

GENERAL INFORMATION¹

Lead Area:	Rugby Operations
Lead Policy Title:	SA Rugby Code of Conduct Processes
Policy Reference No:	ROPol 6
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SCOPE OF RESPONSIBILITY

- This Policy is to be read in conjunction with the Australian Rugby Union Code of Conduct By-Laws (**CoC**) and the Competition Rules.
- The CoC substantive rules will be followed and should be referred to with respect to any alleged CoC violation.
- The Union is committed to promoting and strengthening the positive image of Rugby Football and its participants in Australia and in South Australia in particular. In light of this commitment, the CoC and the Competition Rules seek to establish standards of performance and behaviour to ensure that participants act in a professional and proper manner and to ensure that the game is played and conducted with disciplined and sporting behaviour.
- The CoC and the Competition Rules also seek to deter all on-field and Rugby-related conduct that could damage the game of Rugby Football by impairing public confidence in the honest and orderly conduct of matches and competitions or in the integrity and good character of participants. In addition, the CoC and the Competition Rules seek to ensure that every Participant is liable to effective sanctions if they are found to have breached the CoC.

STEP BY STEP PROCEDURES

- ESTABLISHING THE CONDUCT COMMITTEE

Step	Description of action	Responsible
1	<ul style="list-style-type: none"> • The Union will establish a Conduct Committee, which will have power to act in the name of the Union to determine all alleged breaches of the CoC and the corresponding Competition Rules by participants. 	Union
2	<ul style="list-style-type: none"> • The Conduct Committee will formed by three nominees of the Union. • The Union may nominate the CEO of the Union to be a participant on the Committee. • One of the three nominees to the Conduct Committee must be appointed as Chairperson by the Conduct Committee. 	Union / Conduct Committee

¹ This procedure has the effect of a Rule under the Competition Rules issued by the Union and terms used here and defined in the Competition Rules have the same meaning and the rules of interpretation set out in the Competition Rules apply to this procedure.

- SUBMITTING A CODE OF CONDUCT VIOLATION NOTIFICATION

Step	Description of action	Responsible
1	<ul style="list-style-type: none"> • Where the Union is notified by a participant, or for any other reason believes, that a participant may have acted in breach of the CoC or the corresponding Competition Rules, the Union must, in a timely manner, notify: <ul style="list-style-type: none"> (a) the participant in respect of whom a breach has been alleged; (b) the Conduct Committee; (c) the ARU (if this is deemed necessary in the circumstances); and (d) any other body the Union determines as having a relevant interest in the matter including any relevant Club, of the nature of the alleged breach. 	Code of Conduct Committee
2	<ul style="list-style-type: none"> • The notification given under Step 2 above (COC Notification) must be in the form of attached (COC Notification Form) and the COC Notification Form must include particulars of the alleged breach of the CoC. 	Code of Conduct Committee
3	<ul style="list-style-type: none"> • The COC Notification Form must be lodged in writing with the CEO of the Union by 5:00pm on the first Business Day following the alleged violation unless upon application to the Appeals Committee leave is granted to lodge a COC Notification Form on a later date. 	Witness / Union / Appeals Committee
4	<ul style="list-style-type: none"> • Except where a COC Notification is made as an internal referral by the Union, the COC Notification and any application for leave to the Appeals Committee must each be accompanied by a deposit of \$200. • If following the consideration of the COC Notification it is found that there has been a violation of the COC the deposit will be refunded and the deposit may otherwise be refunded at the discretion of the Conduct Committee or the Appeals Committee (as the case may be). 	Witness / Union / Conduct Committee / Appeals Committee

Step	Description of action	Responsible
5	<ul style="list-style-type: none"> Upon receiving a COC Notification the Conduct Committee: <ol style="list-style-type: none"> must investigate the alleged breach of the CoC; may impose a disciplinary measure, in accordance with the CoC substantive rules and guidelines as issued by the ARU from time to time, taking into account any relevant aggravating or mitigating circumstances; and must prepare a written statement of its factual findings, decision and reasons and provide copies of that statement to: <ol style="list-style-type: none"> the participant in respect of whom a breach has been alleged; the Union; the ARU (if this is deemed necessary in the circumstances); and any other body the Conduct Committee determines as having a relevant interest in the matter including any relevant Club. 	Code of Conduct Committee
6	<ul style="list-style-type: none"> The investigation by the Conduct Committee and referred to above must be commenced as soon as reasonably practicable after the Conduct Committee receives the COC Notification. 	Code of Conduct Committee

• PROCEDURES ON CONSIDERATION OF A NOTIFICATION

Step	Description of action	Responsible
1	<ul style="list-style-type: none"> The Conduct Committee will have the power to regulate its own procedure as determined in consultation with the Union from time to time. Subject to the obligation of the Conduct Committee to give proper consideration to any matter before it, the Conduct Committee will generally conduct hearings with as little formality, and with as much expedition, as is permitted by the nature of the matter and the Conduct Committee may conduct or direct the Union to conduct such further investigations as the Conduct Committee may reasonably require. 	Code of Conduct Committee / Union

Step	Description of action	Responsible
2	<ul style="list-style-type: none"> In addition to the procedures determined by the Conduct Committee, prior to any hearing to consider the allegations made in any COC Notification, the Conduct Committee will ensure that any person who is the subject of a COC Notification: <ol style="list-style-type: none"> Is given a copy of the COC Notification within seven (7) days of the receipt of the COC Notification by the Union; Is given at least forty eight (48) hours notice of the date, time and location scheduled for the hearing of oral evidence, the consideration of video evidence and the receipt of written submissions on the COC Notification; and Is notified of the potential consequences of any failure to appear before the Conduct Committee at the scheduled time. 	Code of Conduct Committee / Union
3	<ul style="list-style-type: none"> At any hearing of the Conduct Committee, the Conduct Committee will ensure that the person the subject of the COC Notification is given the opportunity: <ol style="list-style-type: none"> to be present at the hearing; to be represented by a third party, not a legal practitioner; to hear and (where applicable) receive copies of any video or written submissions made in relation to the COC Notification; to speak or have their representative speak at the hearing; and at the first hearing related to the COC Notification, to request an adjournment of the hearing for a period determined by the Conduct Committee to allow them to consider the evidence presented to the Conduct Committee and to prepare a response. 	Code of Conduct Committee

- APPEALS FROM CONDUCT COMMITTEE

Step	Description of action	Responsible
1	<ul style="list-style-type: none"> A decision of the Conduct Committee may be appealed within fourteen (14) days of the decision by the person the subject of the COC Notification, the Union or the person who submitted the COC Notification by following the procedure under RULE 25. 	Appellant