



New Zealand Rugby Union Junior Rugby Judicial Guidelines 2021

Guidelines for Junior Rugby

Disciplinary Procedures

The following guidelines (Guidelines) apply to a Player who is Ordered Off, receives 3 or more Yellow Cards in the same competition and/or is subject to a Misconduct Complaint. They also apply to a Match involving Players that is called off.

1. Definitions

Foul Play – means conduct which breaches Law 9 of World Rugby’s Laws of the Game or any domestic variation adopted in New Zealand.

Junior Rugby – means all levels of age-grade rugby from Secondary School level and below but excluding elite First XV competitions involving teams from other provincial union regions.

Match means a rugby match in which two teams compete against each other and includes sevens, pre-season and trial matches.

Misconduct – means any conduct, behaviour, statements or practices on or off the playing enclosure during or in connection with a Match or otherwise and that is unsporting and/or cheating and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the sport of Rugby Union and/or any Rugby bodies, and/or Match Officials and/or judicial personnel into disrepute. Misconduct excludes Foul Play which has been dealt with by the Referee.

It is not possible to provide a definitive list of the types of conduct, behaviour, statements or practices that may amount to Misconduct under these

Regulations. By way of illustration, each of the following types of conduct, behaviour statements or practices by any Player or Person however or wherever undertaken are examples of Misconduct:

- (a) acts of violence or intimidation within the venue in which a Match is being played including (without limitation) any tunnel, changing rooms and/or warm-up areas;
- (b) acting in an abusive, insulting, threatening, intimidating or offensive manner towards Match Officials, or any Player or Person associated with the teams participating in the Match or spectators;
- (c) acts or statements that are, or conduct that is, discriminatory by reason of religion, race, sex, sexual orientation, disability, colour or national or ethnic origin;
- (d) providing inaccurate and/or misleading information under these Guidelines in any proceedings and/or misleading information concerning a Player's future playing intentions;
- (e) comments and/or conduct in connection with current and/or anticipated disciplinary proceedings under these Guidelines and/or Match officiating (or any aspect thereof), which may be prejudicial to and/or adversely impact on current and/or anticipated disciplinary proceedings and/or which are prejudicial to the interests of rugby union;
- (f) failure or refusal by a Player, Person or Rugby Body to co-operate fully with any investigations conducted pursuant to these Guidelines; and/or

- (g) making any comments (including to the media) that attack, disparage or denigrate the Game and/or any of Rugby Bodies and/or Match Officials and/or disciplinary personnel.

Match Officials means the referee, assistant referee and any technical officials associated with the management of a Match;

Misconduct Complaint means a complaint pursuant to these Guidelines against a Player or Person that he or she has engaged in Misconduct;

Ordered Off means a Player has been sent from the playing enclosure permanently by the referee and can take no further part in the Match in which he or she is ordered off (and includes the term Ordering Off);

Person means a member of a club or any person associated with or affiliated to a Rugby Body;

Player means a player involved in playing secondary school rugby union and any rugby below that level;

Rugby Body means any organisation that is involved in the administration of rugby and includes a club, school, provincial union, NZRU and World Rugby;

Yellow Card means a temporary suspension issued by a referee to a Player in the course of a Match.

2. Process for Dealing with a Misconduct Complaint

2.1 A Misconduct Complaint may be made by:

- (a) the CEO of the Provincial Union or his duly authorised nominee;
- (b) a duly authorised person from a club or school involved in the Match;

- (c) a representative from the Referee's Association;
 - (d) any other person, including other players.
- 2.2 The Misconduct Complaint, outlining the incident, should be sent to the CEO of the Union within 5 days of the alleged Misconduct occurring.
- 2.3 With the leave of the Provincial Union's Complaints Review Officer, a Misconduct Complaint under these Guidelines may be sent to the CEO of the Union outside the 5 day period provided in paragraph 2.2 above. Leave under this provision may be given where it is in the interests of fairness to do so taking into account the circumstances in which the delay in notification has occurred.
- 2.4 For the purposes of this Rule, a Misconduct Complaint is deemed to be sent when:
 - (a) Posted; or
 - (b) It is transmitted by facsimile or email; or
 - (c) It is received at the offices of the Provincial Union.
- 2.5 A Misconduct Complaint shall contain the following information:
 - (a) the date and place of the alleged Misconduct;
 - (b) the name of the alleged Player or Person and his Club or School;
 - (c) full details of the alleged Misconduct including any details of the circumstances in which the alleged Misconduct was committed.

- 2.6 The CEO of the Union will refer the Misconduct Complaint to the Union's Designated Disciplinary Officer (DDO) who will have experience in dealing with young people or his or her suitably experienced nominee shall:
- (a) Undertake such investigations as he or she considers appropriate to gather information bearing on the subject of the Misconduct Complaint; and
 - (b) Obtain reports from such persons who he or she considers may be able to gather information bearing on the subject of the Misconduct Complaint, including children and young people. Any interviews with children and young people shall:
 - (i) Inform the young person of their rights to have their view heard, as well as a right not to participate should they choose not to, and if they consent to sharing their views they may withdraw that consent at any time during the proceeding.
 - (ii) Allow the young person to have support available, such as parent, teacher or coach.
 - (iii) Take place in a child-friendly setting, and use language and explanations appropriate to the age and understanding of the young person.
- 2.7 Once the DDO has completed his or her investigations and is satisfied that the Misconduct Complaint is not frivolous, vexatious or otherwise without merit, the DDO will notify the person who is alleged to have committed Misconduct of the Misconduct Complaint and provide any

reports and other evidence obtained in the course of the investigation to that Player or Person and will:

- (a) advise that in the event that the young person alleged to have committed the Misconduct denies the allegation, the matter will be referred to a Youth Judicial Committee Hearing at which the Misconduct Complaint will be heard in accordance with paragraph 4 of these Guidelines;
- (b) Advise that if the young person does not deny that they have committed the alleged Misconduct in the Misconduct Complaint, that the matter will be referred to a Community Group Conference (CGC) to deal with the matter in accordance with paragraph 3 of these Guidelines.

3. Community Group Conference

Where a player is subject to a Misconduct Complaint that has been referred to a CGC, the following process will apply:

- 3.1 The CGC should be coordinated and convened by a person who is experienced in the management of youth offending and restorative justice either through the Family and/or Criminal Justice System or educational systems, and who is independent of the Union, School and/or Club involved with any of the matters referred to in the Misconduct Complaint. This CGC Coordinator will convene and chair the meeting and will determine the process including the way in which the CGC will operate in endeavouring to reach an agreed outcome.

- 3.2 The CGC Co-ordinator and the following persons are the only people who are entitled to participate and will be invited to participate in the CGC:
- (a) The Player(s) or Person who has not denied the Misconduct allegation;
 - (b) Family and support persons as determined by the Player or Person;
 - (c) A representative from the school and/or club to which the Player or Person attends or belongs.
 - (d) The alleged victim(s) or complainant who initiated the Misconduct Complaint;
 - (e) If the victim or complainant elects to attend they are entitled to have a family member or support person attend as well;
 - (f) A representative from the school and/or club to which the victim or complainant either attends or belongs.
- 3.3 If the victim of the Misconduct Complaint or complainant does not attend the CGC, they can submit their views in writing as to what if any sanction should apply.
- 3.4 All provisions and material that are presented in the course of the CGC are to be regarded as strictly confidential including the identity of Schools, players or persons involved.
- 3.5 The CGC will determine the appropriate outcome, including any sanctions on the Player or Person. This can incorporate any sanction that

the SGC considers fair and appropriate to the seriousness of the offending including any school-based sanction.

3.6 In the event that no agreement is able to be reached in relation to sanctioning of the Misconduct at a CGC, the CGC Coordinator may refer the matter to a hearing for a Judicial Committee for the finalizing of any sanction in accordance with paragraph 4 of these Guidelines.

4. Youth Judicial Committee

4.1 The Provincial Union will establish a panel of persons which will include persons who are experienced in dealing with young people and preferably youth justice matters who can be appointed to a Youth Judicial Committee to hear matters referred to under clause 4.2 below.

4.2 The Youth Judicial Committee will have jurisdiction to hear and determine the following matters:

- (a) the Ordering Off of a Player;
- (b) the accumulation of three yellow cards by a Player in the same competition;
- (c) a Match which is called off; and
- (d) a Misconduct Complaint which is denied by the Player or which is referred from a CGC.

4.3 The following provisions will apply to a hearing before the Youth Judicial Committee. The procedures to be followed and the powers that are able to be exercised by the Youth Judicial Committee will include the following:

- (a) the power to adjourn and/or postpone proceedings;
- (b) the ability to determine whether witnesses that give evidence are able to remain in the room in which the matter is being heard before their evidence has been given;
- (c) an interpreter may be able to be present to partake in the proceedings;
- (d) the Youth Judicial Committee will be entitled to call on experts to provide specialist advice;
- (e) the Youth Judicial Committee will deliberate in private on its decision.

4.4 The procedure of the Youth Judicial Committee in all proceedings shall be as the Youth Judicial Committee shall determine in each case and the Youth Judicial Committee shall be entitled to depart from procedures set out in these Guidelines where the interests of natural justice warrant such a departure.

4.5 Unless it directs otherwise, the procedure of the Youth Judicial Committee will be as follows:

- (a) The Youth Judicial Committee will ensure the physical setting and process is child-friendly, and that all language and processes are appropriate to the age and understanding of the young person.
- (b) the Chairman will explain the procedure to be followed in the hearing;

- (c) the circumstances relating to the Misconduct Complaint, Ordering Off, Yellow Cards or calling off of the Match, will be read out or explained to the young person;
- (d) any report or witness statements on behalf of the complainant or referee will be presented;
- (e) questions of witnesses by the complainant or the defendant will be provided to the Youth Judicial Committee not less than 24 hours prior to the hearing;
- (f) questions for witnesses and statements of evidence are to be provided to the Youth Judicial Committee in advance of the hearing;
- (g) Youth Judicial Committees will not sit beyond 8pm on a week night, and will take breaks as appropriate to the age and ability of the young person to fully participate;
- (h) lawyers will only be entitled to attend a hearing in an observer capacity to assist the Youth Judicial Committee if requested or authorized by the Chair;
- (i) direct cross examination would only be allowed by the Youth Judicial Committee in exceptional circumstances and only with questions being addressed through the Chairperson of the Youth Judicial Committee;
- (j) all documents and material that are presented in the course of the hearing are to be regarded as strictly confidential including the identity of Schools, players or persons involved pending a decision being issued;

- (k) proceedings are not to be recorded unless requested by the Player;
and
- (l) any matter referred to a Youth Judicial Committee may be referred back to a CGC at any time.

4.6 The sanctions that are available to the Youth Judicial Committee in respect of a Misconduct Complaint will include the following:

- (a) a caution, a warning as to future conduct, reprimand;
- (b) a suspension for a specified number of Matches or for a fixed period of time (i.e. including training with the team);
- (c) an exclusion order from attending a Match or having any involvement with any team playing Matches;
- (d) suspension from any involvement in rugby coaching and/or involvement with a team;
- (e) any sanction that is considered appropriate by the Youth Judicial Committee including matters not covered in paragraphs (a) to (e) above.

4.7 The sanctions available to the Youth Judicial Committee in respect of an Ordering Off, three Yellow Cards in the same competition, or a Match that is called off will be determined in accordance with the procedures and recommended sanctions set out in clause 87, Section 1 Parts 4 and 6, and Section 9 of the New Zealand Disciplinary Rules as amended from time to time and modified by the Youth Judicial Committee as required to take into account the age of the Player(s) appearing at the hearing.

- 4.8 In relation to a hearing before the Judicial Committee, the DDO for the Union will have the responsibility for collecting evidence and presenting it to the Judicial Committee. The onus of proof will be on the DDO to satisfy the Youth Judicial Committee that on the balance of probabilities, the charge or complaint has been made out.
- 4.9 There will be no right of appeal from a decision of a Youth Judicial Committee.