

USA RUGBY DISCIPLINARY PROCEDURES
(Effective for all disciplinary matters arising within the jurisdiction
of USA Rugby, no matter what level of play is in question, on or
after January 1, 2019

1. PREAMBLE.

1.1 Acting pursuant to USA Rugby Bylaw 10.1, USA Rugby (“USAR”) hereby establishes the following Disciplinary Procedures for adjudicating and assessing the seriousness of Foul Play and Misconduct (as defined by World Rugby [“WR”] Regulation 20.3 and the *SafeSport Code for the U.S. Olympic and Paralympic Movement*) and for imposing sanctions when necessary.

1.2 All participants in Rugby at all levels within the United States agree to follow these disciplinary procedures and, for cases handled by the U.S. Center for SafeSport (Center), the practices, procedures and rulings of the Center. All decisions regarding, and suspensions, imposed on, players and persons (including clubs and teams) shall be accepted and applied universally by all “Organizing Bodies” (as hereinafter defined) in accordance with these 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.

1.4 “Organizing Bodies” means all governing bodies recognized by USAR for the administration of some aspect of the playing of Rugby in the United States from time-to-time, including, but not limited to, Territorial Unions (“TUs”), Local Area Unions (“LAUs”), Geographic Unions (“GUs”), College Conferences, State Rugby Organizations (“SROs”), USAR Club Strategic Committee, USAR College Management Committee, USAR Youth and High School Committee, USAR Disciplinary Committee (“USAR DC”), USAR Referees & Laws Committee (the “USAR R&L Committee”), local referee society or referee organizing body, and all other Rugby organizing bodies, and their respective successors and assigns.

2. WR REGULATIONS 17, 18, and 20.

2.1 Unless otherwise specified by USAR or modified by these Disciplinary Procedures, WR Regulations 17, 18, and 20 (including all appendices thereto), including, but not limited to, the Sanctions for Foul Play set forth in Appendix 1 of WR Regulation 17, as now in effect and as subsequently amended by WR, shall apply to all play within the United States, all Rugby individuals, all Organizing Bodies, and all other entities within USAR. Modifications of WR Regulations 17, 18, and 20 shall apply as and when promulgated by WR without the need for adoption or ratification by USAR; provided, however, the adoption of those modifications of, or alternatives to, WR Regulations 17,18, and 20 (or any part or parts thereof) which are

promulgated by WR for optional adoption by WR members shall become effective only if and when adopted by USAR in accordance with USAR Bylaw 10.1

2.2 Cases involving Sexual Misconduct and Related, as defined by the *SafeSport Code for the U.S. Olympic and Paralympic Movement*, shall be submitted to USA Rugby, and forwarded to the U.S. Center for SafeSport for initial review pursuant to the *SafeSport Practices and Procedures for the U.S Olympic and Paralympic Movement* (see Section 11 below). Sexual Misconduct claims shall be adjudicated under the exclusive authority of the U.S. Center for SafeSport and its processes.

2.3 A summary of Regulation 17 is attached as Schedule 1 for ease of reference.

2.4 A copy of Appendix 1 of WR Regulation 17 (which is the table used to set the period of suspension for Foul Play under Law 10.4) is attached as Schedule 2 for ease of reference.

3. PLAY WITHIN USA RUGBY.

3.1 The phrase “play within the United States,” encompasses all levels of play in all forms, including all matches played within the geographic United States or under the jurisdiction of USAR. For the avoidance of doubt, the phrase “play within the United States” includes all play that leads to a National Championship, all so-called “friendly” matches, and all tournaments

3.2 All Organizing Bodies are bound by, and are responsible for administering, these Disciplinary Procedures. Organizing Bodies do not have the power or right to modify or to ignore these Disciplinary Procedures.

4. 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 SROs, GUs, College Conferences), which, as the same exists from time to time, is hereinafter called a “Local Organizing Body.”

4.2 Each Local Organizing Body shall establish and maintain a Local Disciplinary Committee (“Local DC”) with a minimum of 3 members. If the Local DC does not include a Qualified JO or Qualified AO, the Local DC may consult with a Qualified JO or Qualified AO in the course of conducting its business.

4.3 Each Organizing Body organizing any so-called friendly (consisting of a single match, a tournament, or on-going competition of some sort, any of which is hereinafter called an “Event”) shall establish a Disciplinary Committee of at least 3 members for the Event (“Event DC” or “Competition DC”). The Local DC may act as the Event DC or Competition DC

and shall be deemed to be the Event DC or Competition DC if no Event DC or Competition DC is, in fact, appointed.

4.4 Alternatively, (1) a Local Organizing Body may appoint a single “Qualified JO” (as hereinafter defined) to act in lieu of a Local DC, and (2) with respect to an Event, a single Qualified JO may be appointed in lieu of the Event DC.

4.5 A “Qualified JO” is an individual who is recognized as a “Judicial Officer” (as the term is used in WR Regulations 17, 18, and 20) by WR.

4.6 Additionally, individuals recognized by USAR as being competent to administer a disciplinary proceeding under these Disciplinary Procedures shall be recognized as a Qualified JO and shall be eligible for appointment as a Qualified JO by an Organizing Body. Persons wishing to be recognized as a Qualified JO by USAR shall (i) meet the minimum criteria for a Judicial Officer set forth in WR Regulations 17, 18, and 20 and (i) successfully complete the education requirements as may be adopted by USAR from time-to-time. USAR shall have the right to withdraw recognition of an individual’s status as a Qualified JO recognized by USAR at any time.

5. PROCEDURES TO BE FOLLOWED WHENEVER A PLAYER IS ORDERED OFF (RED CARD) FROM A MATCH, OR IS TEMPORARILY SUSPENDED (YELLOW CARD) FOR FOUL PLAY FROM 3 MATCHES WITHIN A 1-YEAR PERIOD.

5.1 Red Card—Definition. As used in these Disciplinary Procedures, “Red Card” refers to a player who has been sent off from the field of play in accordance with Law 10.7.

5.2 Yellow Card—Definition. As used in these Disciplinary Procedures, “Yellow Card” refers to those temporary suspensions that result from infractions of Law 10.4 only.

5.3 Multiple Yellow Cards. As provided in the Laws of the Game, a second Yellow Card to the same player in a single match results in a Red Card and carries the same consequence as a Red Card. For disciplinary purposes¹, receipt of a third Yellow Card by the same player within a one (1)-year period carries the same consequences as a Red Card and each subsequent Yellow Card received by that player carries the same consequences as another Red Card for disciplinary purposes.

¹ As noted, the subsequent Yellow Card has consequences within the context of the disciplinary process, but not necessarily a consequence on the field of play. For example, Player X receives two Yellow Cards in Match #1 (which, under the Laws of the Game, means that he received a Red Card). Player X then receives another Yellow Card in Match 2. This third overall Yellow Card means that for disciplinary purposes, it is as if Player X received a Red Card and, as the result thereof, Player X would be the subject of the disciplinary process; however, the referee of Match 2 would not need to send Player X off the pitch as a consequence of such third Yellow Card. If Player X was given a second Yellow Card in Match 2, then (1) Player X would be sent from the field under the Laws of the Game, and (2) Player X would face additional disciplinary process as the consequence of such second Yellow Card in Match 2 as well.

5.4 Consequences of Red Card. A player (1) receiving a straight Red Card (as contemplated by Section 5.1) or (2) deemed to have received a Red Card (as contemplated by Section 5.3) is suspended from all play until the resolution of the matter.

5.5 Inter-Local Organizing Body Play. In the event there is a common Local Organizing Body for both participating teams, the Local DC or the appointed Qualified JO shall be responsible for the initial adjudication of any matter. If there is no common governing body (e.g. for cross GU/Conference/SRO play), the Local DC or the appointed Qualified JO of the player's home Local Organizing Body shall have initial jurisdiction of the matter.

5.6 Initial Review and Written Decision for All Matters Considered Under WR Regulations 17 and 18. For all matches in which Red Card or its equivalent is given or result, the Local DC or Qualified JO with initial jurisdiction shall adjudicate the subject player's conduct within 4 days of the conclusion of the match, or no later than two days after receiving proper notice, and follow the provisions of WR Regulations 17 and 18 to determine if and how to impose further sanctions under WR Regulation 17 Appendix 1. A written decision issued by the Local DC or the Qualified JO shall be promptly issued to all involved, and copies sent to the player's Local Organizing Body, the USAR DC, and the Referee Department of USAR. A suggested form of decision is attached as Schedule 3.

6. APPEALS.

6.1 Initial Appeal as a Matter of Right.

6.1.1 Each Local Organizing Body shall appoint a Disciplinary Appeal Committee consisting of a minimum of 3 members or a "Qualified Appeal Officer" (as hereinafter defined) to consider such matters as may arise from the initial consideration of the matter in accordance with these Disciplinary Procedures. The appointed Disciplinary Appeal Committee or a Qualified Appeal Officer is hereinafter called the "Local Appellate." Appellate procedures of the Local Appellate shall comply with WR Regulations 17 (especially WR Regulation 17.22), 18 (especially 18.7 and Appendix 1 thereto), and 20. A "Qualified Appeal Officer" has the same meaning as Qualified JO; however, for the avoidance of doubt, the same individual may not act as both the Qualified JO and Qualified Appeal Officer for the Local Organizing Body in the same matter. If the Local Disciplinary Appeal Committee does not include a Qualified JO or Qualified AO, the Local Disciplinary Appeal Committee may consult with a Qualified JO or Qualified AO in the course of conducting its business.

6.1.2 All decisions of a Local DC or Qualified JO are subject to a single appeal as a matter of right to the appointed Local Appellate. The parties with right to appeal are limited to the sanctioned party and the Local Organizing Body; however, USAR shall have the right to appeal any matter. For the avoidance of doubt, when there is inter-Local Organizing Body play (e.g., play between clubs of different GUs) and the accused player's home Local Organizing Body has initial jurisdiction as provided in Section 5.3, the other Local Organizing Body also has the right of appeal.

6.1.3 Any appeal to the Local Appellate shall be lodged as soon as reasonably practicable, but in any event no later than 72 hours following delivery of the initial

decision to the appealing party. Delivery means the emailing of the initial decision to the parties in interest or the posting of the decision on the website of the subject Local Organizing Body. Additionally, as a condition of the appeal, the appellant must post a cash bond² (the “Bond”) with the Organizing Body. The amount of the Bond is \$50; however, with respect to professional rugby, the Bond shall be \$500. If the appealing party prevails upon appeal, as determined by the Local Appellate, the Bond shall be discharged and returned to the appealing party. Additionally, in all other cases, the Local Appellate has discretion to direct the discharge and return of the Bond to the appealing party. For the avoidance of doubt, USAR and the Organizing Body do not have to post a Bond as a condition of appeal either of them may bring.

6.1.4 During the appeal, the player remains under whatever sanction, if any, originally imposed by the Local DC or Qualified JO.

6.1.5 The Local Appellate may affirm, cancel or modify (in whole or in any part) the decision of the Local DC or Qualified JO (including reducing or increasing any sanction imposed thereby) in accordance with the provisions of WR Regulation 17.

6.1.6 The Local Appellate shall render a written decision within 7 days of the receipt of the appeal to all involved, and send copies to the USAR DC and the Referee Department of USAR. Suggested forms of decision by the Local Appellate are attached as Schedule 4.

6.2 Final Discretionary Appeal to USAR DC.

6.2.1 All decisions of a Local Appellate are subject to a single request to appeal therefrom made to the USAR DC; however, the determination whether to consider the matter on appeal by the USAR DC is discretionary. The parties with the right to request an appeal to the USAR DC are limited to the sanctioned party and the Local Organizing Body (but subject however to Section 6.1.2); provided, however, USAR shall have the right to request an appeal with respect to any matter.

6.2.2 Such parties shall request an appeal as soon as reasonably practicable but in any event no later than 72 hours following delivery of the decision by the Local Appellate by the requesting party. Delivery means the emailing of the appellate decision to the parties in interest or the posting of the decision on the website of the subject Local Organizing Body.

6.2.3 If the USAR DC declines to accept the matter for further review, the decision of the Local Appellate (including any sanction) stands.

6.2.4 If the USAR DC chooses in its discretion to accept the matter for further review, the decision of the Local Appellate (including any sanction) remains in effect pending review.

² The Bond may be paid in cash, certified or cashier’s check, credit card, or PayPal or any other means acceptable to the Organizing Body

6.2.5 If it accepts review, the USAR DC may affirm, cancel or modify (in whole or in any part) the decision of the Local Appellate (including reducing or increasing any sanction upheld or imposed thereby) in accordance with the provisions of WR Regulation 17.

6.2.6 The USAR DC shall render a written decision within 7 days of the receipt of the appeal to all involved, and send a copy to the Referee Department of USAR. The decision of the USAR DC is final, subject to the provisions of USAR Bylaws X and XII.

7. NATIONAL COMPETITIONS. For national competitions under direct administrative control of USAR (*i.e.*, match play in regional or national pools leading to a national championship), USAR shall appoint:

- (i) A Disciplinary Committee (“DC”) or Qualified JO; and
- (ii) An Appeal Committee or Qualified Appeal Officer,

in compliance with these Disciplinary Procedures and WR Regulations 17 and 18. Decisions of the DC (or Qualified JO) are subject to appeal as a matter of right to the Appeal Committee (or Qualified Appeal Officer). An Appeal Committee (or Qualified Appeal Officer) may affirm, cancel or modify (in whole or in any part) the decision of the DC or Qualified JO (including reducing or increasing any sanction imposed thereby) in accordance with the provisions of WR Regulation 17. Decisions of the Appeal Committees or Qualified Appeal Officers are subject to a request to appeal to the USAR DC, which may, in its discretion, accept the matter for further review. Any such requests for an appeal to the USAR DC shall be subject to the provisions of Sections 6.2.2 through 6.2.6 hereof. If it accepts review, the USAR DC Appellate may affirm, cancel or modify (in whole or in any part) the appellate decision (including reducing or increasing any sanction upheld or imposed thereby) in accordance with the provisions of WR Regulation 17.

8. OTHER CIRCUMSTANCES.

8.1 Should incidents occur regarding play and playing arrangements not addressed by these Disciplinary Procedures, the general procedures as set forth in these Disciplinary Procedures shall be followed in that (1) the Local DC or Qualified JO will adjudicate the matter initially and render a written decision, (2) the decision of the Local DC or Qualified JO is subject to an appeal of right as a matter of right to the Local Appellate (which shall issue a written decision), and (3) the decision of the Local Appellate is subject to a discretionary appeal to the USAR DC. The provisions of these Disciplinary provisions specifying the parties having the right of appeal shall apply to the matters subject to this Section 8.1.

8.2 Any allegations regarding Misconduct by a referee, assistant referee, television match official, or similar match official (as the case may be “Referee”) must come from a directly involved player/club/Local Organizing Body or USAR, and shall be directed to, and handled by, a DC or Qualified JO appointed by the Referee's local referee society or referee organizing body, which shall (1) adjudicate whether Misconduct occurred, (2) upon a finding of

Misconduct, determine what sanction, if any, shall be imposed on the Referee, and (3) issue a written decision. Thereafter, the Referee, his/her society or referee organizing body or USAR may, as a matter of right, appeal the initial decision to the USAR R&L Committee DC, which will refer the matter to its standing DC (or if no such DC exists, to an ad hoc DC or Qualified JO it may appoint). The decision of the USAR R&L DC or Qualified JO is subject to a discretionary appeal to the USAR DC, which may choose to accept the matter for further review or decline to undertake further review and action. The decision of the USAR DC is final subject to the provisions of USAR Bylaws X and XII. In all instances, any decisions regarding a Referee's action shall not affect any decision regarding scores or game results.

9. CITINGS.

9.1 For national competitions, to the extent feasible, USAR shall (1) appoint “Citing Commissioners” (as hereinafter defined), (2) establish Citing Procedures, and (3) allow referrals to the appointed Citing Commissioners by teams/clubs, in compliance with WR Regulation 17, particularly 17.9-17.12 and 17.16. A “Citing Commissioner” is an individual who is recognized as a “Citing Commissioner” (as the term is used in WR 17) by WR. Additionally, individuals recognized by USAR as being competent to act as a Citing Commissioner under WR Regulation 17 may be appointed as a Citing Commissioner by an Organizing Body. Persons wishing to be recognized as a Citing Commissioner by USAR shall (i) meet the minimum criteria for a Citing Commissioner set forth in WR Regulations 17, 18, and 20) and (ii) successfully complete the education requirements as may be adopted by USAR from time-to-time. USAR shall have the right to withdraw recognition of an individual’s status as a Citing Commissioner recognized by USAR at any time.

9.2 For other matches, the Local Organizing Bodies are encouraged likewise to appoint Citing Commissioners and establish Citing Procedures, and may allow referrals of players to appointed Citing Commissioners for foul play by teams/clubs, all in compliance with WR Regulation 17 and these Disciplinary Procedures.

9.3 Where (1) Citing Procedures have been established by a Local Organizing Body and (2) a Citing Commissioner has been specifically appointed to a match by the Local Organizing Body, member clubs have the right to refer an on-field act or acts of any player allegedly constituting Foul Play to the appointed Citing Commissioner no later than forty-eight (48) hours after the conclusion of the subject match or other incident in question. One point is worth stressing; the test whether to cite a player for Foul Play is whether the conduct warranted a Red Card. The decision of the Citing Commission whether to cite or not cite on the basis of the referral is in the sole discretion of the Citing Commissioner and is final and is not subject to appeal.

9.4 Where (1) Citing Procedures have been established by a Local Organizing Body and (2) a Citing Commissioner has not been specifically appointed to a match³, member

³ Appointment to a match means that the Citing Commissioner is appointed to the match by the Local Organizing Body with the expectation that the Citing Commissioner will be present at the match or will review the entire match on video. Therefore, it is not permissible to simply assign a Citing Commissioner as the “duty” Citing
(footnote continued)

clubs have the right to cite an on-field act or acts of any player allegedly constituting Foul Play to the Local DC or the appointed Qualified JO no later than forty-eight (48) hours after the conclusion of the subject match or other incident in question, and the Local DC or the appointed Qualified JO shall determine whether or not to uphold the citation. Three points are worth stressing in the situation described in this Section 9.4, (1) the test whether to uphold the citation of a player for Foul Play is whether the conduct warranted a Red Card, (2) the decision of the Local DC or Qualified JO whether to uphold the citation is in the sole discretion of the Local DC or Qualified JO and is final and not subject to appeal; and (3) under WR 17.11.1, if the conduct in question was detected by the referee (meaning that the referee issued a Yellow Card or penalized the player for the conduct), there can be no citation with respect to such conduct.

9.5 If a club elects to refer or cite a player affiliated with a member club as provided in Section 9.3 or 9.4, the referring or citing club has the obligation to provide evidence that supports the referral or citation and this evidence or a description of the evidence must accompany the referral or citation. Additional evidence may be provided at any hearing that may follow.

10. MISCONDUCT CASES. With respect to Misconduct cases, refer to WR Regulation 20.9 (hearings) and WR Regulation 20.10 (sanctions). With regard to any allegations of Misconduct under WR Regulation 20 within, or with respect to, the Local Organizing Body, the Local DC or Qualified JO with initial jurisdiction shall review and, if appropriate (as determined as a matter of the reasoned discretion of the Local DC or Qualified JO), adjudicate the matter. A written decision issued by the Local DC or the Qualified JO with respect to (1) any decision not to adjudicate an allegation of Misconduct or (2) the decision arising out of any such allegation shall be promptly issued to all involved, and copies sent to the player's Local Organizing Body, the USAR DC, and the Referee Department of USAR. The provisions of Sections 6.1 and 6.2 apply to Misconduct cases.

11. SEXUAL MISCONDUCT CASES. With respect to Sexual Misconduct cases and Related Misconduct or other Prohibited Conduct as defined by *The SafeSport Code for the U.S. Olympic and Paralympic Movement* and within the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* all such cases shall be reported to the USA Rugby SafeSport Liaison, or, at the reporting individual's option, to the U.S. Center for SafeSport Response & Resolution Office (Office), which is the division of the U.S. Center for SafeSport responsible for monitoring and enforcing compliance with the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, which body has exclusive authority over such cases.

11.1 Reporting: Should possible violations be reported to the USA Rugby Liaison, these violations shall be communicated by written notice to the Office as promptly as possible, where a determination shall be made as to whether the violation(s) falls within the

(continued footnote)

Commissioner to cover all, substantially all, or a significant number of the matches on a particular Local Organizing Body's schedule on a particular day or series of days.

Office's Exclusive Authority, or Discretionary Authority as defined in the *SafeSport Practices and Procedures for the US Olympic and Paralympic Movement*.

11.2 Exclusive Authority: Exclusive Authority means that (a) only the Office will investigate and manage any related hearings for possible violations of *The SafeSport Code for the U.S. Olympic and Paralympic Movement* Sections II (V) and III (A). Exclusive Authority is defined in the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* Section I (B), (b) USA Rugby will not conduct its own investigation or arbitration with respect to those violations, except as otherwise provided.

11.3 Discretionary Authority: On the written request of a USA Rugby authorized representative, the Center may, in its discretion, accept jurisdiction over misconduct as set forth in *The SafeSport Code for the U.S. Olympic and Paralympic Movement*. Discretionary Authority is defined in the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* Section I (B). Factors the Office may consider in deciding whether to manage a report within its discretionary authority include: (a) the existence of an actual or perceived conflict of interest between USA Rugby and a party, (b) the frequency or duration of the alleged conduct, (c) the age of the individuals involved, (d) whether any of the individuals were previously involved in similar, or other, safe sport incidents, (e) the severity of the alleged conduct, and (f) any other considerations relevant under the particular circumstances.

12. MISCELLANEOUS.

12.1 Local DCs, Event DCs, Qualified JOs, Local Appellate, and Citing Commissioners (collectively, the “Judiciary”) are autonomous and independent of the Local Organizing Body. This means that: (1) Union officials (including officers, board members, and employees of the Local Organizing Body) may not serve in any capacity within the Judiciary and (2) once a matter is before the Judiciary, the Local Organizing Body has no power or right to revoke such jurisdiction, remove a member of the Judiciary with respect to that matter, or to shift responsibility for handling of the matter to another member of the Judiciary.

12.2 The USAR DC is autonomous and independent of USAR. This means that: (1) USAR officials (including officers, board members, and employees of USAR) may not serve on the USAR DC and (2) once a matter is before the USAR DC, USAR has no power or right to revoke such jurisdiction, remove a member of the USAR DC with respect to that matter, or to shift responsibility for handling of the matter to another body.

13. ANNUAL REPORTS. By January 31 of each year, the various DCs, Appeal Committees, Appeal Officers, and USAR DC are requested and encouraged to submit to the Referee Department of USAR a written summary of all matters considered and all decisions rendered in the previous calendar year, in a format previously approved and distributed by the USAR Referee Department.

Schedule 1 to Disciplinary Procedures

Summary of WR Regulation 17⁴

1. Judiciary matters are not legal proceedings. If the Judiciary finds that a player committed Foul Play, the player is simply “*found to have committed Foul Play*.” Do not use the term “guilty.”

2. The Judiciary is not bound by the formal rules of evidence and may consider any evidence it finds has bearing on the matter at hand and may determine the weight, if any, it will give to the evidence presented. The goal is rugby justice and fairness. Procedural error will not in and of itself be grounds for appeal unless it results in a substantial injustice.

2.1 At the first instance when a matter is heard by a Local DC or a Qualified JO (as the case may be, the “Trier of Fact”), the Trier of Fact establishes the procedure for the hearing and will lay out the procedure before the hearing. However, it is fundamental that the hearing is fair and this absolutely requires that: (1) the accused is given written notice of the charges, the time and place of the hearing, and the evidence to be presented at the hearing; (2) the accused has the right, to the extent reasonably possible, to review any written Referee’s reports and video evidence before the hearing; (3) during the hearing, the accused has the right to examine the evidence and witnesses against the accused, and (4) the right to present evidence and call witnesses in defense or mitigation. The accused may be represented by counsel or any other party.

2.2 The WR Regulation 17 process is not based on the American or English system of law (which is an adversary system with a prosecution and a defense); instead, it is based on the French legal system. This means that the Trier of Fact is both an inquisitor and the trier of fact. As a consequence, the Trier of Fact has the right to allow the Local Organizing Body to present the case against the accused; however, there is no obligation to allow this practice. Where the Local Organizing Body is allowed to present the case against the accused player, there is no cross examination of witnesses by either the Local Organizing Body or the accused player; instead, the examining party puts the proposed questions to the Trier of Fact, who decides whether it is appropriate for the question to be put to the witness. Similarly, in the case where no one is presenting the case against the accused player, the player and his/her representatives do not question witnesses; instead, examining party puts the proposed questions to the Trier of Fact, who decides whether it is appropriate for the question to be put to the witness.

2.3 Once the presentation of evidence and witnesses is concluded, the Local Organizing Body, if it is presenting the case against the accused, has the right to make a closing statement. The accused always has the right to make a closing statement.

⁴ WR Regulation 17 deals with Foul Play and not Misconduct; however, this summary addresses a number of principles that apply to Misconduct case.

3. Once the hearing is concluded, all persons (other than the Local DC or the Qualified JO) will be excused while the Trier of Fact deliberates. Typically, the Trier of Fact thanks the participating parties for their participation and advises them that they will be informed of the decision in the matter in due course.

4. Again, deliberations take place in private. It is never proper for an official of the Local Organizing Body (including officers, board members, and employees of the Local Organizing Body) to take part in, or be present during, the deliberations of the Trier of Fact.

5. In order to find that the accused has committed either Foul Play or Misconduct, the Trier of Fact must apply the “*balance of probabilities*” standard. It essentially means that something is more likely than not.

6. If the Trier of Fact finds the accused did not commit Foul Play or Misconduct, the matter is concluded and a written decision shall be issued.

7. If the Trier of Fact finds the accused did commit Foul Play or Misconduct, the sanction must be determined. At this point the process for a Foul Play case and the process for a Misconduct case diverge. With respect to Foul Play, the Trier of Fact must undertake and document an analysis of the following factors:

7.1 *Was the offending intentional or deliberate?*

7.2 *Was the offending reckless?* (Note: conduct cannot be both intentional and deliberate on the one hand and reckless on the other.)

7.3 *What is the gravity of the Player’s actions in relation to the offending?*

7.4 *What is the nature of the action, i.e., the manner in which the offense was committed, including part of body used?*

7.5 *Was there provocation?*

7.6 *Did the Player act in self-defense (that is whether he/she used a reasonable degree of force in defending himself/herself)?*

7.7 *What was the effect of the Player’s actions on the victim (for example, extent of injury, removal of victim player from the game)?*

7.8 *What was the effect of the Player’s actions on the Match?*

7.9 *What was (1) the level of participation in the offending; and (2) level of premeditation?*

7.10 *Was the conduct of the offending Player completed or did the conduct amount to an attempt?*

7.11 *Should any other feature of the Player's conduct in relation to or connected with the offending be considered?*

8. Based on the results of the analysis of items 7.1 through 7.11, the Trier of Fact then categorizes the act of Foul Play as Lower End (*i.e.*, garden variety Foul Play, but Foul Play nonetheless deserving a Red Card), Mid-Range (*i.e.*, clearly serious Foul Play and deserving a serious sanction), and Top End (extremely serious or reprehensible Foul Play that cannot be tolerated and deserving of the most serious sanction).

9. Having characterized the Foul Play as Lower End, Mid-Range or Top End, the Trier of Fact then uses Appendix 1 of Regulation 17 to determine the Entry Point (*i.e.*, the base period of suspension to be given to the player.) For example, per Appendix 1, the Entry Point for an elbow to the head in violation of Law 10.(a), which is determined to be Mid-Range, is a suspension of 5 weeks.

10. Having determined the Entry Point, the Trier of Fact must consider factors in aggravation and mitigation in fixing the ultimate sanction.

11. Factors in aggravation are:

11.1 *The Player's status generally as an offender of the Laws of the Game.*
Does the player have a record of Foul Play?

11.2 *The need for a deterrent to combat a pattern of offending in the Game.*
Is there an established and published policy against the subject Foul Play? In other words, has World Rugby, USAR, or the Local Rugby Organizing Body published a policy with respect to certain conduct as World Rugby has done with respect to tip tackles and contact with the eye of opponent? It is not just the case of the Trier of Fact deciding it is hearing too many cases about punching during a season and decides to crack down on further punching because the goal under WR Regulation 17 is consistency. If a player gets 2 weeks for a Lower End punch in Week 1 of a season, another player in the final week of the season who throws the same Lower End punch should, all other things being equal, get the same 2-week suspension.

11.3 *Any other off-field factors that the judicial officer considers relevant and appropriate.*

12. Factors in mitigation are:

12.1 *The presence and timing of an acknowledgement of culpability/wrong-doing by the offending Player.*

12.2 *The Player's disciplinary record and/or good character.*

12.3 *The youth and inexperience of the Player.*

12.4 *The Player's conduct prior to and at the hearing.*

13. The aggregate of each of the aggravation factors and mitigation factors may be expressed as a percentage. Going back to the example about the Entry Point and the finding that the Entry Point for an elbow to the head in violation of Law 10.(a). which, under the circumstances of the particular case, is determined to be Mid-Range (*i.e.*, 5 weeks⁵), assume that the player had a previous Red Card for the same act of Foul Play; therefore, a 50% aggravation factor could be assessed. However, also assume that the player actually drove the victim to the hospital, sat in the hospital with the victim, and brought the victim meals. In such a situation, a 25% mitigation factor could be assessed. Therefore, the ultimate sanction would be 6 weeks determined as follows: 5 weeks (per the Entry Point) plus 2.5 weeks (which is the aggravation factor determined as .5 times the Entry Point 5 weeks equals 2.5 weeks) minus 1.25 weeks (which is the mitigation factor determined as .25 times Entry Point 5 weeks equals 1.25 weeks) equals 6.25 weeks and round down to 6 weeks.

14. Please note that per Regulation 17, only in exceptional circumstances may the Trier of Fact impose a sanction of less than 50% of the Lower End sanction or no sanction. See Regulation 17.19.7.

15. WR Regulation 17 requires that the Trier of Fact must make a finding that the sanction is meaningful, meaning that the sanction imposed is, in fact, a real sanction that adversely affects the player and not an illusion. So, if a player is hurt at the time of the sanction, the sanction does not start until the player is fit and available to play and it is incumbent upon the player to prove fitness and availability. Only matches on the governing Organizing Body's schedule count towards the ban. Travel during a ban (*i.e.*, a suspension) does not toll (suspend) a ban.

16. Under WR 17, all matches are equal. This means that a 15s game is the same as a 7s game in terms of counting towards a ban of X weeks. This also means that an Eagles match against the All Blacks is considered the same as a scheduled match between Old Farts B v Bunch of Criminals B. Players cannot count more than one (1) 15s match per day towards the suspension (*i.e.*, the player can't claim that missing [1] Old Farts A v Bunch of Criminals A and [2] Old Farts B v Bunch of Criminals B on the same day counts as missing 2 matches). Again, only matches on the governing Organizing Body's schedule count towards the ban (meaning that a hastily arranged mid-week friendly doesn't count).

17. Once the period of the suspension has been determined, then, if at all possible, state the calendar date a player may return to play.

⁵ Appendix 1 of WR 17 uses the terms "weeks." As a practical matter (and particularly with 7's), this means matches.

Schedule 2 to Disciplinary Procedures

REGULATION 17 APPENDIX 1

WORLD RUGBY SANCTIONS FOR FOUL PLAY

Law No.	Description	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) 10.4(m)	Verbal Abuse of Match Officials	LE – 6 weeks MR – 12 weeks TE – 18+weeks	52 weeks
10.4(s) 10.4(m)	Threatening Actions or Words at Match Officials	LE – 12 weeks MR – 24 weeks TE – 48+ weeks	260 weeks
10.4(s) 10.4(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 knee	LE – 3 weeks MR – 8 weeks TE – 12+ weeks	52 weeks
10.4(a)	Striking with head	LE – 4 weeks MR – 10 weeks TE – 16+ weeks	104 weeks
10.4(b)	Stamping/Trampling on an Opponent	LE – 2 weeks MR – 5 weeks TE – 9+ weeks	52 weeks
10.4(c)	Kicking an Opponent	LE – 4 weeks 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

Law No.	Description	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
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10.4(e)	Dangerous tackling of an Opponent including early or late and including the action known as the “stiff arm tackle”	LE – 2 weeks MR – 6 weeks TE – 10+ weeks	52 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(f) 10.4(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 knocking down an 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 a player	LE – 2 weeks MR – 5 weeks TE – 10+ weeks	52 weeks
10.4(i)	Tackling, tapping, pushing or pulling an Opponent jumping for the ball in a lineout or in open play	LE – 3 weeks MR – 6 weeks TE – 12+ weeks	52 weeks
10.4(j)	Lifting a Player from the ground and either dropping or driving that Player’s head and/or upper body into the ground whilst the Player’s feet are off the ground	LE – 4 weeks MR – 8 weeks TE – 12+ weeks	52 weeks

Law No.	Description	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(k)	Causing a scrum, ruck or maul to collapse	LE – 2 weeks MR – 4 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 the Eye(s) or the Eye Area	LE – 12 weeks MR – 18 weeks TE – 24+ weeks	208 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 – 7 weeks TE – 11+ weeks	52 weeks
10.4(m)	Hair pulling or grabbing	LE – 2 weeks MR – 4 weeks TE – 6+ weeks	52 weeks

In respect of offences not referred to in Appendix 1 above, appropriate sanctions may be imposed at the discretion of the relevant Judicial Officer, Disciplinary Committee, Appeal Officer and/or Appeal Committee (as the case may be).

Notwithstanding the Sanctions in Appendix 1 and/or the provisions of Regulation 17.19 in cases where the player's actions constitute mid range or top end 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 Judicial Officers and/or Disciplinary Committees may impose any period of suspension including a suspension for life.

Schedule 3

DISCIPLINARY COMMITTEE/JO HEARING REPORT⁶

Name of Home GU, Conference, or SRO: _____
(the "Union")

Date of Hearing: _____, 20__

Name of teams participating in the Match (if applicable): _____ v.

Date of Match/Event (if applicable): _____, 20__

Match Venue (if applicable): _____

Player's Name (if applicable): _____,
_____ Registration # _____ (the "Player")

Player's Team (if applicable): _____

Referee's Name (if applicable): _____ (the "Referee")

"Report" is (check the appropriate choice):

FOUL PLAY as stated in the (circle appropriate source): Referee's
Report / Citing Report: Violation of Law 10.4(____) –

MISCONDUCT as stated in
_____.

Persons present at Hearing:

DC: _____

JO: _____

The Player (if applicable)

_____ (if applicable, and if checked, the "Coach/Manager")

⁶ If this decision is being completed by hand and additional space is needed in any section, additional space is provided at the end of this decision for such purpose.

_____ (if applicable, and if checked, the “DO”), acting as the Disciplinary Officer on behalf of the Union

Decision:

1. All references to “Regulation” below refer to the corresponding Section of World Rugby Regulations 17, 18, and 20 unless otherwise noted.

2. The Citation was read by the DO or _____. The allegation is that the Player:

Committed Foul Play by violating Law 10.4(____) by _____; or

Committed Misconduct by

3. Initially, the Player was asked if he admitted the subject act of Foul Play/Misconduct. The Player admitted or denied committing the alleged act of Foul Play/Misconduct. *[If the Player admits the subject act of Foul Play/Misconduct, skip Sections 4, 5, and 6, and go directly to Section 7.]*

4. We then moved to a review of the video evidence (if applicable).

Discussion: _____

5. We then considered the following additional evidence:

6. Upon consideration of the evidence and the testimony at the hearing and after due deliberation, we find that an act of Foul Play in violation of Law 10.4(____) in the form of _____ or an act of Misconduct in the form of _____

was committed by the Player. ***If the Player is found to have committed Foul Play, continue to Section 7. If the Player is found to have committed Misconduct, please state the sanction, the reasons for the sanction, and any factors in aggravation or mitigation that factored into the sanction here:***

7. If there has been Foul Play by the Player, as required by Section 17.10.2, we must make “***an assessment of the seriousness of the Player’s conduct that constitutes the offending and categorize that conduct 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) of Foul Play where such incident(s) is expressly covered in Appendix 1...***” The assessment is as follows:

7.1 Was the offending intentional or deliberate?

7.2 Was the offending reckless?⁷

7.3 What is the gravity of the Player’s actions in relation to the offending?

7.4 What is the nature of the action, *i.e.*, the manner in which the offense was committed, including part of body used? _____

⁷ Conduct cannot be both intentional or deliberate and reckless.

7.5 What is the nature of the action, *i.e.*, the manner in which the offense was committed, including part of body used? _____

7.6 Was there provocation? _____

7.7 Whether the Player acted in retaliation? _____

7.8 Did the Player act in self-defense (that is whether he/she used a reasonable degree of force in defending himself or herself)?

7.9 What was the effect of the Player's actions on the victim (for example, extent of injury, removal of victim Player from the game)?

7.10 What was the effect of the Player's actions on the Match?

7.11 What was the vulnerability of the victim Player, including part of victim's body involved/affected, position of the victim, and ability to defend herself/himself?

7.12 What was (1) the level of participation in the offending and (2) level of premeditation?

7.13 Was the conduct of the offending Player completed or did the conduct amount to an attempt?

7.14 Should any other feature of the Player's conduct in relation to or connected with the offending be considered?

8. As the result of the foregoing assessment, we categorize the act of Foul Play by the Player to be _____-End for the purpose of the entry point on Appendix 1 of Regulation 17, which indicates a _____-week suspension.

9. Having determined the entry point, we now must consider aggravating factors and mitigating factors as required by Sections 17.10.4 and 17.10.5, respectively.

10. Aggravating factors include:

On balance, we find that an aggravation factor of ___ weeks is warranted.

11. Mitigation factors include:

On balance, we find that a mitigation factor of ___ weeks is warranted.

12. After applying the aggravation and mitigation factors, we set the suspension at _____ matches and, as the result, the Player may return to play on _____, 20__.

13. The findings of fact and sanction were announced to the Player and the Coach/Manager on the record, by email, or by posting on the Union's website.

14. The Player has the right to appeal. Any appeal should be directed to the DO or _____. The Player is cautioned that there is a deadline for an appeal and that the Player should consult the DO or _____ regarding the deadline.

Signature of DC Chair/Judicial Officer:

Date: _____, 201__

