



USA RUGBY

USA RUGBY DISCIPLINARY BEST PRACTICES



USA RUGBY DISCIPLINARY PROCEDURES

[SEE DOCUMENTS »](#)

USA RUGBY DISCIPLINARY PROCEDURES

1.3 These Disciplinary Procedures are established in order to secure and maintain consistency in the way in which discipline is administered and uniformity in the way in which Foul Play and Misconduct are dealt with at all levels of play of the sport of Rugby within the United States of America as intended by WR in the promulgation of WR Regulations 17, 18 and 20.

Note: These WR Regulations are based on the French Legal system:

- “Natural Justice”
 - The principles of natural justice shall be adhered to in all disciplinary proceedings. Such principles include, Players cited/Ordered Off shall have the right to know the evidence against them, shall have the right to be heard, to be represented, to produce evidence and defend themselves before independent adjudicators.(17.1.1(d))
- Balance of probabilities– more likely than not (17.17.1)
- Not adversarial – DC/JO is trier of fact – no cross-examination.

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LOCAL DISCIPLINE

4.1 The initial responsibility and jurisdiction for the administration of these Disciplinary Procedures and for the initial adjudication and determination of appropriate disciplinary sanctions (if any) is held by the local Organizing Body most immediately responsible for sanctioning a competition (which currently includes LAUs, GUs, College Conferences, and SBOs,), which, as the same exists from time to time, is hereinafter called a “Local Organizing Body.”

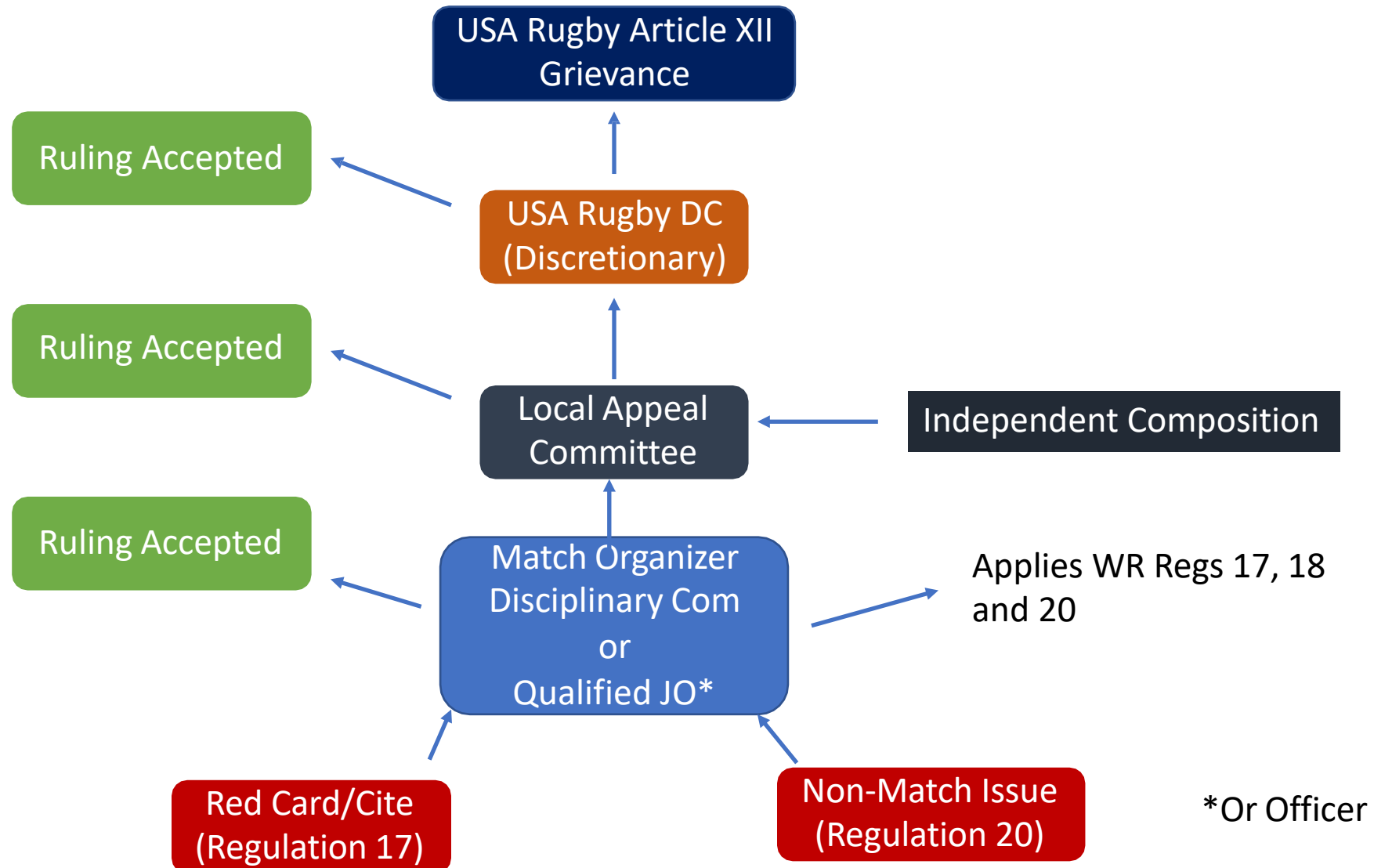
- There are two levels of local review – Disciplinary Committee and Appeals Committee
- Independence and neutrality – conflict of interest
- Jurisdiction
 - Local Organizing Body (match organizer)
 - Cross LOB matches = “home” LOB of carded player
- Composition – committee or QJO

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TECHNICALITIES AND TIMELINES

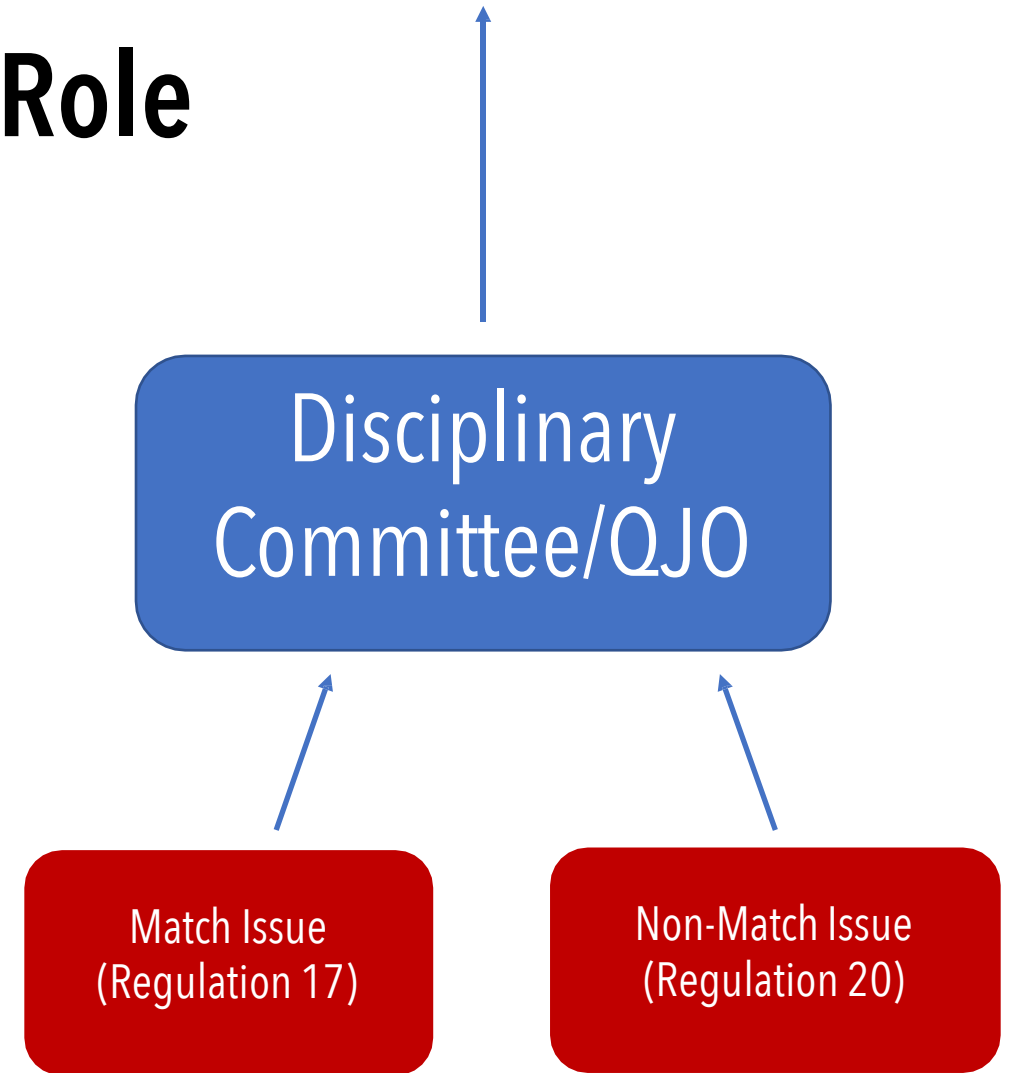
Procedures or proceedings under this Regulation and/or Regulation 18 or any decision of a Disciplinary Committee, Judicial Officer, Appeal Committee or Appeal Officer shall not be quashed or held invalid by reason only of any defect, irregularity, omission or other technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of a Disciplinary Committee, Judicial Officer, Appeal Committee or Appeal Officer or results in a miscarriage of justice. (17.28.2)

Disciplinary Procedure (Player & Participant)



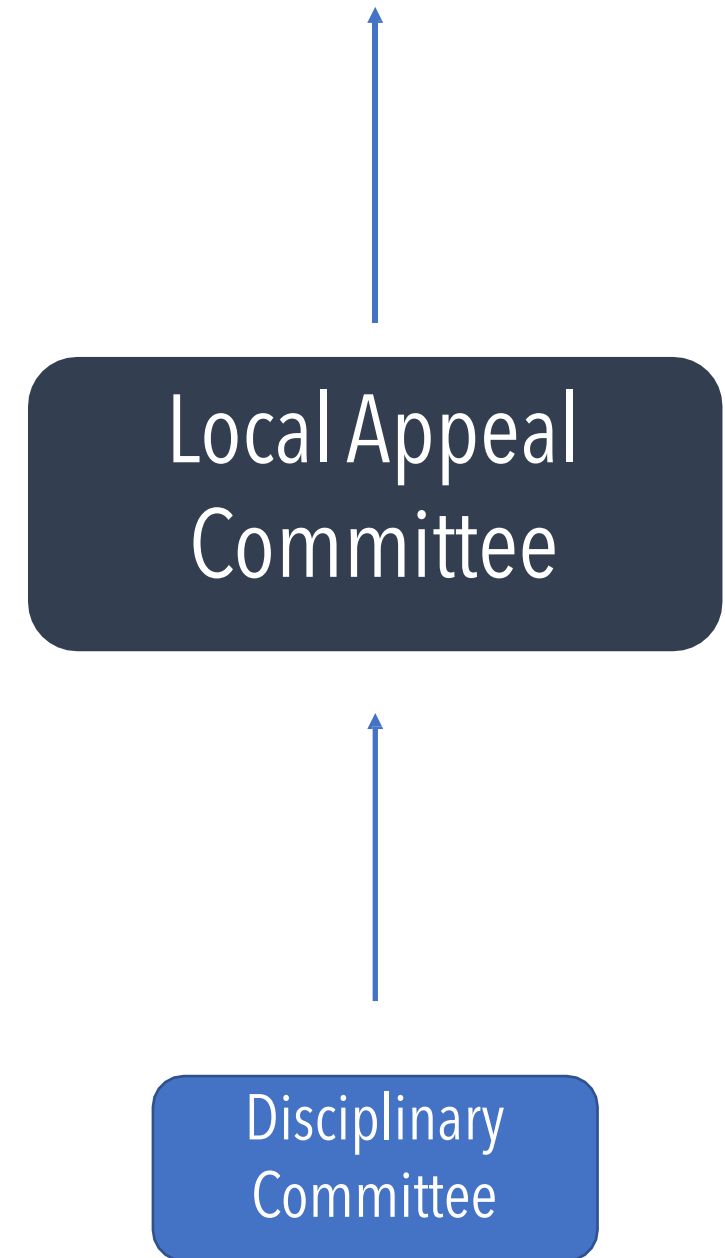
Disciplinary Committee/QJO Role

- Original recipient of all Match and Non-Match Disciplinary(Misconduct) Items, Including (but not limited to):
 - Player issues on and off field
 - Coach issues on and off field
 - Referee issues on and off field
 - Administrative issues on and off field
- Qualifications:
 - Familiar with USA Rugby Disciplinary Procedures
 - Familiar with Regulation 17 and Regulation 20 both policies and guidelines
 - Trained by USA Rugby Disciplinary Officer, Ed Todd
 - Preferred to have completed training as a World Rugby 'Qualified Judicial Officer'
- Originally rules on all disciplinary items according to guiding regulations, or precedent and judgement
- Is not a part of any team or organization within their purview (Recusal)
- Is not a part of any appeal organization
- Updates and monitors National Disciplinary Database



Local Appeal Committee

- Accepts appeals from Disciplinary Committee's rulings
- Considers process and original ruling
 - Either upholds or overturns original ruling
 - May take appeal de novo
- Qualifications
 - At least 3 members (may have larger pool)
 - No members affiliated with the teams or organizations in question; not involved with initial review



NOW FOR SOMETHING COMPLETELY
DIFFERENT

HOW TO STRUCTURE A HEARING

The Actual Process

1. Judicial Officer vs. Committee?
2. Notice/Due Process
3. Pre-Hearing
4. Hearing
5. Ruling

Judicial Officer v. Committee

1. Judicial Officer: Efficient; Stressful; Politics
2. Committee: More Complex but Less Controversy (Panel of 6, but only 3 needed?)

Notice & Due Process

The Player should be given notice

- Date/Time/Place (telephonic)
- Subject Matter
- Ideally given a copy of report/video/evidence (it is not a Gotcha game)
- If there is a true “victim” involved, I tend to give them notice as well

Pre-Hearing

1. Explain Hearing itself including application of Reg 17 and the Appendix
2. Admission is a mitigation
3. Standard of Review: Balance of Probabilities
4. Make sure they have been given proper notice and info to proceed

Hearing

1. Goal is “Justice” - NOT to find Guilt
2. “inquisitorial system”: JO/Chair asks all of the questions. No cross-examination allowed
3. “Any other topic area you think I should explore”

Foul Play

Only Red Card offenses!

Seriousness of the Offense

- (a) whether the offending was intentional or 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, the manner in which the offence was committed including part of 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 the game);
- (i) the effect of the Player's actions on the Match;
- (j) the vulnerability of the victim Player including part of victim's body involved/affected, position of the victim Player, ability to defend himself;
- (k) the level of participation in the offending and level of premeditation;
- (l) whether the conduct of the offending Player was completed or amounted to an attempt; and
- (m) any other feature of the Player's conduct in relation to or connected with the offending.

Low End – Mid Range – Top End (*head)

9.12 A player must not verbally abuse anyone. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation.

Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
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9.13 A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.

Low-end: 2 weeks	Mid-range: 6 weeks	Top-end: 10+ weeks	Max: 52 weeks
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Aggravation?

Aggravating Factors

17.19.4 Having identified the applicable entry point for consideration of a particular incident, the Disciplinary Committees or Judicial Officers 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:

- (a) the Player's status generally as an offender of the Laws of the Game;^[4]
- (b) the need for a deterrent to combat a pattern of offending in the Game; and
- (c) any other off-field aggravating factor(s) that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.

Mitigation?

Mitigating Factors

17.19.5 Thereafter, the Disciplinary Committee or Judicial Officer shall identify any relevant off-field mitigating factors and determine if there are grounds for reducing the period of suspension and subject to Regulations 17.19.6 and 17.19.7 the extent, if at all, by which the period of suspension should be reduced.

Mitigating factors include the following:

- (a) the presence and timing of an acknowledgement of culpability/wrong-doing by the offending Player;
- (b) the Player's disciplinary record and/or good character;
- (c) the youth and inexperience of the Player;
- (d) the Player's conduct prior to and at the hearing;
- (e) the Player having demonstrated remorse for his conduct to the victim Player including the timing of such remorse; and
- (f) any other off-field mitigating factor(s) that the Disciplinary Committee or Judicial Officer considers relevant and appropriate.

Decision

- Writing
- Confirm Due Process given: Notice etc?
- Confirm Participation
- State if Foul Play found/admitted?
- State Seriousness of Offense
- State Entry Point
- State Aggravation, if any?
- State Mitigation, if any?
- State Appeal Rights

Questions? Comments?

Additional questions and comments can be emailed to discipline@usa.rugby

