



SCOTTISH RUGBY GUIDE TO DISCIPLINARY ISSUES

Season 2010-11

Incorporating:-

- (1) Rules for Disciplinary Procedures**
- (2) Scottish Rugby Sanctioning Policy**
- (3) IRB Recommended Sanctions**
- (4) Code of Conduct**
- (5) Forms referred to within the Rules for Disciplinary Procedure**

Foreword

Scottish Rugby has long recognised the necessity of having effective Disciplinary Rules, as well as equitable procedures to apply those Rules fairly.

Those rules have developed over the years and the first manual of Discipline procedures codifying and updating our procedures was issued in August 1996.

Since 1996 a number of reviews have taken place and this comprehensive guide gives full details of the updated Disciplinary Rules and procedures which will apply for season 2010/11 and thereafter.

The IRB Recommended Sanctions for Offences within the Playing Enclosure are adopted, as Scottish Rugby are obliged to. These are subject to application at the discretion of any Discipline Committee and Appeals Committee, based on the circumstances of each case. The Sanctioning Policy is incorporated to explain the process of determining the sanction to be applied. For the avoidance of any doubt, the IRB Recommended Sanctions for Offences within the Playing Enclosure to be applied in any one case shall be those sanctions prescribed and in force at the time of the commission of the offence irrespective of the date upon which any sanction may be imposed.

In addition, the IRB Code of Conduct has been adopted by Scottish Rugby. It is referred to within the body of the Rules and all Players, Persons and Clubs connected to the game of Rugby in Scotland must observe its terms. By membership of the IRB, Scottish Rugby is bound to monitor and enforce the Code in Scotland.

The purpose of the Scottish Rugby Guide to Disciplinary Issues is to explain concisely the Rules and procedures, in support of their key objective – to ensure that justice is obtained in disciplinary proceedings and that decisions are made in a fair, consistent, independent and expeditious manner.

David Nichol

Domestic Regulatory & Technical Executive

0131 346 5011

david.nichol@sru.org.uk

(1) Scottish Rugby Rules for Disciplinary Procedures

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SCOTTISH RUGBY

Rules for Disciplinary Procedures (the “Disciplinary Rules”)

Foreword - Objective of the Disciplinary Rules

The objective of the Disciplinary Rules is to secure justice in rugby disciplinary proceedings and that decisions are made in a fair, consistent, independent and expeditious manner.

Definitions

“**Club**” means a club that is a full or associate member of Scottish Rugby or is a member of a District Union of Scottish Rugby or is otherwise a recognised rugby body that falls or is from time to time within the jurisdiction of Scottish Rugby and shall include, without limitation, any club, province, regional team or professional club or team that is based or otherwise plays its home fixture matches in Scotland.

“**Person**” means a Player or a member, director, official, officer, employee, contractor, worker, agent or representative of a Club and any other person involved in or connected to the Game of rugby in any way on behalf of a Club or otherwise.

“**Player**” means a person who plays the game of Rugby for a Club.

1. JURISDICTION AND APPOINTMENT OF THE DISCIPLINE MANAGER

1.1 These Disciplinary Rules and Procedures shall apply to all Clubs, Players and Persons.

1.2 Scottish Rugby shall establish an independent Discipline Panel (the “**Discipline Panel**”) which shall have delegated power to act in the name of Scottish Rugby to hear and determine disciplinary issues in the following circumstances: -

1.2.1 Where a Person is ordered off the playing enclosure.

1.2.2 Where a Citing Complaint is lodged against a Player alleging foul play by that Player (“**citing of Players**”).

1.2.3 Where a Player has been temporarily suspended on more than two occasions and the matter has been referred to a Discipline Committee for determination.

1.2.4 Where there is alleged Misconduct and notice of it is brought to the attention of the Discipline Panel (“**Misconduct**”).

1.3 A member of the Discipline Panel who is a member of the same Club as either (i) the Player, Person or Club against whom disciplinary proceedings are taken or (ii) the victim or (iii) the complainant, shall not sit in determination of that disciplinary proceeding.

1.4 The Board of Scottish Rugby shall from time to time appoint the members of the Discipline Panel and from those members a Chairman of the Discipline Panel. The members of the

Discipline Panel shall comprise legally-qualified persons, administrators and former administrators and former players.

- 1.5 The Chairman of the Discipline Panel shall from time to time select no less than three members of the Discipline Panel to sit as a Discipline Committee for any matter arising and to be put before a Discipline Committee. The Chairman of the Discipline Panel shall select one of those members (who shall ordinarily be legally qualified) to act as Chairman of the Discipline Committee.
- 1.6 In the event of an appeal the Chairman of the Discipline Panel shall select no less than three members of the Discipline Panel to sit as an Appeals Committee and he shall select one of those members (who shall ordinarily be legally qualified) to act as Chairman of the Appeals Committee. Persons who have sat on the matter at first instance as a member of the Discipline Committee shall not be eligible for selection and appointment to the Appeals Committee.
- 1.7 The Chairman of the Discipline Panel can appoint himself to sit on Discipline Committees and Appeals Committees and to chair same.
- 1.8 Where a member of the Discipline Panel who has been selected to sit on a Discipline Committee or Appeals Committee indicates that he is unable or unwilling to sit, the Chairman of the Discipline Panel may, at his discretion, appoint a replacement or decline to appoint a replacement and instruct the Discipline Committee or Appeals Committee (as the case may be) to continue to hear the matter.
- 1.9 All decisions of a Discipline Committee and Appeals Committee shall be made by majority. No member of a Discipline Committee or Appeals Committee may abstain. The Chairman of a Discipline Committee and of an Appeals Committee shall have both a casting and a deliberative vote.
- 1.10 Except where a Player, Club or other Person elects to be heard in person, at which time the members must meet together in one place, meetings of a Discipline Committee and Appeals Committee may take place either in whole or in part in one place, by letter, telephone, e-mail, video-conference, web cast or by any other or combination of convenient means.
- 1.11 The Board of Scottish Rugby shall appoint a manager (the “**Discipline Manager**”) who shall seek to ensure the implementation of these Rules and procedures and shall have such additional duties and responsibilities as provided for elsewhere in these Rules. The Discipline Manager shall be entitled from time to time to appoint an assistant to provide assistance to him in his function as Discipline Manager and/or to undertake his role in his absence. Such appointee (as appropriate) shall be entitled to exercise the full powers of the Discipline Manager.

2. ORDERINGS OFF

- 2.1 Where a red card is issued, the referee shall within 48 hours of completion of the match, or within such further time as is reasonably practicable in the circumstances, send to the Discipline Manager a written report incorporating:-

- 2.1.1 the date of the match, the venue and the teams participating;

- 2.1.2 the identity of the Person shown the red card and his team;
 - 2.1.3 the circumstances in which the red card was issued;
 - 2.1.4 the reason for the red card being issued; and
 - 2.1.5 any other information the referee considers relevant.
- 2.2 Form 1 may be used by the referee for the purpose of a report under Rule 2.1.
- 2.3 If a red card is issued as a result of the intervention of an assistant referee, the assistant referee will send to the Discipline Manager a written report incorporating the matters referred to in Rule 2.1 within the time prescribed by that Rule. The assistant referee will further be obliged to comply with the obligations imposed upon the Referee by these Rules as appropriate.
- 2.4 Form 2 may be used by the assistant referee for the purpose of a report under Rule 2.3.
- 2.5 The Person issued with the red card shall be supplied with a copy of the referee's report as soon as is reasonably practicable after receipt by the Discipline Manager and where applicable the assistant referee's report, together with a letter from the Discipline Manager. Where possible, notice given under this Rule shall be given in writing. It shall be sufficient compliance with this Rule if a copy of the referee's report (and the assistant referee's report, if applicable) and notice of the information required to be given under this Rule are either sent to the ordered off Person's address last known to the Discipline Manager or are handed to the Person or are handed to a Club official or are sent to the Secretary of the Person's Club.
- 2.6 On receipt of the referee's report the Person shall select one of the following options:-
- 2.6.1 that the case be dealt with in terms of the referee's report and the Person's own written explanation of the incident; or
 - 2.6.2 that the Person elects to appear and be heard by a Discipline Committee and be entitled to bring one or more witnesses present at the match in question.
- The Person may use Form 5 for this purpose.
- 2.7 The Person shall notify the Discipline Manager within seven days of receipt of the referee's report which of the options specified in Rule 2.6 has been selected by him. In the event of the Person failing to make an election, the case will be dealt with in terms of the referee's and, if appropriate, the assistant referee's report, and if necessary, the Person's disciplinary record, along with any other information that may be before a Discipline Committee.
- 2.8 In the event that the Chairman of the Discipline Committee considers that it may be beneficial to have the Person in attendance at a hearing, the Discipline Committee may require the personal attendance of the ordered off Person, and the Person shall be obliged to attend. Failure to attend could be grounds for a Misconduct Complaint under these Rules.

2.9 In the event of a hearing being required before the Discipline Committee (“**Discipline Hearing**”) the Discipline Manager shall, as soon as reasonably practicable, advise the Person:-

2.9.1 of the date, place and time of the hearing before the Discipline Committee at which the disciplinary proceedings against him are to be determined.

2.9.2 that he will be required to attend in person at the Disciplinary Hearing: and

2.9.3 that if he is unable to appear at the Disciplinary Hearing, as notified, he should immediately advise the Discipline Manager in writing specifying why he is unable to attend and on what basis he would seek to have an adjournment.

3. POWERS OF ADJOURNMENT AND ATTENDANCE ETC

3.1 The Discipline Committee shall have power to postpone or adjourn a Disciplinary Hearing. The Discipline Committee shall be entitled, but not obliged, to issue an Interim Order where it postpones or adjourns a Discipline Hearing.

3.2 In the event that the Person advises that he is unable to attend further to Rule 2.9.3 above the Chairman of the Discipline Committee may consider the request for postponement. In the event that the request for a postponement is refused or no such request is competently made, nothing shall preclude the Discipline Committee from hearing and determining the matter in the Person’s absence, including issuing a suspension or other sanction.

3.3 In the circumstances of Rule 2.6.2 above the Discipline Committee shall ensure that a reasonable opportunity is afforded to the Person who is the subject of disciplinary proceedings to attend and be heard at the Disciplinary Hearing at which the proceedings against him are to be determined. However, nothing in these Rules shall prevent a Discipline Committee determining disciplinary issues in the absence of the Person where the Person is unable, fails or declines to attend the Disciplinary Hearing after a reasonable opportunity to attend has been afforded (the Discipline Committee being the sole judge of what is reasonable in these circumstances).

3.4 It shall be the duty of the Person before the Discipline Committee to notify, arrange and ensure the attendance of witnesses in support of their position, be it defence, complaint, citing or otherwise.

3.5 The Person before the Discipline Committee must notify the Discipline Manager no later than 48 hours prior to the commencement of the Discipline Hearing of the identity of all persons who are to be in attendance at the hearing and their capacity (Club representative, legal representative, witness, etc).

4. ATTENDANCE AND REPORT OF REFEREE

4.1 The referee of the match during which the Person is ordered off may be required to attend the meeting of the Discipline Committee where a Disciplinary Hearing is convened. Nothing in these Rules shall prevent the Discipline Committee from determining

disciplinary proceedings in the absence of the referee. When the referee is to attend he may do so in person, by video-conference or by telephone. The referee may be accompanied if he wishes.

4.2 Where a Referee's Coach/Assessor duly appointed by Scottish Rugby or a Referee's Society was in attendance at the match, he may be invited to attend the Discipline Hearing and may be permitted to make representations to the Discipline Hearing at the discretion of the Discipline Committee.

4.3 Where the Referee is unable to attend, such Referee's Coach/Assessor may be invited to attend the disciplinary hearing and may be permitted to make representations to the Discipline Hearing at the discretion of the Discipline Committee.

5. POWERS OF DISCIPLINE COMMITTEE AND PROCEDURE

5.1 The Discipline Committee shall have the power to regulate its own procedure and to determine any matter arising under or in connection with these Rules (except in relation to Appeals when the Appeals Committee shall be entitled to exercise such powers) and in so doing may waive any requirement of and/or extend any time period provided for in these Rules.

5.2 The Discipline Committee may determine that a Person shall be disciplined for an offence which is different from the offence for which the Person was ordered off, cited or charged with Misconduct for, providing such offence arises out of the same incident or incidents as that referred to in any of the report, citing complaint or Misconduct charge and that the Person shall not, in the opinion of the Discipline Committee, be unfairly prejudiced by the same.

5.3 The Discipline Hearing shall not be adjourned by reason only that the Person appearing before it is, or is likely to be, subject to civil or criminal proceedings arising from the circumstances which are the subject of the proceedings. In such circumstances the Person appearing before the hearing is advised to take legal advice.

5.4 Unless in its sole discretion the Discipline Committee otherwise decides, the procedure for a Discipline Hearing will be as follows:-

5.4.1 In the event of the Person electing for the option provided for in Rule 2.6.1 the Discipline Committee shall consider the report of the referee and/or assistant referee and the Person's written explanation (if any). The Discipline Committee shall determine its decision upon the information contained in the reports, the Person's responses (if any) and such other information as is provided or known to the Discipline Committee (which they may consider, or not, as they deem appropriate).

5.4.2 In the event of the Person electing for a Disciplinary Hearing in terms of Rule 2.6.2 or the Discipline Committee requiring the attendance of the player in accordance with Rule 2.8:-

(a) The Discipline Committee may require the Person ordered off to supply to it prior to the Disciplinary Hearing full particulars of the case that will be presented on his behalf at the Disciplinary Hearing;

- (b) the Person ordered off shall be entitled to be present throughout the Disciplinary Hearing save for deliberations of the Discipline Committee which shall be conducted in private;
- (c) at the commencement of the Disciplinary Hearing the Chairman of the Discipline Committee shall introduce the Discipline Committee members and establish the identities and purposes of those others who are present;
- (d) the Chairman or a member of the Discipline Committee will outline the procedure to be followed;
- (e) the Chairman shall satisfy himself that the referee, if present, has no doubt regarding the identity of the Person ordered off by him;
- (f) the Chairman shall inform the referee, if present, that he will be given the opportunity, after the Person and any witnesses have been heard, to supplement his report if he wishes;
- (g) the Chairman shall read the referee's report and where applicable the assistant referee's report;
- (h) the Chairman shall establish from the Person to what extent he accepts the report(s) and what specific parts (if any) he does not;
- (i) where audio/visual evidence is available, this shall be taken into account in accordance with Rule 7 below;
- (j) the Chairman shall invite the referee and/or assistant referee to comment upon his report if he wishes and the referee's coach/assessor evidence and any evidence in support of the referee's and/or assistant referee's report will be heard;
- (k) the Chairman or any member of the Discipline Committee shall be entitled to seek from the referee or assistant referee(s), if present, clarification and/or further information regarding any matter referred to in or omitted from the report(s);
- (l) evidence from the Person ordered off if they elect to give evidence and from any witnesses called by the Person or Discipline Committee will be heard;
- (m) for the avoidance of doubt, no witness shall be present at any time until called to give evidence and thereafter the witness must retire from the room;
- (n) thereafter the referee and/or assistant referee(s), if present, shall be given the opportunity of responding to evidence given by the Person and/or witness(es) and thereafter the referee and assistant referee(s), if present, shall be invited if he/they so desire, to supplement their reports; and

- (o) submissions by the Person responding to the referee's supplementary comments (if any) and in conclusion will be heard last;
- (p) the Chairman will then invite all persons other than members of the Discipline Committee to retire whilst the Discipline Committee considers its decision; and
- (q) where the decision to issue a red card is not contested or is not overturned upon being contested, the Person shall have the opportunity to present character evidence and evidence in mitigation and make representations to the Discipline Committee following Scottish Rugby's Sanctioning Policy;
- (r) the Person's previous disciplinary record may be considered provided that ordinarily no disciplinary action taken against the Person before the age of 18 (unless the person is himself a minor) will be considered by the Discipline Committee.

5.4.3 The process set at 5.4.2 above may be varied as the Discipline Committee sees fit where the Player does not contest the issuing of the red card.

5.5 A Discipline Committee shall have due regard to natural justice.

6. QUESTIONING OF WITNESSES

6.1 Where evidence is given before the Discipline Committee there shall be no cross-examination of the Person, referee, assistant referee(s), or witnesses other than by members of the Discipline Committee, except with the permission of the Chairman of the Discipline Committee. Questions may, however, be addressed to the Person, referee, assistant referee(s) or witnesses by others present through, or with the permission of, the Chairman of the Discipline Committee.

7. EVIDENCE

7.1 The Discipline Committee shall be entitled to call upon, receive and consider such evidence as it thinks appropriate (including evidence in writing or audio/visual or photograph(s)) including expert evidence in any form (including opinion) and from any source and on any topic, including law.

7.2 If audio/visual evidence is available, it should be viewed/heard immediately after the referee's and/or assistant referee's report has been read. The visual evidence shall be viewed without sound or commentary save where the sound or commentary includes comments made by the referee in relation to the specific incident in question. After screening of the visual evidence, the Chairman or others members of the Discipline Committee may ask such further questions as they deem appropriate, of those (if any) who gave evidence prior to the screening of the visual evidence.

8. ATTENDANCE OF WITNESSES

8.1 The Discipline Committee may require the attendance at a Disciplinary Hearing of any person.

8.2 In any case where a person required by the Discipline Committee to attend a Disciplinary Hearing refuses or fails to so attend, the Discipline Committee may adjourn the hearing, proceed in the absence of the person, allow or refuse to allow the evidence of that person (if they are a witness) to be given in any other form.

9. REPRESENTATION

9.1 A Person or Club in respect of whom a disciplinary issue or appeal is to be determined and Scottish Rugby, citing Club or team affiliated to another union (as appropriate) and the Discipline Manager may be represented by any person at a Disciplinary Hearing or at a meeting of the Appeals Committee.

9.2 Where the Person concerned is a minor, having not reached the age of majority, he/she shall be entitled to be accompanied by one of their parents, guardian or other representative in addition to their right of representation under clause 9.1 above.

10. DELIBERATIONS

10.1 The deliberations of a Discipline Committee and Appeals Committee shall be in private.

11. NOTIFICATION OF DECISION

11.1 The decision of a Discipline Committee shall be notified in writing to all interested parties as soon as reasonably practicable after the conclusion of the Discipline Hearing. Where it considers it appropriate, a Discipline Committee may orally notify its decision at the conclusion of the Discipline Hearing or thereafter through the Discipline Manager.

11.2 In any case where a Person or Club or other party is adversely affected by a decision of the Discipline Committee he/it shall be advised by the Discipline Manager of his/its right to appeal in terms of Rule 15.

12. CITING OF PLAYERS

12.1 Scottish Rugby may appoint an independent Citing Commissioner for any match. In circumstances where a Citing Commissioner has been appointed, only the Citing Commissioner shall be entitled to cite Players for alleged acts of Illegal and/or Foul Play.

12.2 Where a Citing Commissioner has been appointed, the following policy shall apply:-

12.2.1 Citing Commissioners shall be entitled to cite a Player for any act or acts of Illegal and/or Foul Play which in the opinion of the Citing Commissioner warranted the Player concerned being Ordered Off.

Form 3 may be used for this purpose;

12.2.2 Citing Commissioners may cite Players for an act or acts of Illegal and/or Foul Play even where such act or acts may have been detected by the referee and/or assistant referee and which may have been the subject of action taken by the referee and/or assistant referee. A Citing Commissioner may not, however, cite a Player for an act or acts of Illegal and/or Foul Play in respect of which the Player has been Ordered Off;

- 12.2.3 A Player may be cited by the Citing Commissioner if he has been Temporarily Suspended. Such citing may be made in respect of the incident or incidents for which the Player was Temporarily Suspended or otherwise;
 - 12.2.4 Scottish Rugby, a Club or team affiliated to another Union cannot cite a Player for Illegal and/or Foul Play but may refer any incident of Illegal and/or Foul Play to the Citing Commissioner for consideration provided the same is referred within 24 hours of the conclusion of the Match in which the incident is alleged to have occurred; and
 - 12.2.5 A Citing Commissioner's decision as to whether a Player should be cited (or not, as the case may be) whether referred to him or not shall be final.
- 12.3 Where an independent Citing Commissioner has not been appointed, a complaint under Rule 1.2.2 can only be made by Scottish Rugby, a Club or team affiliated to another union in relation to a match played within the jurisdiction of Scottish Rugby.
 - 12.4 Where an independent Citing Commissioner has not been appointed a complaint under Rule 1.2.2 can only be upheld where the Discipline Committee is satisfied that the alleged act or acts of Illegal and/or Foul Play by the cited Player was/were not detected or, where not detected, reported by an assistant referee to the referee at the time of the alleged incident;
 - 12.5 A Player may be cited for more than one incident of Illegal and/or Foul Play in the same Match.
 - 12.6 More than one Player may be cited in any Match.
 - 12.7 The Citing Complaint must be in writing, should be sent to the Discipline Manager and should be received within seven days of the date of the match. Form 8 may be used. For the purposes of this Rule, a Citing Complaint is deemed to have been received when:-
 - 12.7.1 it is physically delivered to the Discipline Manager either in person or by post at Scottish Rugby's offices; or
 - 12.7.2 it is transmitted by fax, E-mail or other medium and there is an accompanying fax or email receipt (or equivalent) providing evidence of its transmission.
 - 12.8 A Citing Complaint should contain the following information:-
 - 12.8.1 the date and place of the alleged Illegal and/or Foul Play;
 - 12.8.2 the name of the Player in respect of whom the complaint is made and the team he was playing for at the time of the alleged Illegal and/or Foul Play;
 - 12.8.3 the name of the opposing team;
 - 12.8.4 a description of the alleged incident in relation to which the Citing Complaint has been made including details of the alleged Illegal and/or Foul Play and the time and location on the pitch of the alleged incident; and

12.8.5 the name of the referee.

Form 4 can be used for this purpose

- 12.9 The Discipline Manager shall send a copy of the Citing Complaint to the Player in respect of whom it is made, his Club, the referee and where appropriate the assistant referees of the match in which it is alleged the Illegal and/or Foul Play occurred. The Discipline Manager shall seek to obtain reports from the referee and where appropriate, the assistant referees. Copies of any reports obtained shall be sent to the Player in respect of whom the complaint has been made and Scottish Rugby, citing Club or team affiliated to another union (as appropriate) as shall notification of the date, time and place of the meeting of the Discipline Committee at which the citing is to be determined. A representative of Scottish Rugby, citing Club or team affiliated to another union (as appropriate) must be in attendance at the hearing or failing which the Citing Complaint may be dismissed at the determination of the Discipline Committee.
- 12.10 Scottish Rugby, citing Club or team affiliated to another union (as appropriate) will be called upon to provide details of any witnesses to the incident who are to attend the meeting or provide written evidence. In the event of written evidence being supplied by a witness, it shall be supplied to the Discipline Committee with a copy to the cited Player. Scottish Rugby, citing Club or team affiliated to another union (as appropriate) may adduce such visual or other evidence as it considers appropriate. Each witness attending the hearing for Scottish Rugby, citing Club or team affiliated to another union (as appropriate) will give his evidence and may be questioned by the Discipline Committee. After giving evidence and answering questions put to him by the Discipline Committee, a witness shall withdraw.
- 12.11 Unless the Discipline Committee otherwise determines, the procedure for the meeting of the Discipline Committee at which the complaint will be heard will be as follows:-
- 12.11.1 the Chairman or a member of the Discipline Committee will outline the procedure to be followed;
- 12.11.2 the referee, if present, the cited Player complained against, and an official and/or representative of the citing Club are entitled to be present during the whole of the meeting;
- 12.11.3 at the commencement of the meeting, the Discipline Committee shall be introduced by the Chairman who shall thereafter ask the representative of the citing Club to identify himself and state that he is their representative. The cited Player shall be asked to identify himself and confirm that he understands the procedure for the Hearing and make any representations he has in that regard (if any);
- 12.11.4 Scottish Rugby, citing Club or team affiliated to another union (as appropriate) shall be invited to explain the reason for the citing of the Player in terms of the Laws of the Game of Rugby Football;
- 12.11.5 the Discipline Committee shall satisfy itself (i) where an independent Citing Commissioner had not been appointed for the match, as required by Rule 12.4 and if not so satisfied shall dismiss the Citing Complaint; and (ii) in the

case of any match, whether the referee detected during the match the incident in relation to which the Citing Complaint has been made and that the act(s) of Illegal and/or Foul Play for which the Player has been cited had been committed by the cited Player. As regards (ii), if the referee both detected the incident and that such act(s) of Illegal and/or Foul Play had been committed by the cited Player, the Discipline Committee shall enquire as to the reasons for the referee's decision(s) in relation to such Illegal and/or Foul Play and decide if it/they were wrong. Where the Discipline Committee is satisfied that the referee detected both the incident and that the cited act(s) of Illegal and/or Foul Play had been committed by the cited Player the Citing Complaint may only be upheld if the Discipline Committee is satisfied that the reason(s) for the referee's decision during the match in relation to such Illegal and/or Foul Play was/were wrong and if it is not so satisfied the Discipline Committee shall dismiss the Citing Complaint;

- 12.11.6 the cited Player shall be asked whether he admits or denies committing the alleged act of Illegal and/or Foul Play. In the event that the Player admits committing the alleged act of Illegal and/or Foul Play the Citing Complaint will be upheld;
- 12.11.7 in the event that the cited Player denies committing the alleged act of Illegal and/or Foul Play Scottish Rugby, citing Club or team affiliated to another union (as appropriate) shall be required to demonstrate that the Player did commit the Illegal and/or Foul Play alleged. The Discipline Committee may question the witnesses;
- 12.11.8 the cited Player shall be invited to give evidence in support of his position. The Discipline Committee may question the cited Player at any time;
- 12.11.9 once the cited Player's explanation has been given and the Discipline Committee's questions completed, the cited Player shall be entitled to lead his witnesses (if any) who may be questioned by the Discipline Committee at any time. After giving evidence and answering questions put by the Discipline Committee, a witness shall withdraw;
- 12.11.10 no cross-examination of witnesses shall be permitted except by way of questions by the Discipline Committee or by questions made through or with the permission of the Chairman;
- 12.11.11 Scottish Rugby, citing Club or team affiliated to another union (as appropriate) shall be given the opportunity to sum up their position following the conclusion of the evidence;
- 12.11.12 the cited Player shall be given the opportunity to sum up his position in conclusion;
- 12.11.13 when all parties have been heard, the Chairman shall adjourn proceedings and the Discipline Committee shall, in private, consider its decision as to guilt;

- 12.11.14 in reaching its decision the Discipline Committee shall only uphold a citing if it is satisfied that the alleged act of Illegal and/or Foul Play did take place;
 - 12.11.15 if the Citing Complaint is admitted or upheld the cited Player shall be entitled to give evidence and make representations as to sanction. Scottish Rugby, citing Club or team affiliated to another union (as appropriate) shall have no entitlement to make any representations but may be invited to make representations at the discretion of the Discipline Committee. The Discipline Committee shall then retire to consider what sanction, if any, should be imposed;
 - 12.11.16 the decision of the Discipline Committee shall be notified in writing to all interested parties as soon as reasonably practicable after conclusion of the Discipline Hearing. Where it considers appropriate, the Discipline Committee may orally notify its decision at the conclusion of the Hearing or thereafter through the Discipline Manager. Form 4 may be used by the Discipline Manager for the purpose of notifying the decision of the Discipline Committee.
- 12.12 The Discipline Committee may determine that the Citing Complaint may be amended or a different alleged act of Illegal and/or Foul Play be considered to that specified in the Citing Complaint providing such an alleged offence arises out of the same incident or incidents as that for which in the Player has been cited and that the Player shall not, in the opinion of the Discipline Committee, be unfairly prejudiced by the Discipline Committee so determining.
- 12.13 Where the Citing Complaint has been made by a Citing Commissioner the procedure outlined at 12.11 shall be varied as the Discipline Committee sees fit and the Discipline Manager shall be entitled to present the Citing Complaint to the Discipline Committee or assist the Citing Commissioner to present the Citing Complaint (as appropriate). The Citing Commissioner shall be entitled (but not obliged) to be present at the Discipline Hearing.

13. MISCONDUCT

- 13.1 Any act or acts of Misconduct shall constitute an offence under these Disciplinary Rules that may result in disciplinary proceedings being brought and (where appropriate) sanctions being imposed on the Person(s) involved and/or his Club.
- 13.2 For the purposes of these Disciplinary Rules, "Misconduct" shall mean any act of Illegal and/or Foul Play by a Player and/or any conduct, behaviour, statements or practices by a Club and/or any Player, Person or supporter, on or off the playing enclosure, during a Match or otherwise, that is unsporting and/or insulting and/or that brings or has the potential to bring the game of Rugby, Scottish Rugby and/or any sponsor or other commercial partner of Scottish Rugby into disrepute and/or which is not in accordance with the Bye-Laws, rules and regulations of Scottish Rugby and/or the Regulations Relating to the Game (as promulgated from time to time by the IRB).
- 13.3 While it is not possible to draw up a definitive and exhaustive list of types of conduct that may amount to Misconduct under these Disciplinary Rules, each of the following types of behaviour by a Club and/or its Players, its Persons or supporters is an example of (and constitutes) Misconduct under these Disciplinary Rules:-

- 13.3.1 acts of violence or intimidation, including threats of same and threatening behaviour, within the venue in which the match is being played including (without limitation) the tunnel, changing rooms and/or warm-up areas;
- 13.3.2 acting in an abusive, insulting, intimidating or offensive manner towards any Person, referees, assistant referees or other officials or any other person otherwise in attendance at the match as spectators or in any other capacity;
- 13.3.3 acts or statements that are or conduct that is discriminatory by reason of religion, race, sex, sexual orientation, colour or national or ethnic origin;
- 13.3.4 seeking or accepting any bribe or other benefit to fix a match or series of matches or to achieve or attempting to achieve a contrived adverse outcome to a match or series of matches or to otherwise improperly influence the outcome of any dimension or aspect of any match or series of matches;
- 13.3.5 entering into any wager, bet or form of financial speculation, directly or indirectly as to the result of any other dimension or aspect of any match or series of matches in which the person is directly or indirectly involved and/or connected with;
- 13.3.6 providing inaccurate and/or misleading information about previous disciplinary record in any proceedings under these rules or other disciplinary proceedings and/or misleading information concerning the Player's future playing intentions;
- 13.3.7 comments and/or conduct in connection with current and/or anticipated disciplinary proceedings and/or match officiating (or any aspect thereof), which may be prejudicial to and/or impact on current and/or anticipated disciplinary proceedings and/or which are prejudicial to the interests of the game and/or any person connected with the game;
- 13.3.8 any breach of the Code of Conduct;
- 13.3.9 any breach of the Bye-Laws, rules and regulations of Scottish Rugby and/or IRB Regulations Relating to the Game.
- 13.3.10 failure, delay or refusal to provide assistance to the Disciplinary Manager in connection with a complaint brought or which may be brought before a Discipline Committee or Appeals Committee (whether further to a direction given further to Rule 8.1 above, 13.6 below, or otherwise);
- 13.3.11 failure, delay or refusal to comply with an Interim Order made under these Disciplinary Procedures;
- 13.3.12 failure or refusal by a Club to exercise reasonable and proper control over its Players, other Persons and supporters of the Club, on or off the playing enclosure, including, but not limited to when the Club is travelling to or from a match and at all times when its Players, other Persons and/or supporters are present at the venue of a match;

- 13.3.13 failure by a Club to ensure the Laws of the Game are observed and upheld through the persistent offending of its Players and/or Persons (irrespective of whether discipline proceedings have been taken against those Players and/or Persons individually).
- 13.3.14 failure or refusal (a) by a Person or Club to cooperate fully with any investigations conducted by any person with authority to undertake anti-doping investigations pursuant to Scottish Rugby's anti-doping programme; and (b) by or on behalf of a Club to ensure that a Player has been properly informed of the contents of Scottish Rugby's anti-doping programme and properly advised and assisted in fulfilling the pre-conditions for claiming a therapeutic use exemption for certain Prohibited Substances (where applicable) under that anti-doping programme;
- 13.3.15 making a Citing Complaint, pursuant to clause 12 above, frivolously or in bad faith (such as in retaliation for a Citing Complaint made by another Club);
- 13.4 A Misconduct Complaint must be in writing and should be received by the Discipline Manager within fourteen days of the alleged Misconduct occurring or becoming known. The Misconduct Complaint shall be deemed to have been received the earlier of when it is sent by fax, E-mail or other electronic medium or received by the Discipline Manager.
- 13.5 The Misconduct Complaint should contain the following information:-
 - 13.5.1 the date and place of the alleged Misconduct;
 - 13.5.2 the name of the Player, Person or Club in respect of whom the complaint is made and their Club (as applicable);
 - 13.5.3 full details of the alleged Misconduct; and
 - 13.5.4 the name of the referee (if appropriate).
- 13.6 The Discipline Manager shall be entitled to investigate and where he deems appropriate bring a Misconduct Complaint notwithstanding that a complaint under 13.4 has not been made to him. In carrying out his functions the Disciplinary Manager shall be entitled to undertake such investigations as he may deem necessary, and every Club and Person associated with a Club and Match Official shall be obliged to cooperate with such investigations. A failure or refusal to cooperate with such investigations may itself constitute Misconduct under these Disciplinary Rules.
- 13.7 The decision to bring a Misconduct Complaint is at the discretion of the Discipline Manager and is not subject to challenge. For the avoidance of doubt, the Discipline Manager may bring a Misconduct Complaint in relation to conduct during a match even if the match referee has already penalised one or more Persons for that conduct and/or the conduct has been the subject of a Citing Complaint and the Club and/or its Persons may be sanctioned for any such Misconduct.
- 13.8 Where the Discipline Manager decides to bring a Misconduct Complaint he shall send a copy of the Misconduct Complaint to the Player, Person or Club in respect of whom it is made and, his Club (as appropriate) and where appropriate the match officials of the

match at the time the alleged Misconduct occurred. Copies of any reports obtained shall be sent to the parties to whom the Misconduct Complaint has been sent and the complainant as shall notification of the date, time and place of the meeting of the Discipline Committee at which the Misconduct Complaint is to be determined.

13.9 The Hearing and the determination of the Misconduct Complaint under Rule 13 shall follow the same procedure (with appropriate modifications as circumstances dictate) set out in Rule 5.4.2. For the avoidance of any doubt, the Discipline Manager shall attend the hearing and shall present the complaint to the Discipline Committee. In addition, the Discipline Manager shall have the same powers and obligations as to the notification of the Discipline Committee's decision contained in Rule 11.

13.10 Where Misconduct is established to the Discipline Committee's satisfaction or admitted, the Discipline Committee may impose whatever penalty or penalties it considers appropriate, taking into account any guidelines issued by the Appeals Committee. Examples of sanctions include, but are not limited to (in no particular order):-

13.10.1 a caution, warning as to future conduct, reprimand;

13.10.2 a fine;

13.10.3 a suspension for a specified number of matches or period of time;

13.10.4 exclusion orders from Rugby grounds;

13.10.5 an order to comply with any Bye-law, rule or regulation of Scottish Rugby and/or Regulation Relating to the Game;

13.10.6 suspension from involvement in Rugby officiating and/or administration;

13.10.7 suspension or expulsion from participation in any competition;

13.10.8 expulsion from membership of/affiliation to Scottish Rugby;

13.10.9 any combination of the above.

14. APPLICATION OF TEMPORARY SUSPENSIONS

14.1 Where a Player has been issued with multiple temporary suspensions (by the issuing of multiple yellow cards) and has, in the view of the Discipline Manager, persistently offended to an unacceptable level, the matter shall be referred to a Discipline Committee by the Discipline Manager.

14.2 A referral pursuant to Rule 14.1 above shall occur by the Discipline Manager issuing a Notice of Persistent Offending and requiring the Player to attend at a Discipline Hearing.

14.3 The Discipline Manager shall, when exercising his discretion in deciding whether to issue a Notice of Persistent Offending, act in accordance with Scottish Rugby's Discipline Protocol on Persistent Offending.

- 14.4 When a Notice of Persistent Offending is issued the Player shall not be provisionally suspended pending the Discipline Hearing except that the Discipline Committee appointed to hear the matter may, at its discretion, impose a provisional suspension on the Player pending determination of the Player's case by issuing an Interim Order.
- 14.5 The Discipline Committee shall be entitled to issue any one or more of the following sanctions in response to a Notice of Persistent Offending (in no particular order):-
- 14.5.1 admonishment;
- 14.5.2 a caution, warning as to future conduct, reprimand;
- 14.5.3 a fine;
- 14.5.4 a suspension for a specified number of matches or period of time;
- 14.6 In any case where a Player who has been cautioned alleges his caution was the result of the Player being wrongly identified as an offending player, that Player may, within 48 hours of completion of the match in which he was cautioned, apply to the Appeals Committee, care of the Discipline Manager, for a review of his caution.
- 14.7 A Player under Notice of Persistent Offending shall not be able to challenge any of the Temporary Suspensions issued to him at the Discipline Hearing.

15. APPEALS

- 15.1 A Player, Person or Club who has been subject of a decision of the Discipline Committee or such other person who, at the discretion of the Appeals Committee can demonstrate to the satisfaction of the Appeals Committee that they have an interest affected by a Discipline Committee decision (the "**Appellant**"), shall have the right of appeal against such decision to an Appeals Committee, but only if a Notice of Appeal is lodged with the Discipline Manager within seven days of receipt of notification by the Appellant of the decision of the Discipline Committee.
- 15.2 An Appeals Committee shall have the power to hear and determine appeals against decisions of a Discipline Committee and to determine any matter arising out of or concerning an Appeal under these Rules and in so doing may adopt such procedure at the hearing of any appeal as the Appeals Committee considers appropriate and may waive any requirement and/or extend any time period provided for in these rules.
- 15.3 An Appeals Committee when determining an appeal shall consist of persons who are not members of the Club of the Appellant and who are otherwise independent of the Appellant, the referee and/or assistant referee(s) and who were not members of the Discipline Committee at first instance.
- 15.4 A notice of appeal must be in writing signed by the person lodging the appeal and should specify:-
- 15.4.1 the name of the Appellant;
- 15.4.2 the decision appealed against;

15.4.3 the ground(s) of appeal relied upon; and

15.4.4 particulars supporting the ground(s) of appeal (as appropriate).

Except as provided in this Rule, no specific form or notice of appeal is required.

- 15.5 A re-hearing of the case considered at first instance or admission of any new evidence not considered at first instance shall only be permitted at the discretion of the Appeals Committee and upon cause shown by the Appellant.
- 15.6 Where the ground of appeal relied upon is that the sentence was unduly harsh or excessive, the Appellant may elect to have their appeal considered in their absence, without appearing before the Appeals Committee. If the Appellant elects this option, they may supplement their appeal with written submissions in advance of determination by the Appeals Committee.
- 15.7 The Discipline Manager in consultation with the Appeals Committee shall set a time, date and place for the Hearing of an appeal which shall be notified by the Discipline Manager to the Appellant.
- 15.8 The Appellant shall have the right to be present and be accompanied by his representative, if any, at the hearing of his appeal, however an Appellant shall be entitled to elect not to exercise this right in which event the Appeals Committee shall determine his appeal in his absence.
- 15.9 Where an Appellant has accepted a referee's report and the appeal is against sentence only, the Appellant may invite the Appeals Committee to review the sentence without a hearing, after considering any written representations that the Appellant has submitted to the Appeals Committee for its consideration.
- 15.10 The Appeals Committee shall have full discretionary powers to call for and consider such evidence as it thinks appropriate and may, at its discretion, decline to hear any or all evidence sought to be led.
- 15.11 Where the Appellant wishes to present to the Appeals Committee evidence not laid before the Discipline Committee, the Appellant shall provide a written outline of the further evidence to the Discipline Manager and an explanation as to why it could not have been adduced before the Discipline Committee at first instance not later than 2 days prior to the hearing of the appeal. Further the Discipline Manager shall notify any other parties to the appeal of the nature of the further evidence proposed to be given. The Appeals Committee shall only consider this evidence if it is satisfied that the evidence could not have reasonably been provided to the Discipline Committee at first instance.
- 15.12 Where evidence is given before the Appeals Committee, there shall be no cross-questioning of witnesses except through, or with the permission of, its Chairman to the extent that the Appeals Committee in its discretion permits.
- 15.13 Having heard such evidence considered appropriate by the Appeals Committee and any submissions made by or on behalf of the Appellant, the Appeals Committee may decide to:-

- 15.13.1 affirm the decision of the Discipline Committee;
 - 15.13.2 set aside the decision appealed against and quash any penalty imposed by the Discipline Committee;
 - 15.13.3 set aside part only of the decision appealed against and/or modify any penalty imposed;
 - 15.13.4 substitute for the decision appealed against a decision to find the Appellant culpable of a lesser offence and/or to impose a lesser penalty or penalties;
 - 15.13.5 substitute for the decision appealed against, a decision to find the Appellant culpable of a greater offence and/or to impose a greater penalty or penalties in respect thereof;
 - 15.13.6 remit the issue to the Discipline Committee for reconsideration and re-determination by them;
 - 15.13.7 defer consideration of the appeal pending receipt of information, evidence or clarification from the Discipline Committee or from a person not present at the Appeal Hearing;
 - 15.13.8 stay a suspension imposed by the Discipline Committee pending the determination of an appeal; and/or
 - 15.13.9 take any step which in the exercise of its discretion, the Appeals Committee considers it would be appropriate to take in order to deal justly with the appeal.
- 15.14 The decision of the Appeals Committee shall be advised by the Discipline Manager to the Appellant as soon as reasonably practicable after the conclusion of the hearing. Where it considers it appropriate, the Appeals Committee may deliver an oral decision at the conclusion of a hearing.

16. INTERIM ORDERS

- 16.1 Where a Citing Complaint, Misconduct Complaint or Notice of Persistent Offending has been brought Scottish Rugby, citing Club, team affiliated to another union and/or Discipline Manager shall be entitled to request that an Interim Order be made by the Chairman of the Discipline Panel, whom failing another member of the Discipline Panel appointed by him to consider the request, against the Player, Person and/or Club against whom the complaint has been brought.
- 16.2 The Chairman of the Discipline Panel, the Discipline Committee or the Appeals Committee (as appropriate) may of their own volition without a request further to Rule 16.1 above consider and impose an Interim Order.
- 16.3 The Chairman of the Discipline Panel, whom failing another member of the Discipline Panel appointed by him to consider the matter, or the Discipline Committee or Appeals Committee (as appropriate) shall be entitled to issue such Interim Order(s) as he/they sees fit in the circumstances of the complaint. This may include, without limitation, an order for the

interim imposition of any sanction (or combination of sanctions) otherwise available to a Discipline Committee under these Disciplinary Rules for disposal of a complaint that is upheld.

- 16.4 The Chairman of the Discipline Panel, whom failing another member of the Discipline Panel appointed by him to consider the request, or the Discipline Committee or Appeals Committee (as appropriate), shall, where practicable, prior to determining an application for an Interim Order, provide the party to whom the Interim Order may apply with an opportunity to make representations on the application for Interim Order however nothing shall prevent the Chairman of the Discipline Panel, whom failing another member of the Discipline Panel appointed by him to consider the request, or the Discipline Committee or Appeals Committee (as applicable) from determining an application for an Interim Order in the absence of any such representations.

17. STANDARD AND BURDEN OF PROOF

- 17.1 The standard of proof in all questions for determination by the Discipline Committee and Appeals Committee shall be proof on the balance of probabilities.
- 17.2 In any case where the Discipline Committee, or as the case may be, the Appeals Committee is required to consider an incident of Illegal and/or Foul Play, or alleged Illegal and/or Foul Play, it may decide to impose a penalty or take no further action.
- 17.3 In any case where the Discipline Committee, or as the case may be, the Appeals Committee, is required to consider an ordering off, the Discipline Committee, or as the case may be the Appeals Committee, may review the referee's reasons for the ordering off decision and the circumstances surrounding it. In any such case the Discipline Committee, or as the case may be, the Appeals Committee, shall not make a finding contrary to the referee's decision unless it is satisfied that the referee's reasons for his decision were wrong.
- 17.4 In any case where the Discipline Committee is required to consider a Citing Complaint by a Citing Commissioner in respect of an incident where the referee has made a decision on the field of play in relation to that incident, the Discipline Committee may review the referee's reasons for the decision and the circumstances surrounding it. In any such case the Discipline Committee shall not make a finding contrary to the referee's decision unless it is satisfied that the referee's reasons for his decision were wrong.
- 17.5 In any case where the Discipline Committee is required to consider a Citing Complaint made by someone other than a Citing Commissioner the Discipline Committee will, prior to considering whether the Citing Complaint is to be upheld, establish that the incident was undetected by the referee and/or assistant referees. Thereafter:-
- 17.5.1 If the incident was undetected the Discipline Committee will proceed to consider whether the Citing Complaint should be upheld.
- 17.5.2 If the incident was detected the Discipline Committee will review the referee's reasons for the decision and the circumstances surrounding it and the Disciplinary Committee shall not proceed to consider whether the Citing Complaint should be upheld unless it is satisfied on the balance of probabilities that the referee's reasons for his decision were wrong. For the avoidance of doubt if the incident was detected and the referee's reasons were not wrong the Citing Complaint will be dismissed.

18. MULTIPLE INCIDENTS

- 18.1 Where disciplinary proceedings, however arising, are taken against more than one Player or Person or Club as a result of an incident or incidents occurring at or in connection with the same match or circumstances, such proceedings may be heard together, where the Chairman of the Discipline Panel and/or the Discipline Committee so determines, provided that there is no manifest prejudice to anyone against whom such disciplinary proceedings are taken.

EXPLANATORY NOTE TO RULE 18; The Rule allows the Discipline Committee to hear more than one case at the same time, where there is a clear link between separate incidents or if the Hearing arises from the same incident or there is a clear link between the respective conduct. In this situation, the Discipline Committee shall determine its own procedure in terms of Rule 5.2 to accommodate the idiosyncrasies of the case.

19. PROVOCATION AND RETALIATION

- 19.1 In any case in which it is claimed that a Player was guilty of Illegal and/or Foul Play by reason of provocative conduct on the part of another Player or Person, such provocative conduct shall be no defence to Illegal and/or Foul Play but may be considered in determining penalty.
- 19.2 The fact that a Player may have acted in retaliation shall be no defence to Illegal and/or Foul Play but may be taken account of in determining penalty.

20. CHARACTER AND PREVIOUS INCIDENTS

- 20.1 Character evidence may be received in disciplinary proceedings but shall be relevant only to the question of penalty. Character evidence shall not be presented by or on behalf of the Player or Person complained of until the Discipline Committee determines that an act of Illegal and/or Foul Play and/or incident or act complained of has been committed by the Player or Person complained of or the same is admitted.
- 20.2 Where a Player, Person or Club has previously had a disciplinary finding against him or them, such finding may be relevant to the question of penalty but not to the merits of any disciplinary proceedings.
- 20.3 Each case shall be treated on its merits and any penalty imposed should be fair and equitable and in accordance with the circumstances of each individual case.

21. SUSPENSION OF PLAYER ORDERED OFF

- 21.1 A Player who has been ordered off is not permitted to play or coach until his case has been determined by the Discipline Committee.
- 21.2 A Player cited by a Citing Commissioner shall not be entitled to play until he has his case determined by the Discipline Committee.
- 21.3 In the event of an Appeal being lodged and any period of suspension having expired, the Player may resume playing notwithstanding the pending Appeal.

21.4 The making of an Appeal, shall not, of itself, stay any suspension imposed by the Discipline Committee, however the Chairman of the Discipline Panel whom failing the Chairman of the Appeals Committee appointed to consider the Appeal, may, on written cause shown once an appeal has been submitted under Rule 15.1, stay a period of suspension pending determination of a submitted appeal.

22. PUBLICITY

22.1 The Discipline Committee or Appeals Committee may publish details of any proceedings taken hereunder together with the determination of the matter including the suspension or penalty imposed or other determination and the identity of the Person(s), Player(s) and/or Clubs concerned.

23. SENTENCING GUIDELINES

23.1 Scottish Rugby is obliged to apply the IRB's Recommended Sanctions for Offences within the Playing Enclosure (that is in force from time to time) when dealing with disciplinary offences. The current IRB Recommended Sanctions for Offences within the Playing Enclosure is reproduced following these Rules.

23.2 The IRB Recommended Sanctions for Offences within the Playing Enclosure shall be applied by the Discipline Committee and Appeals Committee when considering disciplinary offences. For the avoidance of any doubt, the IRB Recommended Sanctions for Offences within the Playing Enclosure that are in force from time to time shall be considered and applied at the relevant time, irrespective of which version may be reproduced following these Rules.

23.3 The sanctioning policy produced at the end of these Rules comprises part of these Rules and shall be applied by the Discipline Committee and Appeals Committee when considering disciplinary offences.

23.4 The Discipline Committee shall be entitled to disregard or take into account the whole or any part of a period of suspension imposed by a Player's club or any other sanction taken by a Club against any of its Persons when sanctioning.

23.5 Any period of suspension imposed by the Discipline Committee may include or exclude the whole or any part of the closed season taking into account playing/participating consequences.

24. ADDITIONAL PROVISIONS

24.1 Procedures or proceedings under these Rules or any decision of the Chairman of the Discipline Panel, the Discipline Committee or Appeals Committee shall not be quashed or held invalid by reason only of any defect, irregularity, omission or technicality unless such results in a material doubt as to the reliability of the findings or decisions of the Chairman of the Discipline Panel, the Discipline Committee or Appeals Committee, or results in a miscarriage of justice.

24.2 In respect of any matter not provided for in these Rules, the decision of the Chairman of the Discipline Panel, the Discipline Committee or, as the case may be, the Appeals Committee shall be taken according to general principles of fairness and justice.

24.3 As a general rule all parties shall bear their own costs but the Discipline Committee and Appeals Committee shall be entitled to make an award of costs against one or more parties as they see fit.

(2) SANCTIONING POLICY

Once it has been established that a player has committed an act of Illegal and/or Foul Play and the question of sanction is to be considered, the following must be applied, in supplement to the regulations applying to the match. However, note, this policy:-

- (i) is designed to assist Discipline Committees and Appeal Committees approach sanctioning in a consistent manner;
- (ii) can be used to help the Committee properly express its decision in a full, written and reasoned format;
- (iii) should not be used in substitution for a full, written and reasoned decision;
- (iv) is an internal document and should be used in supplement to the regulations applying to the match; and
- (v) is to be kept strictly private and confidential.

Step	Action	Comment
1.	Establish what is the appropriate description for the particular act of Illegal and/or Foul Play having regard to the IRB recommended sanctions.	
2.	Establish whether the act of Illegal and/or Foul Play was committed either:- (i) Intentionally, namely with deliberate action; <i>or</i> (ii) Recklessly, namely where the player's actions were not intentional but were careless and the risk of committing an act of Illegal and/or Foul Play was, or should have been, apparent;	
3.	Consider all "on-field" issues including:- (i) nature of actions (manner in which offence was committed and how; e.g. closed fist punch or leading with the elbow?) (ii) existence of provocation and therefore whether the player acted in retaliation and/or self-defence. (iii) effect of player's actions on the victim (e.g. injury caused). (iv) vulnerability of the victim player. (v) effect of player's actions on the game (did it change the nature of the match; did it cause a brawl, etc).	

	<ul style="list-style-type: none"> (vi) level of premeditation. (vii) was the conduct of the offending player completed or did it amount to an attempt. (viii) any other on-field issue relevant to the offending. 	
4.	<p>Weigh up your decisions under 2 and 3 and in doing so make a firm decision as to the “seriousness” of the incident and declare it to be either:-</p> <ul style="list-style-type: none"> (i) low-end; (ii) mid-point; or (iii) top-end <p>in the range.</p> <p>That is your entry point in the IRB list of recommended sanctions.</p>	
5.	<p>Now consider all off-field aggravating factors including:-</p> <ul style="list-style-type: none"> (i) absence or lack of remorse and/or contrition on the part of the Player. (ii) player’s status as persistent offender (if he is in fact a persistent offender). (iii) need for a deterrent to combat a pattern of offending. (iv) any other off-field aggravating fact considered relevant. <p>Where these factors exist go up in the range applicable to the description by an appropriate amount and fix at an appropriate point.</p>	
6.	<p>Now consider all relevant mitigating factors including:-</p> <ul style="list-style-type: none"> (i) existence and timing of an acknowledgement of culpability/guilt by the player (ii) good discipline record. (iii) good character. 	

	<p>(iv) player's conduct prior to and at the hearing.</p> <p>(v) remorse for actions.</p> <p>(vi) any other off-field mitigating factors.</p> <p>Where these factors exist come down in the range applicable to the description by an appropriate amount and fix at an appropriate point. You have arrived at your sanction.</p>	
<p>Sanction to be imposed:-</p>		
<p>Comments (if any):-</p>		

**(3) IRB RECOMMENDED SANCTIONS FOR OFFENCES WITHIN THE PLAYING ENCLOSURE
(REGULATION 17)**

In the table below the tariff should be considered as the usual sanction which can, depending on the circumstances, be reduced if there are mitigating factors and increased if there are aggravating factors.

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(m) 10.4.(s)	Verbal abuse of Match Officials	LE - 6 weeks MR - 12 weeks TE - 18+ weeks	52 weeks
10.4(m) 10.4.(s)	Physical Abuse of Match Officials	LE - 24 weeks MR - 48 weeks TE - 96+ weeks	Life
10.4(m) 10.4.(s)	Threatening actions or words at Match Officials	LE - 12 weeks MR - 24 weeks TE - 48+ weeks	260 weeks
10.4(a)	Striking another player with the 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 – 3 weeks MR – 8 weeks TE – 12+ weeks	52 weeks
10.4(a)	Striking with the head	LE - 4 weeks MR - 8 weeks TE - 12+ weeks	104 weeks

10.4(b)	Stamping on an opponent	LE - 2 weeks MR - 5 weeks TE - 9+ weeks	52 weeks
10.4(b)	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 - 7+ weeks	52 weeks
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 except in a scrum, ruck or maul	LE - 2 weeks MR - 4 weeks TE - 6+ 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 - 9+ weeks	52 weeks
10.4(j) 10.4(k)	Dangerous charging or knocking down an opponent with the ball, including shouldering	LE - 2 weeks MR - 5 weeks TE - 9+ 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 – 3 weeks MR – 5 weeks TE – 9+weeks	52 weeks
10.4(i)	Tackling, tapping, pushing or pulling an opponent jumping for the ball in a line out or in open play	LE – 3 weeks MR – 6 weeks TE – 10+ 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 first into the ground whilst the player’s feet are off the ground	LE – 3 weeks MR – 6 weeks TE – 10+ weeks	52 weeks
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 eyes or the 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 or otherwise	LE – 4 weeks MR – 8 weeks TE – 13+ 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
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In respect of offences not referred to above, appropriate sanctions may be imposed at the discretion of the Discipline Committee or Appeal Committee.

Notwithstanding the recommended sanctions above, 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 Discipline Committee and/or Appeal Committee may impose any period of suspension including a suspension for life.

(4) CODE OF CONDUCT

Introduction

This Code of Conduct is the “IRB Code of Conduct”, amended only so far as is necessary to apply to the game of Rugby in Scotland. Scottish Rugby is obligated to adopt the IRB Code of Conduct in this fashion and to ensure it is observed by all.

The Code

Code of Conduct for clubs, coaches, players and match officials and persons connected in anyway with the game of Rugby in Scotland.

All persons:-

- (1) must ensure that the Game is played and conducted in accordance with disciplined and sporting behaviour and acknowledge that it is not sufficient to rely solely upon the match officials to maintain those principles;
- (2) shall co-operate in ensuring that the spirit of the Laws of the Game is upheld and refrain from selecting players guilty of foul play;
- (3) shall not repeatedly breach the Laws of the Game;
- (4) shall accept and observe the authority and decisions of referees, assistant referees, match officials and all other rugby disciplinary bodies;
- (5) shall not publish or cause to be published criticism of the manner in which a referee or assistant referee handled a match;
- (6) shall not publish or caused to be published criticism of the manner in which Scottish Rugby handled or resolved any dispute or disciplinary matter resulting from a breach of the IRB Bye-Laws, IRB Regulations Relating to the Game, Championship/Cup Rules, other Scottish Rugby rules or processes or IRB Laws of the Game;
- (7) shall not engage in any conduct or any activity on or off the field that may impair public confidence in the honest and orderly conduct of a match, tour, tournament or series of matches (including, but not limited to, the supply of information in relation to the Game, directly or indirectly, to bookmakers) or in the integrity and good character of any person;
- (8) shall promote the reputation of the Game and take all possible steps to prevent it from being brought into disrepute;
- (9) shall not commit a doping offence as defined in IRB Regulation 21 (Anti Doping);
- (10) shall not abuse, threaten or intimidate a referee, assistant referee or other match official, whether on or off the field of play;
- (11) shall not use foul or abusive language or gestures towards referees, assistant referees or other match officials or spectators;

- (12) shall not do anything which is likely to intimidate, offend, insult, humiliate or discriminate against any other person on the ground of their religion, race, colour or national or ethnic origin;
- (13) shall not do anything which adversely affects the Game of Rugby Football, Scottish Rugby, any member club or other Union of the IRB or any commercial partner of the Game in Scotland.

Every person is under an obligation to comply with this Code of Conduct.

The Scottish Rugby Union is obliged to monitor compliance with and impose sanctions for breaches of the Code of Conduct by persons under its jurisdiction.

For breaches of the Code of Conduct, the Discipline Panel of Scottish Rugby may impose such penalties as it deems appropriate.

(5) Forms referred to within the Rules for Disciplinary Procedures

Form 1

DISCIPLINE - PLAYER ORDERED OFF

Referee's Report

To be completed by the REFEREE and sent to the Secretary. Discipline Panel, Scottish Rugby.

Match and Result:	(Pts) -v-	(Pts)
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Ground:	Date of Dismissal:
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Full Name: and Address of Player	Club:
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Playing position of Player

Period of game when incident occurred: 1st half 2nd half

Elapsed time in periodmins

Score at that time:

Proximity of Referee to incident..... metres

Conditions:

General Pattern of Play
(Temper of Game):

Was Player previously cautioned?

Was the incident 'flagged" by an officially appointed Assistant Referee?
(if so, attach report by Assistant Referee)

Did the Player accept the decision without dissent?

Referee's Name: Address:	Society:
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Please give a brief report with essential details of incident:

Did the incident necessitate attention on or off the field? YES/NO
If yes, please provide brief details.

Did the incident require the injured player to attend hospital? YES/NO

IT IS VERY IMPORTANT THAT YOU SEND THIS FORM, duly completed, to the Discipline Secretary of Scottish Rugby within two working days of the ordering off or as soon as possible together with any assistant referee's Report

Form 2

SCOTTISH RUGBY

DISCIPLINE – PLAYER ORDERED OFF

ASSISTANT REFEREE'S REPORT

Player's Name: _____

Club: _____

Played at _____

Full details of offence as observed by Assistant Referee:

Assistant Referee's Name _____

Signature _____

Date _____

IT IS ESSENTIAL THAT YOU HAND THIS REPORT TO THE REFEREE ON THE NIGHT OF THE MATCH OR AS SOON AS PRACTICABLE THEREAFTER.

Form 3
STANDARD CITING COMMISSIONER REPORT

Player's Club: _____

Full Name of Player: _____

Venue: _____

Date of Match: _____

Playing Position of Player: _____ Number: _____

Match Result: _____ (pts) _____ (pts)

Nature of Offence: *(please list applicable Law Number(s) and short description of the Law)*

Period of Game when incident occurred: 1st Half () 2nd Half ()

Ground and Weather Conditions

Elapsed Time in Half

Proximity of Officials to incident: _____ (metres)

Score at that time: _____ (pts) _____ (pts)

Please give detailed report below: PLEASE WRITE CLEARLY

Report

Citing Commissioners Name: _____

This report must be completed and sent to the Disciplinary Manager within 50 hours of kick off.

Form 4

SCOTTISH RUGBY

CITING COMPLAINT

To be completed by an Official of the Citing Club and sent to the Discipline Manager.

Match and Result: (Pts) -v- (Pts)

Ground: Date of Match:

Name of Cited Player: Number:

Playing position of Cited Player

Period of game when incident occurred:

Elapsed time in periodmins Score at that time:

Proximity of match officials to incident:

Conditions:

General Pattern of Play
(Temper of Game):

Referee's Name: Society:

Nature of offence alleged to have been committed (list which of the Laws of the Game is alleged to have been infringed, e.g. Law 10.4(b))

Full details of the alleged offence: (use paper apart if necessary)

NAME OF THE CLUB MAKING THIS COMPLAINT: _____

NAME OF OFFICIAL MAKING THE COMPLAINT ON BEHALF OF THE CLUB: _____

Form 5

Scottish Rugby

Discipline Form

Case of Discipline No _____

Full Name	Full Address
	Post Code

I play for another club/school Yes/No*. If Yes, please provide full details
(* delete where appropriate)

I wish to accept option (please tick in brackets)

() 1. My case may be dealt with in terms of the Referee's report (and where applicable the assistant referee's report) and I append my own written explanation of the incident;

() 2. I elect to appear and be heard by a Committee appointed by Scottish Rugby to which Hearing I am entitled to bring one (or more) witnesses and be accompanied by a representative.

I have/have not* been dismissed previously. (*delete where appropriate).
Please provide details of any previous dismissals.

My version of the alleged incident. (Please continue on the reverse side of this page)

Signed _____

Date _____

Form 6

SCOTTISH RUGBY

REFEREE ABUSE INCIDENT REPORT

Referees Name: _____

Date of Incident: _____

Fixture: _____

v _____

Persons responsible for abuse: (Please tick)

Player

Coach

Club Official

Spectator

Name(s) (if known) and Club/Team of person(s) responsible for abuse:

List names and club/team of any witnesses to the incident:

Nature of Abuse e.g. (Please tick)

Physical

Verbal

Other

Describe details of the incident

Referees signature _____

Date: _____

Form 7

Complaint on Behaviour of Match Officials

Club/Coach/Player: _____ Date of Incident: _____

Fixture: _____ v _____

Persons being reported (please tick)

Referee Assistant Referee Referee Coach

Name(s) (if known) and Society of person(s) responsible for complaint:

List names and club/team of any witnesses to the incident:

Nature of Complaint e.g. (Please tick)

Physical Verbal Other

Describe details of the incident

Signature _____ Date: _____

(Please ensure you contact the Discipline Manager at Murrayfield as soon as possible after the incident)

Action:

1. Report sighted by DM: _____
(Signature) (name – print)

Action taken:

Reported to Referee Manager: _____ (Date)