the Disciplinary Committee is satisfied that there is a case for a player/member/Club Official/supporter to answer following a citing or an allegation of misconduct, then a notification of hearing will be forwarded (usually by e-mail) that will include the specific charge (together with a copy of the Referee's Report when possible) or allegation to the person named therein, notifying date, time and place appointed for the hearing. The recipient should also be informed that in the event of him/her denying the allegation, he/she may also provide supporting evidence by way of witnesses to assist in their rebuttal.

The hearing shall take place as soon as possible and preferably within 7 days of the alleged incident, (on the basis that notification to the Club Secretary has occurred within the stated 24 hours).



Procedure

The following procedure shall be adopted at all disciplinary hearings.

- (a) The player/member/official/supporter in question must attend the hearing in person unless they can demonstrate to the Chairman of the Disciplinary Committee sufficient reason not to. Failure to do so could result in an adjournment and continuation of suspension until such time as he/she can attend a re-arranged hearing.
- (b) Youth & Mini players must be accompanied by a parent or guardian; Colts players may be accompanied by a parent or guardian if they wish.
- (c) In the case of Colts and Youth & Mini Section players, the player's head coach should also be in attendance.
- (d) The Chairman will explain the procedure before the hearing commences.
- (e) Details of the conduct alleged will be explained. If the Referee's Report has been received it will be read out.
- (f) The person appearing before the Disciplinary Committee shall be asked whether the allegations being the subject of the hearing are admitted.
- (g) If the allegations are not admitted the person against whom the allegations are made shall be entitled to give and to call evidence in rebuttal.
- (h) Questions may be put to each witness by any member of the Disciplinary Committee. The Chairman may allow direct questioning of witnesses if he considers it to be fair to do so.
- (i) In all cases the person answering the allegations shall have the right of the last word.
- (j) The Chairman will then invite all persons other than the members of the Disciplinary Committee to retire whilst the Committee considers its decision.
- (k) The Committee having reached their decision, the player's previous disciplinary record will be taken into account.

Failure to attend Disciplinary Hearing

In the event of a person, having been given due notice, failing to attend, the case will be adjourned and, after reasonable attempts have been made to agree a date, the individual will be advised in writing that, unless a satisfactory reason can be given, his attendance is required at the adjourned hearing. Should the individual, without good reason, fail to attend the adjourned hearing, the Disciplinary Committee shall have discretion whether to hear the case in his absence or to adjourn the case further.

At any adjourned hearing at which a player does not attend, the Committee, if it decides not to hear

the case, may suspend a player until such time as he appears, in which event every reasonable

attempt will be made to agree with the player the date for a further hearing.

Alternatively, at an adjourned hearing of which the Committee is satisfied that an absent player

received due notice, the Committee may find him guilty in his absence and impose an appropriate penalty.

Note: The responsibility for determining the date of a hearing rests solely with the Chairman of the

Disciplinary Committee whose decision is final.



The Decision and Penalties

Where the alleged offence is admitted or proved, the Disciplinary Committee shall have power to impose the following penalties as appropriate:

- (a) That in the circumstances the sending off was sufficient punishment for the offence.
- (b) That the person be cautioned/reprimanded or severely cautioned/reprimanded as to future conduct.
- (c) That a period of suspension from the club be imposed on the player/member/Club Official/supporter.
- (d) An appropriate punishment. For the avoidance of doubt "appropriate punishment" shall include, but not be limited to, a reprimand or suspension from playing.

Sanctions for Dismissals from Field of Play or Citings

When imposing sanctions, the Disciplinary Committee shall have regard to the recommended penalties for illegal and/or Foul Play set out within the relevant RFU Rules and Regulations for the time being

The Disciplinary Committee shall undertake an assessment of the seriousness of the Player's conduct 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 for consideration of a particular incident(s) where such incident(s) is expressly covered in RFU Guidelines, Such assessment of the seriousness of the person'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 person knew (or should have known) there was a risk of committing an act of illegal and/or Foul Play;
- (c) The gravity of the person's actions in relation to the offence:
 - (i) Nature of actions, manner in which offence committed including part of body used, i.e. fist, elbow, knee or boot; and
 - (ii) The existence of provocation and whether the person acted in retaliation or self defence;
- (d) The effect of the offending person's actions on the victim (i.e. extent of injury, removal of Player from game);
- (e) The effect of offending person's actions on the game;
- (f) The vulnerability of victim Player including part of victim's body involved/affected, position of Player, ability to defend himself;
- (g) The level of participation in the offending and level of premeditation;
- (h) Whether the conduct of the offending person was completed or amounted to an attempt; and
- (i) Any other feature relevant to the offending.



Based on the assessment of the offence(s) under consideration against the above features of offending, the Disciplinary Panel shall categorise 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 RFU Disciplinary Guidelines.

Having identified the applicable entry point for consideration of a particular incident, the Disciplinary Panel 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 factors include the following:

- (a) An absence of lack of remorse and/or contrition on the part of the offending person;
- (b) The person's status as a persistent 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 Committee considers relevant and appropriate.

Thereafter, the Disciplinary Committee 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:

- (a) The presence and timing of an acknowledgement of culpability/guilt by the offending person;
- (b) A good record and/or good character;
- (c) The age and experience of the person;
- (d) The person's conduct prior to and at the hearing;
- (e) Remorse to the person's actions and the victim; and
- (f) Any other off field mitigating factors the Committee considers relevant and appropriate.

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 RFU Disciplinary Guidelines may be applied and, in this respect only, the lower end sanctions set out in these Guidelines are not minimum sanctions.

The Disciplinary Committee shall set out in writing their decision and the sanction, if any, imposed. If this involves a period of suspension it will make clear the exact dates between which the suspension will take place.

Appeals

Where a person/player ('the Appellant') is aggrieved by the decision of the Disciplinary Committee the Appellant shall have the right to appeal to the Club Chairman.

The Appellant shall serve notice of appeal in writing, stating the grounds of the appeal.

The Chairman shall appoint two other Officers of the club to serve on the Appeal Panel (none of whom served on the original Disciplinary Committee) and shall advise the Appellant of the appeal hearing, which should be no more than 14 days after the original hearing.



A member of the original panel that heard the case may attend the appeal hearing as an observer. The Appeal Panel has the power to quash a finding and any sanction imposed by the original Disciplinary Committee. It may also substitute an alternative finding and/or reduce or increase the original sanction.

There shall be no further right of appeal from this appeal.

The Appellant if suspended at the original Disciplinary Hearing shall remain under suspension pending the outcome of the appeal hearing.

Esher RFC Disciplinary Officer

Tyrone Lawless

tyronelawless@aol.com

Esher RFC Hon. Secretary

Nigel Scott

Nigel.mcm@ntlworld.com

Esher RFC Hon. Chairman

Bob Stratton

bob@hadleystjames.com