



MANAWATU RUGBY

Overview

Judicial Committee Rules & Procedures



Overview – MRU Judicial Committee Rules & Procedures

All procedures associated with the Manawatu Rugby Union's Judicial and Appeal Committees are to be in accordance with the New Zealand Rugby's Rules for Disciplinary Hearings (the 'Black Book') and, in the case of the Judicial Committee, the Code of Procedure of that Committee which Code shall be deemed to be part of these Rules.

Disciplinary Hearings are held on Wednesday Evenings at Central Energy Trust Arena (formerly Arena Manawatu), Pascal Street, Palmerston North, or such other times may be determined by the Chief Executive following consultation with the Chairman of the Committee.

In every case in which the Referee has ordered a player off the field during the progress of a game the matter shall be dealt with as follows:

(a) The referee shall submit a report of the offence in writing to an adjudication panel of referees as soon as possible after the completion of the game, but no later than 48 hours after the conclusion of the game. The Manawatu Rugby Referees' Association panel shall recommend whether the offending player is:

(i) required to attend a judicial hearing or

(ii) complete a mandatory 2-week stand down. The recommendation of the MRRA's panel shall be conveyed to the offending player by the MRU Complaints Review Officer via his/her Club or School at which stage the player will have the option of accepting the automatic 2-week stand down or to have the case heard by the Union Judicial Committee. In either case the player must advise his/her decision to the Union office within 72 hours after the completion time of the game in which the ordering off took place. Failure to do so will mean the automatic 2-week stand down applies, or

(iii) the matter is passed onto the MRU Judicial Chairperson for consideration to suspend the player for less than the mandatory 2-weeks.

(b) If the player is required to, or takes the option of having the case heard by the Union Judicial Committee then a copy of the report shall be made available from the MRU Office to such player or to the Club/ school of which he/she is a member together with a notice of the time and place of the meeting of the Judicial Committee at which such report is to be dealt with.

(c) The MRU Complaints Review Officer may, in his or her discretion, refer an instance of ordering-off by a referee to the MRU Judicial Committee, irrespective of the recommendation, if any, by the Manawatu Rugby Referees' Association.

(d) The MRU shall appoint a Committee which shall consist, for the purpose of conducting a hearing (consisting of a Chairperson and 2 others selected by the Judicial Chairperson on a case by case basis from a panel of not less than 5 persons. The Chairman and Panel Members shall be appointed annually to the MRU. No member of the Judicial Committee may also be a member of the MRU Board.

(e) In the event of the Chairman of the Judicial Committee being unable to preside over a particular hearing of the Committee, whether because of a conflict of interest or otherwise, an Acting Chairman shall be appointed by the CEO.

(f) The Judicial Committee shall have the authority to inquire into all cases of misconduct referred to it by the MRU and to hear such evidence therein as it shall deem fit.

(g) Any player ordered off the field by a referee and who is either required to attend or takes the option of a judicial hearing shall attend personally at the next meeting of the Judicial Committee and shall be at liberty to give or call evidence.

(h) The Judicial Committee may adjudicate upon a matter referred to it in the absence of the player who is the subject of the hearing, provided that notice has been given to the player of the scheduled hearing.

(i) Pending adjudication by the Judicial Committee, a player who has been ordered-off shall be suspended.

(j) The referee or complainant who reports any misconduct of any Team, Club or Player shall attend and if required, give evidence at the meeting of the Judicial Committee at which such report is to be considered.

(k) The decision of the Judicial Committee on all matters referred to it shall be deemed the decision of the MRU and shall, subject to the right of appeal to the Manawatu Rugby Union's Appeals Committee, be final and conclusive.

(l) The members of the Judicial Committee shall hold office until their successors are appointed by the MRU.

(m) There shall be a Union Appeals Committee, which shall comprise a Chairman and 3 other members appointed annually by the MRU.

(n) A fee of \$300.00 plus GST made payable to the Manawatu Rugby Union must accompany any appeal to the Manawatu Rugby Union's Appeal Committee. An appeal must be made in writing to the MRU Complaints Review Officer no later than 7 days after the judicial Hearing.

(o) The decision of the Appeal Committee on all matters referred to it shall be deemed to be the decision of the MRU and shall, subject to the right of appeal to New Zealand Rugby, be final and conclusive.

(p) In the case of a citing by an individual or organisation other than the match officials, a citing report must be received by the MRU Complaints Review Officer no later than 48 hours after the conclusion of the match. If the complaint is not received within the specified timeframe then it will not be considered.

MRU Judicial Committee - Code of Procedure

(A) Role and Function

The Committee has the responsibility of hearing and determining all matters that come before it with respect to the alleged misconduct of players (within the union's jurisdiction). In particular, it will deal with cases where a player has been sent-off and a judicial hearing is either:

- (i) requested by the player, the player's club or the Manawatu Rugby Referees' Association
- (ii) upon the matter being reported to it, the Committee decides, of its own motion to convene a hearing. The Committee will also hear Citing complaints made in respect of a particular player, players or team. The Committee will act in accordance with its terms of reference, the rules and MRU Competition Bylaws and those of New Zealand Rugby.

(B) General Principles

The Committee will act in accordance with the following principles, namely:

- (a) Fairness and adherence to the principles of natural justice;
- (b) Consistency in the processes of the Committee in the outcomes of cases; with it being nevertheless accepted that the circumstances of particular cases may make it appropriate that a modified procedure be followed or a decision made which is different to that of other apparently similar cases;
- (c) The avoidance of any conflict of interest. It is acknowledged that the Committee's stakeholders are the MRU, Rugby Clubs affiliated to the MRU or participating in MRU competitions, and the Manawatu Rugby Referees' Association.

(C) Attendance of Participants

The following will be permitted to attend meetings of the Committee:

- (a) Committee members;
- (b) Any MRU staff member, present to assist in the administration of the Committee; The referee who had responsibility for controlling the game in respect of which a hearing has arisen and any Assistant Referees involved in the ordering-off;
- (c) One other member of the Manawatu Rugby Referees' Association who, may be present to support and assist the referee and will be entitled to address the Committee;

- (d) The player who is the subject of the hearing;
- (e) Up to 2 officials of the player's team (e.g. coach and assistant coach or coach and manager);
- (f) One other person to support or represent the player (e.g. a club or school official, lawyer or other advocate/representative);
- (g) In the case of a Citing complaint, up to 2 representatives of the club or school that has made the "citing";
- (h) Any witnesses called by the player or his/her club or school or the "citing" complainant. Witnesses will be permitted to be present solely for the purpose of giving their evidence;
- (i) Such other persons as the Committee Chairperson may allow to be present.

(D) Conduct of a Hearing

(1) The purpose of a hearing of the Committee is to determine firstly whether a player (or players) has been guilty of misconduct contrary to the laws of the game and secondly, if the first question is answered in the affirmative, what should be the appropriate penalty. The evidence and submissions placed before the Committee will be expected to be directly relevant to and focused on those issues and no other.

(2) A hearing of the Committee will be conducted as follows:

(a) In the case of an ordering-off, a written report will be filed with the MRU office by the Referee or Assistant Referee(s) concerned and the office will then make available a copy of that report to the player's club or school. A similar process will be followed in the case of a Citing complaint i.e. a written complaint will be filed and made available, in advance, of the hearing to the "opposing" club or school.

(b) At the commencement of the hearing itself, the Committee will hear from the Referee or Assistant Referee(s) who will speak to and, as appropriate, explain the contents of his or her written report. The Referee or Assistant Referee(s) will be expected to remain during the hearing unless earlier excused by the Committee.

(c) The Committee will then hear from:

(i) the player who is the subject of the hearing

(ii) any witnesses that player and his/her Club or school wish to call. The evidence from witnesses will be with reference to information of which they have personal knowledge that is relevant to the incident or event(s) that leads to the hearing. The Committee reserves the right to make its own decision as to whether evidence of a witness is relevant and of assistance.

(d) The referee (and any other referee present in support) may then reply to anything said by or on behalf of the player.

(e) A final summation may then be given by or on behalf of the player. This will include any submissions of any advocate appearing for the player. Any such submissions will be expected to be focused and relevant.

(f) The Committee may and, it should be expected, will ask questions of the player, referee and any other participants in the hearing process. However, it will not, in any case, be part of the hearing processes of the Committee for participants (other than Committee members) to question (cross examine) other participants.

(g) The Committee will then deliberate and give its decision, both orally and in writing to the player's club or school and the Manawatu Rugby Referees' Association within 48 hours after the hearing. In rare cases, the Committee may elect to reserve its decision, which will nevertheless, in any such case, be given as soon as possible following the hearing.

(3) Notwithstanding the foregoing, the Committee may conduct its hearings in such manner as, in its discretion, it thinks fit. It may also admit and receive any evidence it considers relevant, whether or not that evidence might otherwise be admissible before some other judicial or quasi-judicial forum. That may include written statements from persons not attending a hearing. However, the weight to be given to any such written statements will reflect and take into account the point that their authors are not present to explain or be questioned on their contents.

(E) Challenges to Decisions of Referees

In the case of an ordering-off, it is open to the player affected to present evidence for the purpose of challenging the reasons for the decision of the referee that lead to that action. In any such case, the following provisions will apply:

- (a) the presumption that the referee's reasons for the ordering off were valid and correct;
- (b) the onus (burden) is on the party challenging the referee's reasons to satisfy the Committee that the referee's reasons were wrong;
- (c) the Committee will need to be satisfied on the balance of the probabilities that the referee's reasons for an ordering-off were wrong before any finding to that effect is made and
- (d) (d) the right of a player to challenge the reasons for an ordering-off should not be regarded as providing an opportunity for any broader criticism of or attack on the performance of the referee either in a specific game a hearing relates to or more generally."