

NEDLANDS RUGBY UNION CLUB
Disciplinary Committee Scope and Operating Guidelines

1. Authority and Scope of Disciplinary Committee

The Nedlands Rugby Union Club (**the Club**) has constituted a Disciplinary Committee as a sub-committee of the Club Management Committee (**the Committee**). The Disciplinary Committee has the delegated authority of the Committee afforded under the Club Constitution to review and deal with the following matters referred by the Committee or as a result of the citing of a player, member, official, coach, spectator, supporter or volunteer of the Club (**Cited Party**), by a member of the Club Committee where:

- (a) a player, member, official, coach, spectator, supporter or volunteer of the Club is viewed as having breached the Club's Code of Conduct; or
- (b) such person has been guilty of conduct prejudicial to the interests of the Club or its members; or
- (c) such person has continued to refuse or neglected to comply with a provision or provisions of the Club's Code of Conduct and/or its Constitution.

2. Members of Disciplinary Committee

The Disciplinary Committee shall comprise five members being the Chairman and three other members appointed by the Committee as well as the Club President.

3. Convening of Meetings of the Disciplinary Committee

The Chairman shall within 14 days of having been notified in writing of a matter being referred by the Committee or of a citing initiated by a member of the Committee, convene a meeting of the Disciplinary Committee to hear the matter(s).

At least 7 days notice of such meeting shall be given to all members of the Disciplinary Committee and include details of the conduct alleged and any other related details available regarding the matter(s) to be heard.

These periods may be reduced if agreed to by all parties or viewed as necessary by the Chairman to expedite review and resolution of a matter. Any reduction of the notice period impacting on a Cited Party must be fair and reasonable.

4. Direct Referral to the Club Management Committee

Where a matter causing a citing is viewed as being of a serious enough nature, the Chairman may refer to the matter directly to the Committee for action.

5. Notification to Cited Party

At least 7 days before the Disciplinary Committee meeting at which such matters are to be heard, the Cited Party must have been notified in writing by the Chairman as to the nature of the person's alleged conduct under review, the intended hearing date for a review meeting of the matter and a request for the person to be present at the meeting.

These periods may be reduced if agreed to by all parties or viewed as necessary by the Chairman to expedite review and resolution of a matter. Any reduction of the notice period impacting on the Cited Party must be fair and reasonable.

NEDLANDS RUGBY UNION CLUB
Disciplinary Committee Scope and Operating Guidelines

6. Proceedings at Disciplinary Committee

The following order of proceedings will occur at the Disciplinary Committee:-

- 6.1. Reading of the nature of matter referred or cited.
- 6.2. Plea of Cited Party.
- 6.3. Presentation of case by Cited Party. Note: the Cited Party shall have the opportunity of giving evidence and submissions orally and/or in writing and/or through use of video and may call witnesses in defence.
- 6.4. Review by Disciplinary Committee which may include the putting of questions to the Cited Party, witnesses of the Cited Party or other parties to clarify or obtain additional information to assist in review and reaching a decision on and/or resolution of the matter.
- 6.5. Deliberation by Disciplinary Committee
- 6.6. Advise of decision/resolution of the matter by the Disciplinary Committee

7. Decisions/Resolutions of the Disciplinary Committee

The Disciplinary Committee will, following review and deliberation, decide and resolve the matter at that meeting, as follows:

7.1 ***Where no breach of the Club Code of Conduct, finding of conduct prejudicial to the interests of the Club or its members, and/or breach of the Club Constitution has been found, and no further action is required.***

- (a) Notify the Cited Party in writing that the matter has been dismissed.
- (b) Record and advise the Committee that no breach of the Club Code of Conduct and/or Constitution was found.

7.2 ***Where a breach of the Club Code of Conduct, a finding of conduct prejudicial to the interests of the Club or its members and/or a breach of the Club Constitution is found:***

- (a) The Disciplinary Committee may impose one or more of the following penalties:
 - i. Expel the Cited Party from the Club; or
 - ii. If the Cited Party is a player, suspend that person from playing for the Club for a specified period and/or from attendance at Club functions; or
 - iii. Suspend the Cited Party from membership of the Club for a specified period and/or from attendance at Club functions; or
 - iv. If the Cited Party is a spectator, supporter or volunteer, suspend the right of the person to attend Club matches, training sessions and/or Club functions; or
 - v. Caution the Cited Party, or
 - vi. Require that the Cited Party provide an apology/apologies to relevant party/parties in a specific way and by a certain deadline; or
 - vii. Refer the matter to the Committee for further deliberation and resolution; or
 - viii. Impose any other reasonable penalty which it in its sole discretion is appropriate in the circumstances.
- (b) The Disciplinary Committee will record and advise the Committee that a breach of the Club Code of Conduct, a finding of conduct prejudicial to the interests of the Club or its members and/or a breach of the Club Constitution was found and notify the Committee of the penalty imposed by the Disciplinary Committee.

NEDLANDS RUGBY UNION CLUB
Disciplinary Committee Scope and Operating Guidelines

8. Notification of Resolutions of the Disciplinary Committee

- 8.1 Except as permitted by the Disciplinary Chairman within this clause no other members of the Disciplinary Committee shall disclose details of the Disciplinary Committee's deliberations on a matter or matters discussed in reaching a decision and resolution of the matter.
- 8.2 The minutes of the proceedings and the Resolution of the Disciplinary Committee will be provided to the Club President by the Chairman of the Disciplinary Committee within 7 days of resolution. The minutes shall be held by the Club Secretary as part of the Club's permanent records and only be disclosed if required by law.
- 8.3 The Cited Party will be advised in writing by the Chairman of the Disciplinary Committee's decision and resolution within 7 days after receipt of the notification of the resolution.
- 8.4 The Chairman of the Disciplinary Committee shall also advise the members of the Committee within 7 days of the resolution.

9. Right of Appeal of Cited Party in respect of Disciplinary Committee's decision

- 9.1 The Cited Party found to have breached a breach of the Club Code of Conduct, a finding of conduct prejudicial to the interests of the Club or its members and/or a breach of the Club Constitution under Clause 7 above may by notice in writing to the Club's President within 14 days from the receipt of such notice of the finding and decision, request the calling of a Special Meeting of the Committee to consider an appeal against such finding and decision.
- 9.2 The notice may, but not need be, accompanied by a statement as to the grounds on which the party intends to rely for the purposes of the appeal.
- 9.3 Notice of the Special Committee Meeting convened under the clause shall be sent to each member at least 7 days prior to the meeting and shall specify the reason for the meeting.
- 9.4 At the Special Committee Meeting convened under this Clause and a Chairman appointed -
 - (a) no business other than the consideration of the resolution and decision of the Disciplinary Committee shall be conducted.
 - (b) the Chairman of the Disciplinary Committee will advise the attendees of the nature and details of the basis for the Citing and resolution of the Disciplinary Committee.
 - (c) the Cited Party shall be given the opportunity to state his/her respective case for the appeal either orally or in writing.
 - (d) the Special Committee Meeting shall exercise all the powers conferred upon the Disciplinary Committee under Clause 6.
 - (e) the members present are to vote by secret ballot on the question of whether the resolution of the Disciplinary Committee should be confirmed or revoked. The Cited Party will have the right to have another party act as a scrutineer during the collection and collation of the vote.
 - (f) the Chairman of the Special Committee will collate the votes and advise only the outcome of the vote on the question at the Special Committee Meeting.
 - (g) the Chairman of the Special Committee will be responsible for destruction of the ballot papers.

NEDLANDS RUGBY UNION CLUB
Disciplinary Committee Scope and Operating Guidelines

- (h) if the Special Committee Meeting of the Club passes a special resolution in favour of confirming the Disciplinary Committee's findings, resolution and decision, it will then be confirmed and immediately acted upon.
- (i) the Chairman of the Special Committee shall advise the Cited Party in writing of the resolution of the Special Committee Meeting if the Cited Party is not present.