

REGULATION 20. MISCONDUCT AND CODE OF CONDUCT

Preamble

- A** Adherence to the Laws of the Game, Regulations Relating to the Game and the spirit of fair play remains fundamental to the proper administration and preservation of the Game in the modern era. Accordingly, a general obligation arises on all stakeholders to address Misconduct matters within their jurisdictions to ensure that discipline, control, honesty and mutual respect which are fundamental to the integrity of the Game are preserved.
- B** This Regulation 20 sets out a harmonised approach to the administration of discipline and the implementation of sanctions for Misconduct at all levels of the Game. The administration of this Regulation shall be carried out on behalf of World Rugby by the Disciplinary Officer in consultation with World Rugby.
- C** All participants in the Game by means of their participation recognise and agree to be bound by the principle of universality which means that Players who are suspended at any level of the Game shall have their suspension recognised and applied at all levels of the Game and in the territories of all member Unions and Associations.

Application of the Regulation

- 20.1** The provisions of this Regulation including the World Rugby Code of Conduct (Appendix 1) apply to all Unions and Associations within their respective jurisdictions at all levels and it is their responsibility to advise their Players, Persons and Rugby Bodies of this Regulation. Unions and Associations shall ensure that they have in place disciplinary regulations compatible and not in conflict with this Regulation 20 and such regulations are applied to and complied with by all Players, Persons and Rugby Bodies within their jurisdiction.
- 20.2** Any act of Misconduct shall constitute an offence under this Regulation and may result in disciplinary proceedings being brought against and sanctions being imposed upon the Player, Person, Union, Association and/or Rugby Body involved.
- 20.3** For the purposes of these Regulations Relating to the Game, “**Misconduct**” shall mean any conduct, behaviour, statements and/or practices on or off the playing enclosure during or in connection with a Match or otherwise, that is unsporting and/or cheating and/or insulting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the Game and/or any of its constituent bodies, World Rugby and/or its appointed personnel or commercial partners and/or Match Officials and/or judicial personnel into disrepute. Misconduct shall only exclude Foul Play during a Match which has been the subject of consideration and a finding under the regime prescribed for Ordering Off and/or Citing in Regulation 17.

- 20.4** While 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 under these Regulations, by way of illustration, each of the following types of conduct, behaviour, statements or practices however or wheresoever undertaken are examples of and constitute Misconduct:
- (a) acts of violence or intimidation within the venue in which the Match is being played including (without limitation) the tunnel, changing rooms and/or warm-up areas;
 - (b) acting in an abusive, insulting, intimidating or offensive manner towards referees, assistant referees, Citing Commissioners, members of Disciplinary Tribunals or other officials or any person associated with the Host Union, the Rugby Body or the Unions 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) any breach of Regulation 6 (Wagering);
 - (e) providing inaccurate and/or misleading information about the previous disciplinary record of the Player or Person in any proceedings under this Regulation or Regulations 17 or 21 or other disciplinary proceedings and/or misleading information concerning the Player's future playing intentions;
 - (f) any breach of Regulation 20 Appendix 1 (Code of Conduct);
 - (g) comments and/or conduct in connection with current and/or anticipated disciplinary proceedings and/or Match officiating (or any aspect thereof), which may be prejudicial to or adversely impact such proceedings and/or which are prejudicial to the interests of the Game and/or any Person and/or any disciplinary personnel (including Disciplinary Tribunals and Citing Commissioners);
 - (h) failure to cooperate with the citing and/or judicial process in the absence of a reasonable explanation or making a citing referral frivolously or in bad faith;
 - (i) failure or refusal by a Player, Person or Union to cooperate fully with any investigations conducted pursuant to the wagering rules (Regulation 6), or the anti-doping rules (Regulation 21), or in connection with any complaint or dispute which is or could be brought before a Disciplinary or Appeal Committee or Judicial or Appeal Officer; and/or
 - (j) making any comments (including to the media) that attack, disparage or denigrate the Game and/or any of its constituent bodies, World Rugby and/or its appointed personnel or commercial partners and/or Match Officials and/or disciplinary personnel (including Disciplinary Tribunals and Citing Commissioners).

- 20.5** Unions are responsible and accountable for the conduct of their Players and all Persons within their jurisdiction. Unions, Players and Persons must conduct themselves in a disciplined and sporting manner and ensure that they do not commit any act(s) of Misconduct.
- 20.6 The Role of the Host Union, Association or duly recognised Tournament Organiser in Misconduct Matters**
- 20.6.1 The Host Union shall nominate a designated disciplinary officer who shall administer this Regulation and shall be entitled to undertake such investigations (personally or through a nominee(s)) as he may consider necessary into incidents that constitute or may be capable of constituting Misconduct on the part of Players and/or Persons and/or Rugby Bodies within their jurisdiction in accordance with Regulation 20.
- 20.6.2 In the context of a Match or tournament, the role of the designated disciplinary official may be delegated to the Citing Commissioner or the Citing Commissioner Liaison Officer, the Match commissioner or other suitable person.
- 20.6.3 For Matches forming part of the merit based appointment scheme that are not World Rugby Matches, in the event that a designated disciplinary officer is not appointed or the appointee is unable to fulfil the role or in the opinion of the Disciplinary Officer cannot independently exercise such role, then in such circumstances the Disciplinary Officer on behalf of World Rugby may appoint the designated disciplinary officer including himself.
- 20.6.4 Where a Misconduct investigation is into the activities of a Union, Association or Tournament Organiser and/or its appointed personnel, the designated disciplinary officer shall be independent of the Union, Association and/or Tournament Organiser. If in the reasonable opinion of the Disciplinary Officer, the Union, Association or Tournament Organiser is unable to independently exercise such role, then the Disciplinary Officer may on behalf of World Rugby appoint the designated disciplinary officer including himself.
- 20.6.5 Nothing in this Regulation shall limit or restrict the right of the Disciplinary Officer on behalf of World Rugby to appoint a designated disciplinary officer to undertake such investigations as he may consider necessary into incidents that constitute or may be capable of constituting Misconduct or acts which have the potential to bring the Game or World Rugby into disrepute on the part of Players, Persons, Unions, Associations and/or Rugby Bodies. This provision shall apply equally to situations where no action or insufficient action has been taken by the Union, Association or Tournament Organiser.
- 20.6.6 No person who is a member or a paid employee of a Union or other affiliated organisation responsible for the management of either team participating in a Match shall be eligible for appointment as a designated disciplinary official.

20.7 Initial Procedures – Misconduct

- 20.7.1 The designated disciplinary official (or his nominee) shall be entitled to undertake such investigations as he may consider necessary into incidents that constitute or may be capable of constituting Misconduct involving any Player, Person and/or Rugby Body within his jurisdiction. Every Union, Association, Rugby Body, Player and Person shall be obliged to cooperate with any such investigations, referrals and/or hearings and a failure to cooperate with such investigation may itself constitute Misconduct under this Regulation.
- 20.7.2 Subject to the provisions of this Regulation 20, the designated disciplinary official shall determine whether to investigate an incident or incidents and/or to bring a Misconduct complaint against any Player, Person and/or a Rugby Body within his jurisdiction and his decision in respect of both initiating an investigation and/or bringing a Misconduct complaint shall be final.
- 20.7.3 Notwithstanding Regulation 20.7.1 where the designated disciplinary officer has reason to believe that an act or acts of Misconduct may have been committed by a Union or Association, he must immediately inform the Disciplinary Officer of World Rugby, in writing. The Disciplinary Officer or his nominee shall then deal with the matter as he considers appropriate.
- 20.7.4 In cases involving conduct and/or behaviour that in the opinion of the designated disciplinary officer of a Host Union are more appropriately dealt with by a visiting Union, or World Rugby, the designated disciplinary officer may, on behalf of the Host Union, refer the matter to the visiting Union or World Rugby to deal with.
- 20.7.5 In cases involving conduct and/or behaviour that in the opinion of the designated disciplinary officer of the Tournament Organiser are more appropriately dealt with by the Union of the Player or Person concerned or World Rugby, the designated disciplinary officer may, on behalf of the Tournament Organiser refer the matter to the Union of the Player or Person concerned or World Rugby to deal with.
- 20.7.6 Where any referral is made to World Rugby, World Rugby shall determine if it is appropriate in all the circumstances to take over the matter. Where World Rugby agrees to take up the matter, the relevant Union or Tournament Organiser shall assist World Rugby with the case (and/or investigation) and shall be responsible for payment of any unrecovered costs arising from the referral.
- 20.7.7 If a matter is referred to a visiting Union, pursuant to Regulation 20.7.4 above, or is referred to the Union of the Player or Person concerned, pursuant to Regulation 20.7.5 then the visiting Union or Union of the Player or Person concerned shall be obliged to progress the matter in accordance with disciplinary procedures which shall be based on those set out in this Regulation and shall advise the Disciplinary Officer of World

Rugby who shall have the right to require that the referring Union or Tournament Organiser or World Rugby retain conduct of the matter.

- 20.7.8 If the Disciplinary Officer (or his nominee) allows the visiting Union or the Union of the Player or Person to whom the matter has been referred pursuant to Regulation 20.7.4 or 20.7.5 to handle the case then they shall report the outcome to the Disciplinary Officer of World Rugby as soon as it is concluded.
- 20.7.9 The Disciplinary Officer (or his nominee) may take such action against the Union, Association, Player, Person and/or Rugby Body concerned as he considers appropriate in the event that the visiting Union or Union of the Player or Person concerned do not conclude the investigation and/or adjudicate on the matter expeditiously and in good faith.
- 20.7.10 If the designated disciplinary officer elects to bring a Misconduct complaint, then the matter shall be referred to an independent Judicial Committee or Judicial Officer for consideration.

20.8 Misconduct Complaint

- 20.8.1 Subject to Regulations 20.6.1 and 20.7.2 any Misconduct complaint by the designated disciplinary officer shall be sent in writing to the Union of the Player, Person or body against whom the Misconduct complaint is made (or other applicable body). The Misconduct complaint should contain the following information:
- (a) date and place of the alleged Misconduct;
 - (b) the name of the Player, Person or other party in respect of whom the complaint is made and (where applicable) his/their Rugby Body or Union; and
 - (c) details of the alleged Misconduct (including brief details of the evidence to be relied upon).
- 20.8.2 On receipt of a Misconduct complaint, the Union shall send a copy of the Misconduct complaint and applicable information and/or reports to the Player or Person (and their Rugby Body) or other party in respect of whom it is made together with notification of the appointed Judicial Committee or Judicial Officer and relevant details regarding the Misconduct hearing.
- 20.8.3 A Union, Tournament Organiser, Player or Person may refer an allegation of Misconduct to the designated disciplinary officer appointed by the Host Union or Tournament Organiser having jurisdiction. The designated disciplinary officer shall consider the matter and determine whether to bring a Misconduct complaint or not as a result of a referral subject always to the provisions of this Regulation.

20.9 Judicial Committee or Judicial Officer – Power to regulate its/his Own Procedures

- 20.9.1 The general procedures relating to hearings before Judicial Committees and Judicial Officers contained in Regulation 18, Appendix 1 shall apply to any matter arising under this Regulation. In this regard disciplinary proceedings shall include for the avoidance of doubt Misconduct proceedings.
- 20.9.2 The Judicial Committee or Judicial Officer shall deal with cases involving alleged Misconduct as soon as practicable and at a convenient location for the Union, Player or Person subject to the Misconduct proceedings. This location does not have to be in the country in which the alleged Misconduct took place and shall be determined by the Judicial Committee or Judicial Officer in consultation with the Host Union or Tournament Organiser or World Rugby (as appropriate).
- 20.9.3 The Judicial Committee or Judicial Officer may at its or his discretion impose a provisional suspension on a Player or Person subject to a Misconduct complaint pending the resolution of the case.
- 20.9.4 At any hearing of a Misconduct complaint, the designated disciplinary officer (or his nominee) shall be in attendance to explain the basis of the Misconduct complaint and present the Misconduct complaint and he may be assisted by a legal advisor.
- 20.9.5 The designated disciplinary officer shall have the burden of proving, on the balance of probabilities, that an act or acts of Misconduct have been committed. The Player, Person or other party subject to the Misconduct complaint shall be asked if he accepts that he has committed an act of Misconduct. The Judicial Committee or Judicial Officer shall determine its/his factual findings and whether it/he is satisfied on the balance of probabilities that an act or acts of Misconduct has been committed by the Player, Person or other party concerned.

20.10 Sanctions for Misconduct

- 20.10.1 If a Judicial Committee or Judicial Officer determines that an act or acts of Misconduct have been committed then it/he shall receive and consider representations on sanctions. The Judicial Committees and Judicial Officers shall be entitled to impose such sanction as they think fit on the Union, Person and/or Player and/or other party concerned including, but not limited to, the following:
- (a) a caution, warning as to future conduct, reprimand;
 - (b) a fine and/or compensation orders;
 - (c) a suspension for a specified number of Matches (including all on-field activities) or period of time;
 - (d) expulsion from the remainder of a Tournament and/or Series of Matches;

- (e) exclusion orders from Unions or grounds within Unions;
- (f) suspension from involvement in officiating, coaching and/or administration of the Game;
- (g) the withdrawal of other benefits of membership of World Rugby including but not limited to the right to apply to host World Rugby Matches or International Tournaments and/or funding;
- (h) the deduction or cancellation of points or any such similar sports or tournament based sanction; and/or
- (i) any combination of the above or such other sanction as may be appropriate.

And in the case of Sevens Matches and/or Sevens Tournaments the following additional sanctions may be imposed:

- (j) the cancellation of a Match result;
- (k) the replaying of a Match;
- (l) the forfeiture of a Match;
- (m) the deduction or cancellation of points or any such similar sports or tournament based sanction; and/or
- (n) any combination of the above or such other sanction as may be appropriate.

When imposing a sanction for Misconduct the Judicial Committee or Judicial Officer shall describe the precise nature of any suspension and its scope and the extent of any activities restricted and/or prohibited.

- 20.10.2 The decision of the Judicial Committee or Judicial Officer shall be communicated to the relevant Union, Player, Person or other party concerned and/or their representatives as soon as reasonably practicable and shall be binding upon notification to the Union, Player and/or Person concerned or their representatives. In cases handled by a Union, Association or Tournament Organiser involving an International Match or Match forming part of an International Tour, World Rugby shall also be notified immediately. All decisions in Misconduct cases shall be made available to World Rugby upon request.
- 20.10.3 Any penalties imposed shall remain effective pending the final determination of the appeal.
- 20.10.4 Any decision of World Rugby and/or a decision of a Union, Association or Tournament Organiser where such decision is recognised and accepted by World Rugby shall be recognised and applied (including any sanctions thereunder) by all Unions, Associations and Rugby Bodies who shall take all necessary actions to render such decision effective within their jurisdiction(s).

20.11 Appeals In Relation To Misconduct Matters

- 20.11.1 A Player, Person or other party who is found to have committed an act or acts of Misconduct shall have the right to appeal against the finding of an offence of Misconduct and/or the sanction imposed. In cases handled by a Union or Tournament Organiser, the Union, Tournament Organiser and World Rugby shall have the right to appeal.
- 20.11.2 The following parties (Appellants) shall be entitled to appeal to an Appeal Committee or Appeal Officer from the decision of a Judicial Committee or Judicial Officer:
- (a) the Player, Person or other party the subject of the Misconduct decision;
 - (b) the Host Union; or
 - (c) the Tournament Organiser; and
 - (d) World Rugby in respect of all World Rugby Matches and Matches falling under the merit based appointment scheme.
- 20.11.3 To be valid, any appeal against the decision of a Judicial Committee or Judicial Officer in relation to Misconduct must be lodged with the designated disciplinary officer (or his nominee) in writing within **7 days** of the notification of the decision to the Player, Person or other party concerned, or his/their representative(s), if any. For the purposes of Regulation 20 “decision” shall mean the final written decision of the Judicial Committee or Judicial Officer.
- 20.11.4 If the Host Union or Tournament Organiser shall so require, each notice of appeal shall be accompanied by a deposit of an amount not exceeding the equivalent of £1,000 (pounds sterling), such amount to be determined by the Host Union or Tournament Organiser. In the event of a required deposit not being paid, the appeal shall be deemed to be abandoned, save that the Appeal Committee or Appeal Officer, in any case, shall have power to extend the time for payment of the deposit. In the event of an appeal by World Rugby, the Host Union or Tournament Organiser no appeal deposit shall be payable.
- 20.11.5 World Rugby has a supervisory jurisdiction in respect of disciplinary matters (Misconduct). In the event the Disciplinary Officer determines it is appropriate that a particular decision should be appealed the Disciplinary Officer on behalf of World Rugby shall have the right to appeal the matter, and such right of appeal shall be exercised within **7 days** following receipt of the decision.
- 20.11.6 The appeal shall be heard as soon as reasonably practicable. The appeal shall be dealt with in the most convenient location having regard to the Player(s), Person(s) or other party(ies) involved. It need not take place in the country in which the Misconduct occurred. This will be determined by the appointed Appeal Committee Chairman or Appeal Officer in

consultation with the Host Union or Tournament Organiser or World Rugby (as appropriate).

- 20.11.7 The Appeal Committee or Appeal Officer shall determine the basis on which the appeal shall proceed, including the standard of review. The general procedures relating to hearings before Appeal Committees and Appeal Officers contained in Regulation 18, Appendix 1 shall apply to any matter arising under this Regulation.
- 20.11.8 In the event of an appeal against the decision of a Judicial Committee or Judicial Officer with respect to Misconduct, the sanction, if any, imposed by the Judicial Committee or Judicial Officer shall apply until the case has been dealt with by an Appeal Committee or Appeal Officer.
- 20.11.9 The majority decision of the Appeal Committee or the decision of the Appeal Officer (as the case may be) shall be effective immediately on notification to the Appellant and/or his representatives and shall be final and binding.
- 20.11.10 For cases handled by a Union or Tournament Organiser the Union or Tournament Organiser shall submit to the Disciplinary Officer of World Rugby the decision and where requested a full report of proceedings and conclusions in Misconduct matters arising out of or within its jurisdiction within **14 days** of the final decision having been made. The Disciplinary Officer, or his nominee, may, on behalf of World Rugby, accept the result or refer the matter to the appropriate body for consideration.

20.12 Additional Provisions

- 20.12.1 Judicial Committees, Judicial Officers, Appeal Committees and Appeal Officers, prior to a hearing or at any stage during a hearing may amend the offence for which the Player, Person or other party has been charged unless, having regard to the circumstances of the case, such amendment cannot be made without causing injustice. Where an amendment is made, in appropriate cases an adjournment may be granted.
- 20.12.2 Where Misconduct proceedings, however arising, are taken against more than one Player, Person or other party as a result of incidents occurring in or in connection with a Match or tournament, such proceedings may be heard by a Judicial Committee or Judicial Officer at the same time, provided there is no prejudice to any Player, Person or other party against whom the Misconduct proceedings are taken.

20.13 Exceptional Circumstances in relation to Players' Conduct

- 20.13.1 In exceptional circumstances where the conduct of a Player(s) or Person(s) is of such a serious/gross nature that his or their continued involvement in the Game in any capacity pending the final determination of the matter by the relevant authority is deemed by World Rugby to be inappropriate and/or potentially prejudicial to the image and reputation of the sport, then World Rugby is entitled to require as it deems fit that the relevant Union(s) provisionally suspend such Player(s) or Person(s) from any involvement in the sport.

20.13.2 It is the responsibility of each Union in membership of World Rugby to ensure that in such circumstances it is able by reference to its regulations or otherwise to effect and/or recognise such provisional suspension on the Player or Person concerned.

20.14 Unforeseen Circumstances

20.14.1 In respect of any matter not provided for in this Regulation the appropriate body or Person shall take a decision according to general principles of natural justice and fairness.

20.15 The Role of World Rugby in Misconduct Matters

20.15.1 Where World Rugby reasonably determines that circumstances exist or could arise where it is in the overall interests of the Game to intercede, World Rugby shall be entitled to appoint a designated disciplinary officer to undertake an investigation into incidents that constitute or may be capable of constituting Misconduct on the part of a Player, Person or other party.

20.15.2 World Rugby shall appoint a designated disciplinary officer for all World Rugby Matches.

20.15.3 Where World Rugby appoints a designated disciplinary officer, the role shall be undertaken by the Disciplinary Officer of World Rugby (or his nominee).

20.16 Special Provisions relating to Sevens Matches and Tournaments

20.16.1 The structure of Sevens events, with multiple Matches taking place on the same day, means that expedition in dealing with any Misconduct matters which may arise is important. The supplemental provisions in this Regulation 20.16 are intended to provide assistance in dealing expeditiously with Misconduct complaints at Sevens events.

20.16.2 Ordinarily a Judicial Officer shall be appointed to deal with Misconduct matters at Sevens events.

20.16.3 The Judicial Officer shall deal with cases involving alleged Misconduct as soon as practicable and, wherever possible, during the course of the tournament. If a case is not dealt with during the course of a tournament it will, ordinarily, be dealt with as soon as reasonably practicable following the conclusion of the tournament, at a convenient location for the Player(s), Person(s) or other party(ies) concerned. This location does not have to be in the country in which the tournament was played and shall be determined by the Judicial Officer in consultation with the Host Union or Tournament Organiser or World Rugby.

20.16.4 To be valid, any appeal against the decision of a Judicial Officer in relation to Misconduct must be lodged with the designated disciplinary officer (or his nominee) in writing within **7 days** of the notification of the written decision of the Judicial Officer to the Union, or Player or Person concerned, or his/their representative(s), if any.

- 20.16.5 If a Player, Person or other party named in Regulation 20.11 lodges an appeal pursuant to Regulation 17.22.4 then, subject to the discretion of the Appeal Committee Chairman or Appeal Officer (as appropriate) and, where reasonably practicable, the appeal shall be dealt with during the course of the tournament. If the appeal is not dealt with during the course of the tournament, it will be dealt with as soon as reasonably practicable thereafter and, ordinarily, within **7 days** of the lodgement of the appeal.

APPENDIX 1. CODE OF CONDUCT

1. All Unions, Associations, Rugby Bodies, Clubs and Persons:
 - 1.1 must ensure that the Game is played and conducted in accordance with disciplined and sporting behaviour and acknowledge that it is not sufficient to rely solely upon the Match Officials to maintain those principles;
 - 1.2 shall co-operate in ensuring that the spirit of the Laws of the Game are upheld and refrain from selecting players guilty of foul play;
 - 1.3 shall not repeatedly breach the Laws of the Game;
 - 1.4 shall accept and observe the authority and decisions of referees, touch judges, Match Officials and all other rugby disciplinary bodies, subject to Regulation 17;
 - 1.5 shall not publish or cause to be published criticism of the manner in which a referee or touch judge handled a Match;
 - 1.6 shall not publish or cause to be published criticism of the manner in which Council or any other rugby disciplinary body handled or resolved any dispute or disciplinary matter resulting from a breach of the Bye-Laws, Regulations, or Laws of the Game;
 - 1.7 shall not engage in any conduct or any activity on or off the field that may impair public confidence in the honest and orderly conduct of a Match, tour, tournament or Series of Matches (including, but not limited to, the supply of information in relation to the Game, directly or indirectly, to bookmakers or to persons who may use such information to their advantage) or in the integrity and good character of any Person;
 - 1.8 shall not commit a breach of Regulation 6 (Wagering);
 - 1.9 shall promote the reputation of the Game and take all possible steps to prevent it from being brought into disrepute;
 - 1.10 shall not commit an anti-doping rule violation as defined in Regulation 21;
 - 1.11 shall not abuse, threaten or intimidate a referee, touch judge or other Match Official, whether on or off the field of play;
 - 1.12 shall not use crude or abusive language or gestures towards referees, touch judges or other Match Officials or spectators;
 - 1.13 shall not do anything which is likely to intimidate, offend, insult, humiliate or discriminate against any other Person on the ground of their religion, race, sex, sexual orientation, colour or national or ethnic origin;
 - 1.14 shall not do anything which adversely affects the Game of Rugby Football, World Rugby, any member Union or Association or any commercial partner of the Game.

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2. Each Union and Association is under an obligation to comply with and to ensure that each of its members comply with this Code of Conduct and adopt procedures to monitor compliance with and impose sanctions for breaches of the Code of Conduct by Persons under its jurisdiction.