



GUIDE TO DISCIPLINARY HEARINGS

September 2021

Discipline is one of the core principles of rugby. The IRFU strives to ensure that rugby is a game of controlled physical endeavour and that it is honest and fair.

This document has been designed to provide guidance to Players and/or club members who are required to attend a Disciplinary Hearing before their Club, Branch, or an IRFU Disciplinary Panel.

Before the Hearing

1. How will I know that I have to attend a hearing?

Each club should appoint a Disciplinary Officer. This person is the main point of contact for all issues relating to discipline. If a hearing needs to be organised, the Branch Disciplinary Officer/Administrator, or in the case of an IRFU level hearing, the IRFU Disciplinary Officer will contact this nominated person. They are responsible for ensuring the details are passed on to all relevant people within the club including, most importantly, you. If the player is under 18, the parents will also be contacted.

2. When will my hearing take place?

The aim will be to hear your case before your next fixture, but the day and time will vary. This will be communicated to you through your club. For all IRFU cases, we try and deal with them on the Wednesday/Thursday evening following the match. Sometimes hearings may take place sooner if it is suitable for both the player and the panel members attending. So far as we can, we work with you and your club to ensure the date and time are convenient. For age grade players consideration will be given to access to transport, availability to transport, school commitments etc.

3. Do I need to attend the hearing in person?

Until 2020, most hearings would have required you to be present. With the recent Covid-19 situation, a more practical and safer way is to hold hearings remotely which may be facilitated. This is done via something like Zoom or Microsoft Teams.

4. Using a single Judicial Officer

The use of a single Judicial Officer to replace a full three-person panel is now widely utilised. In most cases, if a player accepts the offence and agrees to have the hearing heard by a JO, then cases can be heard by using this process. The JO will be a senior member of the Disciplinary Committee. This means you and the club will submit all your evidence in writing along with any mitigation you may feel is relevant and the JO will make a decision once they've read the evidence and watched any video footage. A sanction is then determined. There is no need for a hearing. It is important to understand that the JO has followed the same process to reach a sanction as if the case had been heard by a full three-person panel. Should you not agree with the level of sanction, or feel there are elements which warrant an Appeal, then the Appeal process is then followed as normal. This reduces the time needed and expedites the process for all to benefit.

3. Where will my hearing take place if a face to face hearing is convened?

Each Branch has their own hearing location central to the province that they will use for their hearings and are organised at several main hubs around the country. These are as follows:

- Ulster – Ravenhill, Belfast
- Munster North – Thomond Park, Limerick
- Munster South – Munster Branch offices, IIP, Cork
- Connacht – Connacht Branch offices, The Sportsground, Galway

- Leinster – Leinster Branch offices, UCD, Dublin
- IRFU- IRFU offices, 10-12 Lansdowne Rd, Dublin 4

5: When and how do I enter a plea to the charge? What does this actually mean?

Disciplinary Panels don't use the words 'guilty' or 'not guilty'. Instead, you will instead be asked to confirm if you accept or deny the charge. Prior to the hearing you will be sent a Player Directions Form which asks if you will be accepting or denying the offence which has resulted in the hearing being called. You will also be asked if you have any evidence you wish to provide. This might be a written statement, a witness statement from someone else who saw what happened or additional video footage. You should do this as soon as possible to help with the arrangements for the hearing.

There are no strict rules as to when this evidence should be provided to the Disciplinary Officer/Administrator, but it should be no later than midday on the day of the hearing. Where the charge involves a player Under 18 years it is important that the Club / Branch Welfare Officer has first reviewed the charge to ensure there is no safeguarding issue. This may affect the timing of the hearing and also what information may be disclosed due to confidentiality issues.

6. When do I need to provide evidence for the hearing?

The Disciplinary Officer/Administrator will send you all evidence and reports which has been submitted. This may include a Referees report, Touch Judges report, witness statement and video footage. The Branch/IRFU may add additional information as the case develops.

If you need to provide documents at the hearing, then this may be possible, but it would help to tell the Disciplinary Officer/Administrator in advance so that the Panel are aware. The Panel may need to take extra time at the hearing to consider any late evidence.

7. Who will be at the hearing?

For a normal hearing, there will be three people on the Disciplinary Panel, none of them have a connection to your case, all three are independent of the Branch/ IRFU/club and all are accredited and trained to sit on Disciplinary Panels. The Chairperson of the panel at IRFU level Disciplinary Panels will always be legally qualified.

At some hearings and where possible, there may also be a Branch Administrator in attendance. Their role is to support the Panel and assist you/your club with any queries. In certain IRFU level cases, the IRFU Disciplinary Officer may also attend, or if there is a particularly serious allegation. In hearings involving those U18 years this may include the Branch Welfare Officer.

You are encouraged to have a club member attend the hearing with you to assist with the hearing and perhaps to speak on your behalf. If you wish to have a lawyer with you then you are able to do so but this will be at your own expense. If witnesses need to give evidence, then this should be provided in advance. They should be advised they need to attend. If you are under 18, you can also have a parent or guardian in attendance.

8. Are the Panel employees of the IRFU or Branch?

No. All Panel Members are completely independent of the IRFU or the Branch. They declare in advance any potential conflicts in each case before they are appointed and will check again at the start of the hearing if there are any objections to them hearing your case.

At the Hearing

9. Why do I need to attend a hearing?

The Disciplinary Panel's role is to investigate a charge, make a decision as to what happened, decide if the charge has been proved and, if appropriate, decide what sanction should apply (see No. 9). Regulation 5.15.1 of the IRFU regulations also covers Conduct and Responsibility which may be applicable to your case.

If you don't attend the hearing, or are not represented without good reason, then the Panel may adjourn to another date to allow you to attend or may decide to proceed with your case. It's therefore very important that you attend the hearing.

10. What happens if I cannot attend the hearing on the day?

If you cannot attend due to illness or an unexpected issue arises, please ensure that you contact the Disciplinary Officer/Administrator or person organising your hearing as soon as possible. The hearing can then be rearranged for a different evening. It is important to know that you cannot play until you have attended before a panel to have your case dealt with so you should make every effort to attend if you can.

11. What if I don't understand what is happening or what is being said?

The Disciplinary Panel will explain at the start of every hearing how the hearing will proceed. If you don't understand or if you would like more time to ask questions, make sure you tell the Chairperson of the Panel. The hearing needs to have structure and be relatively formal, but it is designed to be as player focused and non-adversarial as possible. This is especially true of the single Judicial Officer process.

The most important part of the hearing is that you understand what is being said and that you feel you have had every opportunity to explain your case. For players U18 the Welfare Officer has been trained to act as an advocate for age-grade players

12. What happens during the hearing?

The Chairman of the Panel will welcome everyone to the hearing and introduce him/herself. They will introduce the two Panel Members and ask you and your representative(s) to confirm if you have any objection to the Panel Members attendance. An objection might be raised because a person on the Panel is a member of a club in your league and you're due to play them next week in a vital match. It might be that the panel member is also a Referee Assessor and the Referee in your case is mentored by him. It would not be appropriate to object to someone because they have sat on a case of yours previously or because they play rugby for a team in a different league. The Panel will consider any objection raised and whether it will affect the hearing.

You should consider the information you're told about each panel member carefully as objections cannot not be raised after the hearing. The Chairperson will then ask you and your club to introduce yourselves and confirm the role each person has.

The Chairperson will then read out the charge and ask you to confirm formally if you accept or deny the charge. You should have already informed the Disciplinary Administrator/Officer of your intention in your returned Player Directions Form before your hearing.

You should also be aware of what Accidental, Reckless and Intentional mean in a rugby context and you will find this important for on field charges. The IRFU Code of Conduct is referred to for off field charges. Briefly, the terms are defined as follows:

Accidental

There was no act of foul play. What occurred was a complete accident in the normal meaning of the word. If you say it was an accident, it means you do not accept the charge (i.e. you're saying you're not guilty of the offence).

Reckless

The Player knew or should have known that there was a risk of committing an act of foul play and continued in the action. An example might be trying to make a chest height tackle to prevent an offload which slips up and makes contact with the head of the opposition Player. In this case, the Player should have known there was a risk of making contact with the head by tackling high. If it is reckless it is still an act of foul play. This means the charge is accepted (a guilty plea).

Deliberate/Intentional

There was a deliberate action to commit an act of foul play i.e. punching someone to the face. This means the charge is accepted (a guilty plea).

Thereafter the hearing will proceed depending upon what your answer is to the charge.

13. What is the standard of proof in disciplinary hearings?

The standard of proof in all disciplinary hearings is on the balance of probabilities. This means is it more likely than not to have happened. A Disciplinary Panel does not need to be 'certain' or make a decision which is 'beyond reasonable doubt'.

14. When will I know what the outcome of the hearing is?

Disciplinary Panels will always try to reach a decision on the night of the hearing so that you know what the outcome is before you leave. This includes making a decision on the facts and, if necessary, a decision on the sanction that should apply. Sometimes, if a hearing doesn't finish until very late or there are very complicated decisions to be made, the Panel may not announce their decision. When this happens, they will explain when they intend to give their decision and what will happen afterwards. A summary form will be completed by the Chairperson and sent to the club.

15. What are the possible sanctions that a Panel could impose?

For on-field cases such as citings or red-cards, Players will be sanctioned in accordance with the World Rugby Regulation 17 Appendix 1 sanction table found here: [World Rugby Sanction Table for Foul Play](#) This means a playing ban of a number of weeks based on whether they find the act merits a low end, mid-range or top end sanction.

For all on-field cases where there is a finding that the act of foul play resulted in contact with the head and/or neck of the opposition Player, it is mandatory for the Disciplinary Panel to start at a mid-range entry point, with the exception of certain sanctions which are highlighted and have head contact already taken into account.

For off-field cases brought under IRFU Regulation 5.15 the possible sanctions that could be imposed are as follows:

- A caution, a warning as to future conduct, or a reprimand;
- A fine;
- The requirement to replay a match at such time and at such venue as is thought fit;
- The forfeiture of, and/or the granting to another club or clubs, of the competition points for a match;
- The deduction of competition points;
- The suspension or expulsion of the Branch, Club, player or person for such period as may be deemed appropriate;
- Such other penalty or sanction as may be deemed appropriate;
- Make a payment of costs.

In off-field cases, a Panel will refer to the IRFU Code of Conduct and may impose a combination the above sanctions.

After the Hearing

16. What happens after the hearing?

After the hearing has finished, the Panel will prepare a written judgment. The judgment sets out in full detail all the factors they considered when reaching their final decision. It will also tell you what the dates of your suspension are.

17. What if I don't agree with the decision that's been made?

You have the right to appeal the decision. For Branch cases the appeal will be heard by a Branch appeal panel and for an IRFU level case, this will be an IRFU Appeal panel. In almost all cases the time allowed for an appeal is 14 days following the date of decision however this can be confirmed by the Judicial Officer/Disciplinary Chairperson of your hearing or the Disciplinary Administrator/Officer. Details of the IRFU Appeal process can be found in the IRFU Regulations, 5.10 [IRFU Regulations](#)

18. Are judgments published?

No. Judgements are not published. Each branch retains the decision of each case and logs it on the IRFU database. This database may be consulted again in the future if you appear before another hearing to confirm any previous sanctions made against you.

19. What about my personal data?

Any personal data processed as part of the hearing or its outcome will be accessed by a limited number of people and on a need to know basis. Personal data will be retained in line with the IRFU Retention Schedule