



BC RUGBY DISCIPLINE POLICY

Effective September 1, 2018

Rugby Union is a sport that involves physical contact. Any sport involving physical contact has inherent dangers. It is very important that players play the game in accordance with the Laws of the Game and be mindful of the safety of themselves and others. It is the responsibility of those who coach or teach the game to ensure that players are prepared in a manner which ensures compliance with the Laws of the Game and in accordance with safe practices.

It is the duty of the match officials to apply fairly all the Laws of the Game in every match except when an experimental law has been authorized by the World Rugby Council. It is the duty of BC Rugby and its sub-unions to ensure that the Game at every level is conducted in accordance with disciplined and sporting behaviour. This principle cannot be upheld solely by the match officials; its observance also rests on BC Rugby and its affiliated bodies and clubs.

Terms used in this Policy that are defined in World Rugby's Laws of the Game shall have the same meanings in this Policy, unless a contrary definition or intention is stated herein.

1. Mandate:

1.1 The BC Rugby Board delegates the primary responsibility for discipline issues to the Discipline Committee (DC) in accordance with Section 14.1(b) of the BC Rugby Bylaws (the "**Bylaws**").

2. Powers of the DC:

2.1 The powers of the DC are as outlined in the Bylaws, Section 14 (Discipline).

2.2 Allegations of violations of the BC Rugby Code of Conduct (the "**Code**") are within the jurisdiction of the DC and may be heard by the DC.¹

3. Composition of the DC:

3.1 The DC shall be chaired by the person appointed by the CEO to chair the DC (the "**DC Chair**").

3.2 The DC shall have as representatives of the DC of the following sub-unions: FVRU, VIRU and VRU.

3.3 The President of the BCRRS (or the President's delegate) shall be a member of the DC.

3.4 The CEO shall appoint up to two independent persons as members of the DC.

3.5 The absence of any member of the DC shall not invalidate any hearing or decision made by the DC.

¹ Please refer to the BC Rugby Code of Conduct

3.6 The quorum for a DC hearing is one if the only person available is the DC Chair and two if the DC Chair is not available.

3.7 For certain BC Rugby events (e.g. provincial regional championships), the Chair may delegate authority for the DC as the DC Chair determines is appropriate and, in conjunction with the CEO, the DC Chair may appoint *ad hoc* members of the DC for the purpose of holding DC hearings during such events.

4. Conflict of Interest:

4.1 A member of the DC is considered to be in a conflict of interest if either (1) the individual appearing at a hearing is a member of the DC member's club or (2) the DC Chair determines in the DC Chair's sole discretion that the DC member is in a conflict of interest.

4.2 A DC member will not participate in resolving any matter in which the DC member has a conflict of interest as determined under section 4.1

5. Delegation of Authority:

5.1 Except as set out in this Policy, the DC will deal with discipline in accordance with Article 14 of the Bylaws and, specifically, with discipline reports that arise from BC Rugby sanctioned matches or competitions.

5.2 Subject to Article 22 of this Policy, the DC may delegate discipline matters arising from a sevens tournament to a duly appointed discipline officer for such tournament. Where no such delegation for a sevens tournament has been made, the DC retains the right to hold a hearing and make a determination where there has been an act of foul play at the tournament that has resulted in a player being sent off or temporarily suspended.

6. Discipline Meetings:

6.1 This Policy sets out the procedures for dealing with the following:

- (a) when a player is sent off the playing enclosure;
- (b) when a player is cited for an act or acts of illegal or foul play;
- (c) when a player has been temporarily suspended three times in accordance with section 6.4; and
- (d) when an act or acts of misconduct may have been committed by a union, club player or person.

6.2 For the purposes of this Policy, illegal or foul play means a breach or breaches of Law 9 of the Laws of the Game.

6.3 A player is sent off when he is sent off the playing enclosure permanently by the referee and can take no further part in the match in which he was sent off.

- 6.4 A player is temporarily suspended when he is cautioned in a match by the referee and temporarily sent off the playing enclosure by the referee for a period of ten minutes playing time which is spent in the so-called "sin bin".
- 6.5 A player who is temporarily suspended three times within a 12-month period commencing June 1st of a particular year and ending May 31st of the following year, will be deemed to have been sent off upon the conclusion of the match in which the third temporary suspension occurred.
- 6.6 An act of misconduct means a breach of the Code which occurs outside the playing enclosure.

7. Initial Procedures sending off:

Where a player in a match is sent off the referee shall, within 48 hours of the completion of the match, provide a written report of the incident to the BC Rugby Office. If a player is sent off the playing enclosure as a result of the intervention of an assistant referee, then the assistant referee shall also deliver a written report to the BC Rugby Office within 48 hours of the completion of the match.

- 7.1 When submitting a report in connection with the issuance of a yellow card, a red card or any other matter that falls within the jurisdiction of the DC, match officials must use the appropriate form of report provided by BC Rugby from time to time.
- 7.2 Reports prepared by match officials when a player has been sent off should contain the following information:
- (a) the date of the match, the venue and the teams participating;
 - (b) the name of the player sent off and his team;
 - (c) the circumstances in which the player was sent off;
 - (d) the reason for the player being sent off; and
 - (d) any other information the match official considers relevant.
- 7.3 The player sent off shall be supplied with a copy of the match official's report(s) as soon as reasonably practicable and advised:
- (a) of the date, place and time of the DC hearing at which the discipline proceedings will be heard;
 - (b) that the player will be required to attend in person or by telephone at the hearing;
 - (c) that if the player is unable to appear at the DC as notified, he should advise the BC Rugby Office forthwith;
 - (d) that the player is entitled to adduce evidence and make submissions and be represented by his club representative or a legal advisor; and
 - (e) the player is not eligible to play pending resolution of the case.

7.4 Where possible, notice to the sent off player under this Article 7 shall be given in writing. It shall be sufficient compliance with this Article 7 if a copy of the match official's report(s) and notice of the information required in section 7.3 are sent by email to the member's club. Where a player is deemed to have been sent off under section 6.5, it shall be sufficient compliance with this Article 7 if notice of the particulars of the three temporary suspensions are sent by email to the member's club.

8. Citing:

8.1 Although the DC does not want to receive vexatious or nuisance citings it will not condone acts contrary to the Laws of the Game that occur within the playing enclosure but may not have been detected by the match officials.

8.2 The DC will accept a citing if it is submitted in writing to the BC Rugby Office by a minimum of two individuals filing separate reports within 72 hours of a match or one individual with admissible video evidence.

8.3 The citing complaint shall contain the following information:

- (a) the date and place of the alleged illegal or foul play;
- (b) 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 or foul play;
- (c) the name of the opposing team; and
- (d) full details of the alleged illegal or foul play or misconduct including brief details of the evidence relied upon.

8.4 Admissible video evidence shall mean, subject to the discretion of the DC, video evidence of the incident giving rise to the complaint which provides unedited coverage for one minute both before and after the incident giving rise to the complaint. The DC may, in its discretion, accept video evidence of shorter duration if it is satisfied that the evidence has significant probative value and is not unreasonably prejudicial to any parties having regard to the circumstances surrounding the incident.

8.5 The DC shall forthwith obtain such information and reports in relation to the act or acts of illegal or foul play subject to the citing complaint that it considers appropriate. All persons requested to provide reports or information shall co-operate with such requests and provide the reports or information as the case may be. Copies of the information and reports obtained shall be forwarded by the DC to the player and other parties that were provided with a copy of the citing complaint. The DC Chair shall, as he or she considers appropriate, be entitled to deal with procedural applications and matters prior to the hearing.

8.6 The DC shall review the written reports of the citing at the next regular meeting of the DC.

8.7 Should the DC determine that a citing is vexatious or without merit the individuals filing the report shall be informed that the DC will take no further action in this matter.

- 8.8 Should the DC determine that the citing is neither vexatious nor a nuisance complaint the individuals filing the reports and the person cited shall be informed that a hearing will be called to consider the matter.
- 8.9 The player cited shall be supplied with a copy of the relevant reports and information, and video coverage of the incident, if available, by the DC as soon as reasonably practicable and advised:
- (a) of the date, place and time of the DC hearing at which the discipline proceedings will be heard;
 - (b) that the player will be required to attend in person or by telephone at the hearing;
 - (c) that if the player is unable to appear at the DC hearing as notified, the player should advise the DC forthwith;
 - (d) that the player is entitled to adduce evidence and make submissions and be represented by his union or a legal advisor; and
 - (e) as to the player's eligibility to play pending resolution of the case.
- 8.10 At any hearing of a citing complaint, the DC may require the individual(s) who filed the citing to attend in person or via telephone conference or video link in order to present evidence or explain the basis upon which the citing complaint has been made.
- 8.11 In the interests of time and minimizing inconvenience, a player who has been cited, and whose discipline hearing is pending, can be required by the DC, prior to the hearing, to supply it with full particulars of the case that will be presented on his behalf at the hearing.
- 8.12 Where a player is the subject of a citing complaint, in the absence of a contrary determination from the DC, he shall not be considered to have been sent off. It will be open to the DC, in extraordinary circumstances, to deem a player who is cited to be considered sent off, and thus immediately suspended, if the DC is satisfied that having regard to the incident of complaint and the DC's preliminary view of possible sanction, such action is warranted. Wherever practicable, a citation complaint should be adjudicated within 30 days of the end of the match in which the alleged foul play that is the subject of the complaint occurred.
- 8.13 In circumstances where a player has not been cited within the time period specified in Article 8 as a result of either:
- (a) mistaken identity; or
 - (b) the nature of the incident(s) concerned is such that further investigation is needed to identify the player(s) alleged to have committed an act(s) of illegal or foul play,
- then a citing complaint may be validly made by the complainant notwithstanding the submission of the citing complaint after the expiry of the applicable time period specified herein. However, any citing complaint submitted pursuant to this provision shall be lodged as soon as reasonably practicable and in any event within a period of fourteen days from the conclusion of the applicable citing period.

8.14 The DC shall determine, based on the evidence presented at the hearing, the course of action to be followed in the matter which may include the imposition of sanctions in accordance with these policies.

8.15 Notwithstanding anything else contained in this Article 8, for any league or division for which all matches are required to be video recorded, the provisions of Addendum 1 attached hereto shall apply to all matches played within that league or division (regardless whether a video recording (in whole or in part) for any match played within that league or division is available or has been submitted to BC Rugby as required for such league or division). To the extent of any conflict between the provisions of this Article 8 and the provisions of Addendum 1 the provisions of Addendum 1 shall prevail. Where the provisions of this Article 8 can be applied without being in conflict with the express terms of Addendum 1 or the stated purpose or rationale thereof, then such provisions of this Article 8 shall continue to apply.

9. Reports:

9.1 Match official's reports should be filed with the BC Rugby Office within 48 hours of the completion of the relevant match.

9.2 Reports for consideration by the DC should be faxed, e-mailed or hand delivered to the BC Rugby Office.

9.3 If a report for consideration by the DC is sent to a sub-union, then the sub-union shall fax, e-mail or hand deliver it to the BC Rugby Office immediately so it can be circulated to the DC.

10. Determination of a discipline Case:

10.1 The standard of proof for decisions of the DC is the balance of probabilities, not beyond a reasonable doubt.

10.2 Decisions of the DC are based on the examination of the facts. Extraneous opinions about those who come before the DC are not germane to the process

10.3 Subject to Article 11, the DC will show deference to a match official's report unless the DC determines, on the balance of probabilities having given due consideration to the evidence provided to the DC, that the facts of the relevant incident differ from those set out in the match official's report.

10.4 The fact that a player may have been provoked into retaliation is no defense but may be considered when determining the sanction to be imposed.

10.5 The fact that a player has been provoked into foul play is no defense but may be considered when determining the sanction to be imposed.

10.6 The past record of a person appearing before the DC may not be considered as to guilt but may be considered when determining the sanction to be imposed.

11. Standard of Proof:

- 11.1 This Article 11 relating to Standard of Proof has been prepared with the Laws of the Game in mind. It is essential to preserve the integrity of this Law and the referee's position as sole judge of fact and law during the match. Any decision by a referee during a match cannot be affected by a ruling of the DC. A distinction is drawn between the referee's decision on the field of play and reasons for the decision. This means that when the DC considers the discipline consequences of an incident, where the referee has already made a decision during the match in relation to that incident, the DC may, nevertheless, enquire into the referee's reasons for that decision and the circumstances surrounding it.
- 11.2 In any case where the DC considers an incident(s) of illegal or foul play or alleged illegal or foul play, it may decide to impose a sanction in accordance with the provisions of this policy, or in the case of an sending off where the DC is satisfied on the balance of probabilities that the referee's reasons for his decision were wrong take no further action.
- 11.3 In the case of an sending off, the function of the DC is to consider the circumstances of the case and determine what further sanction, if any, should be imposed on the player. The player sent off may seek to show that the referee's reasons for his decision were wrong and the DC may, subject always to section 11.1, review the referee's reasons for the sending off decision and the circumstances surrounding it. In any such case, the DC shall not make a finding contrary to the referee's decision unless it is satisfied, on the balance of probabilities that the referee's reasons for his decision were wrong.
- 11.4 In the case of a citing, the function of the DC shall be to review the case and determine whether on the balance of probabilities the player concerned committed the act or acts of illegal or foul play that are the subject of the citing complaint, provided that:
- (a) in any case where the DC is required to consider a citing complaint in respect of an incident where the referee has made a decision on the field of play in relation to that incident, the DC may review the referee's reasons for the decision and the circumstances surrounding it. In any such case, the DC shall not make a finding contrary to the referee's decision unless it is satisfied on the balance of probabilities that the referee's reasons for his decision are wrong; and
 - (b) in any case where the DC is required to consider an incident of illegal or foul play or alleged illegal or foul play which has not been the subject of a determination on the field of play by the referee it shall not uphold the citing complaint unless it is satisfied on the balance of probabilities that the player concerned committed the act or acts of illegal or foul play that are the subject of the citing complaint.

12. Discipline Committee – Power to Regulate its Own Procedures:

- 12.1 The procedure of the DC shall be as the DC shall determine in each case and the DC shall be entitled to depart from the procedures set out in Article 13. However, subject to the power to regulate its own procedures and depart from the procedures set out in Article 13, it shall:
- (a) seek to conform generally with the procedures set out in Article 13;

- (b) ensure that a player subject to discipline proceedings has a reasonable opportunity to be heard and to present his case;
 - (c) comply with the Standard of Proof provisions set out in Article 11; and
 - (d) ensure that for citing complaints made by a member club, such club has a representative in attendance at the hearing, failing which the case will be dismissed.
- 12.2 In any case, the DC Chair, or delegate, may convene a pre-hearing conference for the purposes of giving directions for the hearing and clarification of the procedures. Such conference may include any player sent off or cited or any club or their representative, match officials, and any other person or body whose participation is considered desirable.
- 12.3 The DC shall endeavour to ensure that discipline proceedings are heard in the presence of the club or player who is the subject of the proceedings, but nothing in this Policy, or otherwise, shall prevent a DC hearing and determining discipline proceedings in the absence of the club or player concerned where the club or player does not attend the hearing. In such circumstances, the DC may take written representations made by or on behalf of the club or player into account in making its decision.

13. Discipline Committee – General Procedures:

- 13.1 A player who is required to attend a hearing by a DC shall be entitled to be represented at the hearing by an official of his club or other affiliated organization, or by legal counsel.
- 13.2 The referee of the match in which the player is sent off may be required by the DC to attend the hearing of the DC whether in person or via telephone conference or video link. Nothing in this Article 13 shall prevent the DC hearing and determining discipline proceedings in the absence of a match official.
- 13.3 In respect of cases involving the sending off of a player, the DC shall ensure that, prior to the hearing, the player sent off has been supplied with, and has had a sufficient opportunity to consider, the match official's, together with other evidence including (where available) video evidence. In respect of cases involving a citing complaint, the DC shall ensure that prior to the hearing, the player cited has been provided with and has had a sufficient opportunity to consider the information and reports of the incident.
- 13.4 The DC, subject to section 11.1, shall be entitled to receive such evidence and in such form as it thinks fit (including evidence in writing), notwithstanding the evidence may not be legally admissible and shall be entitled to attach such weight to that evidence as it sees fit.
- 13.5 Generally, the DC shall look to the best evidence available to the DC. This means that first-hand accounts from persons present at the hearing as to their observations of the incident in question should be preferred. Hearsay evidence may be accepted. However, caution will be exercised before hearsay evidence is accepted in preference to first-hand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, the DC should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of members of the DC, for example, medical opinion.

- 13.6 The DC shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.
- 13.7 The DC may direct the attendance, in person or by telephone conference, at the meeting of any player sent off or cited, and any witness. Where such a direction is given by the DC it shall be the responsibility of the club, the player or person or witness concerned to ensure that it is complied with, notwithstanding any arrangements that may need to be made or altered. In any situation where a direction given by the DC is not complied with, the DC may refuse to allow the evidence of the club, player or person or witness to be given in any other form.
- 13.8 Where evidence is given before the DC there shall be no direct questioning of any witness, save by DC members, except as otherwise agreed by the DC. Questions may, however, be put to a witness through the DC Chair at the DC Chair's discretion.
- 13.9 The DC shall be entitled to call on experts to provide specialist advice, including legal advice.
- 13.10 Unless it otherwise directs, the procedure of the DC at a hearing will be as follows:
- (a) the DC Chair will explain the procedure to be followed;
 - (b) for cases involving sending off, the referee's report and, where applicable, the Assistant referee's report will be read;
 - (c) the player will be asked to confirm if he admits that he has committed an act or acts of illegal or foul play;
 - (d) evidence from the sent off player, if he elects to give evidence, and from any witnesses to be called will be heard;
 - (e) final submissions will be heard; and
 - (f) a similar procedure subject to such modification as the DC deems appropriate may be adopted at the discretion of the DC with regard to cases involving citing however, the player will be asked to confirm if he admits that he has committed an act or acts of illegal or foul play.
- 13.11 For citing complaints, the club citing the player must have a representative in attendance at the hearing to present the basis of the citing complaint and evidence in support.
- 13.12 The player subject to the proceedings may admit the offence at any time in which case the DC should proceed immediately to hear submissions as to the sanction (if any) to be imposed.
- 13.13 The DC deliberations on its decision shall take place in private. A decision of a DC shall be valid if taken by at least a simple majority of the Members of the DC of those eligible to participate. No Member of a DC may abstain from any decision subject to application of the conflict rules. Where a DC has an even number of Members and the Members of such DC are unable to come to a unanimous or majority decision, then the DC Chair shall have a casting vote.

- 13.14 Subject always to Article 11, the DC shall, in the first instance, determine, its factual findings. Thereafter, as appropriate, it will reconvene and hear and consider evidence and submissions in relation to sanctions.
- 13.15 The DC Chair shall, as he or she considers appropriate, be entitled to deal with any investigatory matters or procedural matters relating to a hearing.
- 13.16 The DC shall have power to postpone or adjourn a hearing at which discipline proceedings are to be heard.

14. Sanctions:

- 14.1 When imposing sanctions, the DC shall refer to World Rugby's recommended penalties for illegal or foul play in Regulation 17, with the exception that, in most cases, the World Rugby period of time shall be converted to matches. This conversion reflects the variety of matches played over a fixed time period in the various competitions of the BC Rugby and the nature of our year-round season of league and tournament play. For age-grade players, the DC will follow World Rugby's sanction variations for underage players (Regulation 17, Appendix 3).
- 14.2 As a general rule in reference to the World Rugby recommended sanctions, a suspension of one match is generally deemed equivalent to a period of seven days in the World Rugby Recommended Sanctions, as that is the average number of days between matches for most teams in most competitions in British Columbia; however, this general interpretation rule is not intended to effectively reduce suspensions when a suspended player's club has no matches during the suspension period.
- 14.3 A suspension from any union or sub-union makes an individual player ineligible to play rugby in any other jurisdiction until such time as the player has completed the sanction imposed by the first jurisdiction.
- 14.4 The DC shall undertake an assessment of the seriousness of the player's conduct, which constitutes the offending and categorize the offence as being at the lower end, mid-range or top end of the scale of seriousness, in order to identify the appropriate entry point for consideration of a particular incident(s), having specific regard to the recommendations of World Rugby. Such assessment of the seriousness of the player's conduct shall be determined by reference to the following features of offending:
- (a) the offending was intentional, that is, committed intentionally or deliberately;
 - (b) the offending was reckless, that is the player knew (or should have known) there was a risk of committing an act of illegal or foul play;
 - (c) the gravity of the player's actions in relation to the offence:
 - (i) nature of actions, manner in which offence committed including part of body used i.e. fist, elbow, knee or boot; and
 - (ii) the existence of provocation and whether the player acted in retaliation or self-defence;

- (d) the effect of the offending player's actions on the victim (i.e. extent of injury, removal of player from match);
 - (e) the effect of offending player's actions on the match;
 - (f) the vulnerability of victim player including part of victim's body involved or affected, position of player, ability to defend himself;
 - (g) the level of participation in the offending and level of premeditation;
 - (h) whether the conduct of the offending player was completed or amounted to an attempt; and
 - (i) any other feature of the player's conduct which constitutes the offending.
- 14.5 Having identified the applicable entry point for consideration of a particular incident, the DC shall identify all relevant off-field aggravating factors and determine what additional period of suspension, if any, above the applicable entry point for the offence should apply to the case in question. Off-field aggravating factors include the following:
- (a) an absence or lack of remorse or contrition on the part of the offending player;
 - (b) the player's status as an offender of the Laws of the Game;
 - (c) the need for a deterrent to combat a pattern of offending; and
 - (d) any other off-field aggravating factor that the DC considers relevant and appropriate.
- 14.6 Thereafter, the DC shall identify all relevant off-field mitigating factors and determine if there are grounds for reducing the period of suspension, if any. Off-field mitigating factors include the following:
- (a) the presence and timing of an acknowledgement of culpability by the offending player;
 - (b) a good record or good character;
 - (c) the age and experience of the player;
 - (d) the player's conduct prior to and at the hearing;
 - (e) remorse for the player's actions and the victim player; and
 - (f) any other off-field mitigating factor that the DC considers relevant and appropriate.
- 14.7 In cases involving offending that has been classified pursuant to section 14.4 as lower-end offending, where there are compelling off-field mitigating features and a complete absence of off-field aggravating features, the DC may apply sanctions less than the World Rugby lower-end entry sanctions and, in this respect only, the World Rugby lower-end sanctions are not minimum sanctions.

- 14.8 In cases of multiple offending, the DC may impose sanctions to run either on a concurrent or a consecutive basis provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.
- 14.9 In addition to any sanction imposed by the DC by reference to the World Rugby recommended sanctions, the DC may impose a term of probation of between six and 36 months during which the player may be subject to harsher sanctions in relation to any new incidents requiring review by the DC.
- 14.10 The DC may also, in appropriate circumstances, require, as part of a sanction imposed upon a player or a Coach, that the player or Coach attend and satisfactorily complete one or more (referee or coaching) development courses or one or more referee or coaching assignments.
- 14.11 In any case, where a player has, in addition to the player's current offence, been previously suspended by the DC at any time when the player is under a probation sanction, the DC shall take into account the player's previous offence and suspension in imposing any penalty on that player.
- 14.12 By default, unless the DC expressly determines otherwise, any offence while a player is subject to a probation sanction shall result in an automatic doubling of the penalty for the second offence.
- 14.13 The DC shall, upon request of a player who has appeared at a discipline hearing, provide written reasons for its decisions which specify the reasoning for their findings, including the finding on culpability, how the DC has categorized the seriousness of the offence by reference to the standard described in section 14.4, how the DC applied aggravating and mitigating factors and concluding with the sanction, if any, imposed.
- 14.14 The DC may, when considering a sanction, if any is to be imposed on a player who has been deemed to have been sent off under section 6.5, reset the yellow card count for that player at 0, 1 or 2 depending on the circumstances which gave rise to the yellow cards previously received by the player and whether the player was under a probation sanction when any of such yellow cards were received.
- 14.15 With respect to yellow cards, Addendum 2 applies to amend the provisions in this Policy. To the extent of any conflict between the provisions of this Policy and the provisions of Addendum 2, the provisions of Addendum 2 shall prevail.

15. Traveling and Off-Field Infractions:

- 15.1 Upon the receipt of a written complaint from a public carrier, hotel, or restaurant or any other similar business, institution or organization with respect to misconduct by BC Rugby members, the DC may require the cited member's club to post a bond of up to \$1,000 subject to a full hearing into the matter.
- 15.2 The DC will determine, based on the evidence presented, the appropriate course of action to follow as a result of an investigation into this matter.

16. Misconduct:

- 16.1 Clubs are responsible and accountable for the conduct of their players, officials and all persons under their jurisdiction (which shall include Club supporters, whether or not such supporters are Club members), Clubs, players and persons must conduct themselves in a disciplined and sporting manner and ensure that they do not commit an act or acts or misconduct.
- 16.2 For the purposes of this Article 16, misconduct shall mean any conduct, behaviour or practices on or off the playing enclosure in connection with a match or tournament (excluding foul play during a match) that is unsporting or unruly or ill-disciplined or that brings or has the potential to bring the game, or BC Rugby into disrepute.
- 16.2 It is not possible to provide a definitive and exhaustive list of the types of conduct, behaviour, statements or practices that may amount to misconduct. By way of illustration, each of the following types of conduct is an example of misconduct:
- (a) acts of violence or intimidation within the venue in which the match is being played including (without limitation) the tunnel, changing rooms or warm-up areas;
 - (b) acting in an abusive, insulting, intimidating or offensive manner towards match officials or any person associated with the clubs participating in the match or spectators;
 - (c) acts or statements that are or conduct that is discriminatory by reason of religion, race, sex, colour or national or ethnic origin;
 - (d) seeking or accepting any bribe or other benefit to fix a match or to achieve a contrived outcome to a match or to otherwise influence improperly the outcome of any dimension of aspect of any match;
 - (e) 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 in which the person is directly or indirectly involved or connected with;
 - (f) providing inaccurate or misleading information about previous discipline record in any proceedings under this Article or other discipline proceedings or misleading information concerning the player's future playing intentions;
 - (g) any other breach of the Code;
 - (h) comments or conduct in connection with current or anticipated discipline proceedings or match officiating (or any aspect thereof), which may be prejudicial to or impact on current or anticipated discipline proceedings or which are prejudicial to the interests of the match or any person.
- 16.3 Where the DC is made aware of an act of misconduct, the DC shall take such investigative steps as it deems appropriate to determine the particulars of the alleged incident including holding a hearing in respect of the incident in which case Article 8 of this Policy shall apply, *mutatis mutandis*.

16.4 The DC shall consider sanctions for misconduct in accordance with World Rugby Regulation 20.10.

17. Public Notice of Discipline Hearing Findings:

17.1 The BC Rugby Office will circulate DC minutes to DC members.

17.2 The BC Rugby Office is to maintain a database with respect to all discipline cases reported to the DC.

17.3 The record of all discipline cases shall remain in the database for at least 24 months period.

17.4 BC Rugby will post all DC discipline hearing results on the BC Rugby website.

18. Appeals:

18.1 An appeal of an order of the DC shall be heard by a BC Rugby Appeals & Complaints Committee in accordance with the BC Rugby Appeal Policy.

19. Post-Hearing Procedures:

19.1 The decision of the DC shall be advised to applicable parties, as soon as practicable after the conclusion of the hearing and shall be binding on notification to the player or his representative, if any. Where it considers it appropriate, the DC may deliver a short oral decision at the conclusion of the hearing.

19.2 Relevant parties heard by the DC shall be entitled to a copy of any written decision of the DC which shall, where practicable, be sent to them by the host club within 48 hours after it is available.

19.3 In any case where a player is adversely affected by a decision of the DC, he shall be advised by the DC of the circumstances in which he may appeal to the BC Rugby Appeals & Complaints Committee. Such advice shall, ordinarily, be included in the DC's written decision, if any, and advised at the conclusion of the hearing if an oral decision is given.

19.4 The hearing by the DC (save for private deliberations) shall, ordinarily, be fully audio recorded. The record of the proceedings, and all papers associated with the proceedings, shall be held by the DC which shall make the same available if required. Copies of the record shall be made available at reasonable cost only on appeal of the decision of the DC. An appeal of a decision of the DC shall be undertaken in accordance with the BC Rugby Appeal Policy.

20. Playing While Under Suspension:

20.1 A player sent off or deemed to have been sent off by the DC under section 8.12 may not take part or be selected for any further match until his case has been dealt with by a DC.

20.2 Without in any way limiting the effect of section 20.1, a player that is subject to an sending off (or as may be applicable subject to a misconduct complaint) is not entitled to play in any International match or match forming part of an International Tournament or International Tour until his case has been finally resolved.

- 20.3 A suspended person or player who elects to appeal may not take part or be selected for any further match until a decision with respect to the appeal has been issued.
- 20.4 BC Rugby will not tolerate members playing while under suspension.
- 20.5 If a player is found to be playing while under suspension, the issue will be dealt with at the next regular meeting of the DC.
- 20.6 The DC will determine, based on the evidence presented, the best course of action to follow with respect to imposing additional penalties upon the player and the player's team or club.
- 20.7 The DC may make a recommendation to the Competition Committee to sanction a particular team or club who has played a match with a suspended player.

21. Definition of a match for Purposes of Discipline:

- 21.1 A match is defined as a league, exhibition, representative match or a tournament at the same divisional level, or above, in which the offence occurred.
- 21.2 An player ejected from a Premier match may not count a lower division or league match as part of the player's sanction but may count an exhibition match, a representative fixture, a tournament or provincial or regional competition as part of the match count for the player's suspension in accordance with section 21.4.
- 21.3 A suspended player may use a defaulted match as a part of the match count for the player's suspension if the player was not a member of the defaulting team and in accordance with section 21.4.
- 21.4 An exhibition match, a representative match, a tournament, provincial or regional competition or a defaulted match may only be counted towards a suspension if the player or the player's club requests in writing to the DC Chair to count these competitions as part of the suspension and the DC Chair provides written confirmation of its approval of the request application.
- 21.5 Generally, a sevens tournament will be treated as being equivalent to one divisional or league match.
- 21.6 The DC Chair has the final discretion to determine what constitutes a match for the purpose of a sanction.

22. Sevens Tournaments:

- 22.1 Subject to the exceptions noted below, the provisions of this Policy shall apply *mutatis mutandis* to matches played, and any incidents arising from, a sevens tournament.
- 22.2 The sponsors of each sevens tournament shall arrange for one or more discipline officers (a "**Tournament Discipline Officer**") to be appointed to deal with any discipline issues arising during the tournament.

- 22.3 No person shall be entitled to act as a Tournament Discipline Officer unless his or her appointment as such has been approved by the DC.
- 22.4 A duly appointed Tournament Discipline Officer shall deal with discipline issues arising during the pertinent tournament and, when doing so, shall apply the provisions of this Policy.
- 22.5 A Tournament Discipline Officer will file within 48 hours of the tournament's completion a sevens tournament discipline report (in accordance with the form established from time to time by BC Rugby), which sets out the following:
- (a) a discipline hearing summary for each red card issued during the tournament, such summary to include:
 - (i) name of player receiving red card;
 - (ii) nature of the incident giving rise to the issuance of the red card;
 - (iii) resolution of the Tournament Discipline Officer regarding the sanction to be imposed; and
 - (iv) any additional observations of the Tournament Discipline Officer regarding the incident or hearing that should be considered by the DC; and
 - (b) a summary of any issue arising during the tournament, whether within the playing enclosure or external thereto, which the Tournament Discipline Officer believes merits consideration by the DC.
- 22.6 The DC shall maintain a record of all red cards issued during the Summer Seven Aside tournament schedule.
- 22.7 The DC shall review each tournament discipline summary and determine what, if any, additional action is required.
- 22.8 The DC shall have the power to compel players who receive multiple red cards during the sevens tournament season to attend a hearing before the DC. The provisions of this Policy shall apply to such hearing.
- 22.9 A player who receives a red card while participating in a Summer Seven Aside tournament shall not be eligible to play in any subsequent match until the player has appeared before the pertinent Tournament Discipline Officer or the DC.
- 22.10 A Tournament Discipline Officer will not, and does have the authority to, impose a sanction on a player that extends beyond the end of the Tournament Discipline Officer's tournament.
- 23. Additional Provisions:**
- 23.1 In all proceedings heard by the DC, match officials may only give evidence of fact, not opinion, unless an opinion is expressly sought by the DC.

- 23.2 The standard of proof on all questions to be determined by the DC shall be the balance of probabilities.
- 23.3 Procedures or proceedings under this Article 23 or any decision of a DC shall not be quashed or held invalid by reason only of any defect, irregularity, omission or other technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of a DC results in a miscarriage of justice.
- 23.4 Hearings by the DC shall be held in private.
- 23.5 Where discipline proceedings, however arising, are taken against more than one player as a result of incidents occurring in a match, such proceedings may be heard by a DC at the same time, provided there is no prejudice to any person against whom the discipline proceedings are taken.
- 23.6 No member of the DC should comment to the media on a decision of the DC but the DC Chair may release a copy of that decision to the media if it is available; or if a full written decision is not available, release to the media a brief resume of that decision.
- 23.7 In respect of any matter not provided for in this Article 23 the DC shall take a decision according to general principles of natural justice and fairness.
- 23.8 The DC, prior to a hearing or at any stage during a hearing, may amend the offence for which the player or person has been sent off or cited unless, having regard to the circumstances of the case, such amendment cannot be made without causing injustice.

ADDENDUM 1 MODIFIED CITING POLICY

BC Rugby Citing Addendum

Purpose

The purpose of this policy is to outline the process that Member Clubs must follow to pursue disciplinary action with respect to an incident that the Club believes to be worthy of a sending off during a match in a BC Rugby sanctioned league match or tournament.

Rationale

The Discipline Committee (DC) is charged with ruling on many sending off incidents throughout BC Rugby sanctioned leagues & tournaments. In the age of video evidence, it is becoming increasingly difficult for the DC to keep up with increasing demands of hearing cases. A Citing process will act to ensure that the DC only hears cases where a sending off should have occurred according to the opinion of a Citing Representative.

A Citing process in turn allows the DC to focus its time and energy on making informed decisions pertaining to acts of foul play. The decrease in total hearings will allow for more accurate precedents in the wake of decisions delivered by the DC.

Definitions

"Citing" means a request by a Member Club to have the DC formally review an incident believed to be worthy of a sending off. In addition, where the Citing Incident involves a player making physical contact with a match official, the request may be submitted by a match official or the referees' society.

"Citing Incident" means an alleged act of foul play occurring during a match that contravenes the Laws of the Game established by World Rugby.

"Citing Report" means a written report with respect to a Citing Incident that includes the following:

- declaration of intent to cite,
- a description of the incident,
- the law(s) alleged to have been offended,
- the date and time of the match, the minute of play and half when the incident occurred,
- a video clip or timestamp identifying when the incident can be seen on video, and
- any other relevant information pertaining to the incident, including description of any injury suffered or a third person account.

"Citing Representative" means a person appointed by the DC to review a cited act of foul play and to determine whether a sending off would have been warranted in the circumstances of the cited act of foul play. A Citing Representative will be appointed for a one-year term, commencing September 1 and ending August 31 of the following calendar year.

"**Member Clubs**" any registered society or other registered non-profit organization whose primary purpose is the delivery of rugby-related programs, or a post-secondary institution that delivers rugby-related programs.

"**Sending Off**" means a sanction where a player can take no further part in a match.

Process

1) Competitions where the Citing process is available

The availability of Citing must be equally applied throughout a competition. Citing under this Addendum will apply only for BC Rugby Divisions & Tournaments where video footage is required to be made for the entirety of that division or tournament. Citing does not replace decisions by match officials and cannot be applied without video evidence.

2) Establishing the intent to cite

Any Member Club wishing to cite an act of foul play occurring during a match in a BC Rugby sanctioned league match or tournament must produce a Citing Report and send it to BC Rugby's Officials Development Officer within 5 days from the conclusion of the match or tournament during which the Citing Incident occurred.

3) Administrative review of documents

The Citing Report must be sent to BC Rugby's Officials Development Officer, Chris Assmus, by e-mail to cassmus@bcrugby.com within 5 days of the incident referred to in the Citing Report.

4) Submission of citing to Citing Representative

The Officials Development Officer will promptly confirm receipt of the Citing Report to Member Club and forward the Citing Report to a Citing Representative.

5) Review of citing

The Citing Representative will review the Citing Report and determine whether in his opinion the Citing Incident should have warranted a Sending Off. The Citing Representative may seek additional information from the Member Club, the match officials or from any other person as determined by the Citing Representative. After a decision is made by the Citing Representative, the Officials Development Officer will communicate the decision to the Member Club who submitted the Citing Report.

6) Submission to Discipline Committee

If the Citing Representative determines in his opinion that the Citing Incident should have warranted a Sending Off, then the Officials Development Officer will provide the Citing Report, the Citing Representative's decision, and any other relevant information to the DC to arrange a player hearing in accordance with the Discipline Policy.

7) No suspension until a Discipline Committee Hearing

A player who is the subject of a Citing Report will not be suspended pending the completion of a hearing for a Citing Incident unless the DC determines that the player has unduly delayed the completion of the hearing.

8) No Appeal

A decision by a Citing Representative is final and cannot be appealed. The DC shall not make a finding contrary to the determination made by the Citing Representative unless the DC is satisfied, on the balance of probabilities, that the Citing Representative's decision is incorrect.

ADDENDUM 2 MODIFIED YELLOW CARD POLICY

Purpose

The purpose of this modified policy is to introduce changes to the handling and review of the issuance of yellow cards and the assessment yellow card sanctions in BC Rugby. This policy is introduced for the 2018-2019 season on a trial basis.

Rationale

While the accumulation of yellow cards should be sanctioned, the DC has recommended to BC Rugby that variations to past practice be examined to minimize the potentially harsh result that can occur when a player is deemed to be sent off for an accumulation of yellow cards, in particular when the accumulation includes a yellow card for a team infringement or when the player, by virtue of the success of the player's team in progressing through the playoffs, plays more matches than players on other teams.

Modifications

1. Subject to paragraphs 2 and 3 below, a player who receives three yellow cards during one season (defined in the Discipline Policy as the period from June 1 to May 31) will automatically receive a sanction of a one-game suspension and 12 months' probation without the need to hold a DC hearing.
2. The threshold at which a player receives an automatic sanction under paragraph 1 above will increase from three yellow cards to four yellow cards for players who actually play in two or more playoff games in the same league or division.
3. The first yellow card issued to a player for a team infringement will not count towards a player's annual yellow card accumulation total. However, notwithstanding the foregoing in this paragraph 3, if the player receives a second yellow card for a team infringement then both yellow cards (and all subsequent yellow cards for team infringements) will count towards the player's annual accumulation total.
4. A player who receives a yellow card and who wants to appeal the issuance of the yellow card must initiate an appeal of the yellow card within 72 hours of the end of the game in which the yellow card was issued. A player may only appeal a yellow card on the basis that either (a) an act of foul play occurred but the player was incorrectly identified as having committed the act of foul play (in which case the player must identify the teammate who did commit the act of foul play), or (b) an act of foul play did not occur. The burden of proof rests solely with the player. There is no right of appeal against the award of a yellow card for a technical offence. A player who wishes to appeal a yellow card must send a written notice to the BC Rugby Office setting out the basis on which the yellow card is being appealed. All evidence supporting the player's position must be submitted concurrently with the notice. The DC will review the player's submissions and make its determination on the balance of probabilities, with or without a full hearing involving the player's attendance at the discretion of the DC. Yellow cards that have not been contested, or that have been upheld after having been contested, will not be subject to further scrutiny by the DC in examining any sanction against the player, whether automatic under paragraph 1 above or otherwise.