



Founded 1870

# **Wanderers Football Club Code of Conduct**

**Version 1.0 March 2023**

## Table of Contents

<b>A. INTRODUCTION.....</b>	<b>3</b>
<b>1. DEFINITIONS .....</b>	<b>4</b>
<b>2. OBJECTS OF THE CODE .....</b>	<b>7</b>
<b>3. JURISDICTION.....</b>	<b>7</b>
<b>4. EXPECTED STANDARDS OF BEHAVIOUR.....</b>	<b>8</b>
<b>5. PROHIBITED CONDUCT .....</b>	<b>11</b>
<b>6. REPORTING AND COMPLAINT HANDLING .....</b>	<b>12</b>
<b>7. INVESTIGATIONS.....</b>	<b>13</b>
<b>8. BREACH NOTICE .....</b>	<b>15</b>
<b>9. RESOLUTION WITHOUT AN ENQUIRY .....</b>	<b>16</b>
<b>10. RESOLUTION AT AN ENQUIRY HEARING .....</b>	<b>16</b>
<b>11. DISCIPLINARY COMMITTEE .....</b>	<b>17</b>
<b>12. PROCEDURE OF THE DISCIPLINARY COMMITTEE .....</b>	<b>18</b>
<b>13. SANCTIONING PROCESS .....</b>	<b>20</b>
<b>14. APPEAL PROCEDURES .....</b>	<b>23</b>
<b>15. RECOGNITION OF DECISIONS .....</b>	<b>25</b>
<b>16. MISCELLANEOUS PROVISIONS .....</b>	<b>25</b>

## A. INTRODUCTION

Wanderers Football Club (“WFC”, the “Club”) is committed to safeguarding the wellbeing of all involved with the Club and encourages best practice in the running of sports clubs (“best practice”), through its commitment to providing an environment that is inclusive, and demonstrates dignity, respect, and understanding for the rights, safety and welfare of all persons involved with the Club.

The WFC Code of Conduct (the “Code”) has been devised to provide guidance to all involved in WFC as to the standards of conduct, responsibilities and interactions that are expected in accordance with the values, and mission of WFC. This Code is designed to complement the Club Rules, and any actual or perceived conflict of intended meaning of a clause of the Code with the Club Rules will result in the Club Rules prevailing.

The achievement of best practice is reliant upon the adoption of this code by the Relevant Persons of WFC. Relevant Persons are expected to undertake, comply, and encourage others’ compliance with the Code in all circumstances, at all times, and throughout each form of rugby football, and other physical recreation activity for which they are associated with the Club.

In line with Rule 6.1 of the ‘Rules of Wanderers Football Club’ (the “Club Rules”), all Relevant Persons are under an obligation to:

- (a) make themselves aware of the contents of the Code;
- (b) comply with all relevant provisions of the Code;
- (c) be accountable for their behaviour;
- (d) cooperate with any requests for information and/or investigations commenced under the Code; and
- (e) comply with any decisions and/or disciplinary sanctions imposed under the Code.

In line with Rule 6.2 of the Club Rules all Relevant Persons agree by virtue of their membership, employment or participation in WFC to be bound by all Club Rules and relevant Bye-Laws and to all WFC’s codes, policies, and guidance (as appropriate),

and that they shall have any sanctions imposed on them under this Code recognised in all areas of the Club.

In line with Rule 6.1.6 of the Club Rules WFC will adhere to the Disciplinary Rules and Procedures issued by the IRFU and the Leinster Branch that pertain at the time.

## 1. DEFINITIONS

**Activity** means a rugby football contest, match, competition, tournament, event, or rugby football related activity (including training), whether on a one-off basis or as part of a series, league, cup, competition, or tournament.

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against a person or a group of people that causes distress and/or a risk to their wellbeing.

**Bye-Laws** means the bye-laws made by the Executive from time-to-time under Rule 14 of the Club Rules.

**Club Rules** means the “Rules of Wanderers Football Club” that pertain at any given time.

**Code of Conduct** means the WFC Code of Conduct.

**Disciplinary Committee** means the body defined under Rule 6.1.2 of the Club Rules.

**Discriminatory** means treating a person or group of people less favourably than another person or group, because of a personal characteristic.

**Employee** means a person employed by WFC whether on a full or part-time basis.

**Executive Committee** means the body defined under Rule 2.3 of the Club Rules and pertains to the powers outlined under Rule 2.6 of the Club Rules.

**Harassment** means any type of behaviour towards a person that they do not want and is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

**Homophobic** means having or showing a dislike of, demonstrating hostility towards, or prejudice against a person(s) based upon that person(s) sexual orientation (or presumed sexual orientation), or based upon the person(s) being (or presumed to be) transgender.

**Officers** means those members of the Executive Committee outlined in Rule 2.2 of the Club Rules.

**Participant** means:

- (a) **Players** that are registered with or entitled to participate with WFC or another Club in a rugby football Activity;
- (b) **Coaches** appointed to train a Player or Team with WFC or another Club in a rugby football Activity;
- (c) **Administrators** that have a role in the administration or operation in a WFC Activity, including Trustees, committee members, or other individuals;
- (d) **Officials** including referees, or other officials appointed by a Relevant Organisation, or any league, competition, series, club or team;
- (e) **Support Personnel** that are appointed in a professional or voluntary capacity by WFC, or by a Relevant Organisation, or in a rugby football Activity including, but not limited to, sports science sport medicine personnel, Team managers, agents, selectors, and Team staff members;
- (f) **Other individuals** that attend rugby football Activities or facilities, for example, parents, guardians, spectators, guests, and sponsors.

**Player** means an individual that represents WFC in any sporting activity or a member of another club that represents that club in any sporting activity.

**Prohibited Conduct** means the conduct proscribed in Rule 6.1 of the Club Rules and at clause 5 herein and conduct that is not in adherence with clause 4 herein.

**Relevant Person** means any of the following persons:

- (a) Individual Members of WFC as set out in Rule 4.1 of the Club Rules;
- (b) Participants;
- (c) Employees;
- (d) Contractors, which means any person contracted by WFC to work on a particular project or assignment, and works independently on a contract basis;
- (e) Volunteers, which means any person engaged by WFC, or in a sporting activity in any capacity who is not otherwise an Employee or Contractor, including Executive Committee/Sub-Committee office holders (Officers), coaches, officials, administrators, and Team and support personnel;
- (f) Individuals who are acting as a responsible figure on a Club trip or at a Club activity ("Leaders"); and
- (g) Any other individual who has agreed to be bound by this Code, including guests attending a Club event ("Others").

**Relevant Organisation** means any of the following organisations:

- (a) The IRFU;
- (b) The Leinster Branch;
- (c) Any other Rugby Branch authority.

**Trustees** has the meaning given under Rule 2.1 of the Club Rules; and regards the powers of the Trustees as prescribed under Rule 2.5 of the Club Rules.

## 2. OBJECTS OF THE CODE

- 2.1 The Code aims to ensure that WFC's expected standards of behaviour as proscribed at clause 4 herein are maintained by Relevant Persons at all times, by:
- (a) setting out the standards of behaviour to which every Relevant Person must adhere;
  - (b) seeking to deter conduct that could damage the image and integrity of the Club by impairing public confidence in it or its Relevant Persons; and
  - (c) providing a mechanism for complaint handling and the resolution of any alleged Prohibited Conduct.

## 3. JURISDICTION

### 3.1 To whom this Code applies:

This Code applies to all:

- (a) Relevant Persons

### 3.2 When the Code applies:

- (a) All Relevant Persons must always comply with this Code whilst they are a Relevant Person, including:
  - (i) in relation to any dealings they have with members of other clubs, employees, contractors, vendors, the Trustees, the Officers, and other Committee Members of the Club; in their capacity as a Relevant Person;
  - (ii) subject to clause 3.2(b), wherever there is a direct link or connection to any Relevant Person, including participation in Activities, and on social media where there is such a link or connection;
  - (iii) when dealing with another Relevant Person in their capacity as a Relevant Person; and
  - (iv) in relation to their membership or standing as a Relevant Person in general.

- (b) The following is not within the scope of this Code:
  - (i) Where an interaction (including social media interactions) occurs involving one or more Relevant Persons, and the only link or connection between the interaction and WFC is the fact that one or more individuals are Relevant Persons; and
  - (ii) Where Prohibited Conduct occurs in contravention of this Code, any subsequent conduct, or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to WFC (even where such conduct or interaction(s) would otherwise be Prohibited Conduct).

## 4. EXPECTED STANDARDS OF BEHAVIOUR

- 4.1 Relevant Persons must, always, in the circumstances outlined in clause 3.2:
- (a) act and operate in accordance with all WFC Rules, and Bye-Laws, and with all WFC's codes, policies, and guidelines in force from time to time;
  - (b) treat all other Relevant Persons, members and other stakeholders with courtesy, respect, and dignity, and have proper regard for their rights and obligations;
  - (c) be ethical, considerate, fair, and honest in all dealings with other Relevant Persons or other individuals within or related to a Relevant Organisation;
  - (d) be professional and accountable in, and accept responsibility for, their behaviours and actions;
  - (e) act with honesty, integrity, and objectivity; and foster a culture of dignity and respect;
  - (f) maintain appropriate, professional relationships with other Relevant Persons or other individuals within or related to WFC at all times;
  - (g) not engage in, or encourage, any conduct that is unbecoming of themselves, WFC, or is otherwise harmful to the interests of WFC in any way;
  - (h) act with care and diligence to safeguard the health and safety of themselves, other Relevant Persons, and Relevant Organisation's staff,



- members, and representatives, and ensure that their decisions and actions contribute to a safe environment within rugby football;
- (i) provide a safe environment for the conduct of any Activities in accordance with WFC's Rules, codes, policies, or guidelines;
  - (j) respect and protect confidential information obtained through Activities, whether regarding an individual's or organisation's information;
  - (k) comply with all reasonable directions of, and accept all decisions of any of WFC's Officers and/or Trustees;
  - (l) ensure that physical contact with others is objectively appropriate to the situation;
  - (m) not display or transmit, or cause to be displayed or transmitted, offensive or inappropriate material or messages;
  - (n) not engage in behaviour, including contact via social media or other electronic means, that negatively affects the experience, safety, or wellbeing of any Relevant Persons, including behaviour that is:
    - (i) critical, offensive, or discriminatory;
    - (ii) bullying or harassing;
    - (iii) sexist, racist or homophobic/transphobic;
    - (iv) intimidating, threatening or aggressive;
    - (v) drunk and disorderly;
    - (vi) unwelcome or uninvited physical contact;
    - (vii) continued or unreasonable disruption of any Relevant Person performing their duties; or
    - (viii) unlawful or unsafe;
  - (o) act in a professional and courteous manner and must ensure their actions, words or gestures do not breach the protected areas covered under Equality Acts (protected areas covered including gender, civil status, family status, sexual orientation, religion, age, disability, race, membership of the Traveller community);
  - (p) not behave in a manner that constitutes physical, emotional, racial, religious, cultural, gender-based, (familial, disability, or socio-economic status), political, ageist, or sexual harassment and/or abuse towards any Relevant Person;
  - (q) not behave in a manner that constitutes domestic violence;

- (r) not commit any acts of violence or intimidation within the Club buildings or grounds, or venue in which a Match is being played including (without limitation) the tunnel, changing rooms and/or warm-up areas, and the social spaces of the venue;
- (s) not make comments towards any Relevant Person whether in person or by email, text, social media, or other means that are (or could objectively be interpreted as being) threatening, Discriminatory, Racist, Homophobic/Transphobic, Sexist, Bullying, Harassment or Vilification, or otherwise inappropriate;
- (t) not behave in a manner that creates a public nuisance and/or disturbance within or around a venue at which a rugby Activity is taking place;
- (u) not bully or intimidate any Relevant Person;
- (v) not publish, or encourage the publication of, offensive, hateful, or distressing material on social media (such as tweeting or re-tweeting an indecent or offensive comment) in relation to or towards any Relevant Person or Relevant Organisation's staff, members, or representatives;
- (w) not be convicted for a criminal offence relating to their involvement with an Illegal Drug (including where there has been an admission/finding of guilt at a criminal court where the court does not record a conviction for an offence) brought against a Relevant Person; or be in the possession or under the influence of an Illegal Drug, at, in or around the Club's buildings and grounds, or a venue at which a rugby football Activity is taking place/has taken place;
- (x) accept and respect the authority of match officials and refrain from using any offensive language or behaviour, show unnecessary dissension, displeasure, or disapproval towards a match official, (whether on or off the field of play) or any other official from a Relevant Organisation;
- (y) not to facilitate, aid, abet or be complicit in any Prohibited Conduct or act in any other manner that is prejudicial to the interests of WFC, any Relevant Organisation or otherwise brings or may bring the Club into disrepute;
- (z) assist in any investigation or proceedings (including the provision of any information, records or other material reasonably required) instituted following an alleged breach of the Code and ensure that they do not

- provide any inaccurate and/or misleading information during the course of any investigation or proceedings instituted following an alleged breach of this Code or in relation to any other disciplinary proceedings;
- (aa) report an alleged breach of this Code, or otherwise take reasonable steps to ensure that an alleged breach has previously been reported; and
  - (ab) Relevant Persons will avoid the abuse of their position as a member of any committee to seek any undue advantage for themselves, family members, associates, or other third parties.

## 5. PROHIBITED CONDUCT

- 5.1 A Relevant Person commits a breach of this Code when they, either alone or in conjunction with another person, engage in any of the conduct (against one or more Relevant Persons) outlined in clause 4.
- 5.2 A general obligation arises on WFC to address all Prohibited Conduct to ensure that discipline, control, honesty, and mutual respect that are fundamental to the image and integrity of the Club, are preserved.
- 5.3 Failure to comply with sanctions or disciplinary measures imposed under this Code will be considered prohibited conduct.
- 5.4 For Relevant Persons who fail to abide by the Code, an investigation may take place, which may result in disciplinary action, in line with Rule 6 of the Club Rules. Where it is decided that a breach of the Code or part thereof should be treated as a disciplinary matter, the following shall apply; Penalties may include possible suspension or exclusion from the Club, and/or activities of the Club, and/or suspension/exclusion from use of WFC facilities, in line with Rule 6.1.5 of the Club Rules.

## 6. REPORTING AND COMPLAINT HANDLING

In line with Rule 6.1.6 of the Club Rules WFC will adhere to the Disciplinary Rules and Procedures issued by the IRFU and the Leinster Branch that pertain at the time.

Notwithstanding the above:

- 6.1 The Executive Committee shall appoint a person (“Appointed Person”) that is responsible for the administration of the Code. The Appointed Person may be a member of the Executive Committee but in any event, they shall report to the full Executive Committee on any active or completed complaints, or allegations of breaches of the Code.
- 6.2 Complaints with respect to an alleged breach of this Code shall be submitted to the Honorary Secretary in writing, in the first instance.
- 6.3 Where a complaint is made under the Code, or where an alleged breach of the Code is brought to the attention of an officer of the Club it will be reviewed and dealt with in line with the structures of the Club Rules, By-Laws and the Code.
- 6.4 Where there is a real or perceived conflict of interest issue raised regarding a matter being dealt with by an organ of the Club, the decision with regards to which Club Organ shall handle the matter shall, subject to clause 6.5, be determined by the Executive Committee.
- 6.5 WFC shall operate complaint handling procedures in a fair, just and transparent manner and in-line with the following principles:
  - (a) treat complaints seriously;
  - (b) act promptly;
  - (c) treat people fairly and listen to all accounts of the event;
  - (d) stay neutral;
  - (e) keep parties to the complaint informed;
  - (f) protect against Victimisation;
  - (g) keep accurate records;
  - (h) make decisions based only on information gathered not personal views;  
and
  - (i) recommendations of disciplinary action should be proportionate to the alleged breach.
- 6.6 All complaints, and information obtained through the management of complaints, will be kept confidential except where:

- a) it is necessary to facilitate the proper handling of the complaint or enforcement of a sanction; or
  - b) it is necessary to be disclosed to a law enforcement agency, government or regulatory body or child protection agency; or
  - c) the information is required to be disclosed by any applicable law.
- 6.7 When dealing with complaints or alleged breaches under the Code the implementation of the complaint handling process needs to be accessible and responsive to the needs of Children and vulnerable people and must incorporate child-safe practices, in line with Rule 6.1.4 of the Club Rules. This may include allowing the parent or guardian of Children or vulnerable people to accompany them through and/or act on behalf of them through the complaints process.

## 7. INVESTIGATIONS

- 7.1 The Appointed Person shall be responsible for determining whether a complaint is in scope and if so, shall be entitled to undertake any such investigations as they consider necessary into any acts that constitute, or may be capable of constituting, Prohibited Conduct involving any Relevant Person. The Appointed Person may in turn appoint an investigating officer with suitable expertise or experience in conducting investigations to undertake an investigation on behalf of the Club, if required. If appointed, the investigating officer will have power to investigate any alleged breach(es) of the Code by a Relevant Person(s). Investigations shall include seeking statements or information from any relevant complainant and respondents. Where there is no complainant, such as following the conclusion of a criminal matter, statements are not required to be obtained.
- 7.2 Where the Appointed Person determines (following an investigation or otherwise) that a complaint falls outside the scope of the Code then the complainant should be advised that the matter is out of scope, and they should consider reporting the matter to other relevant authorities.
- 7.3 Where the Appointed Person determines (following an investigation or otherwise) that information should be referred to another appropriate authority,

for example in a child safeguarding matter where the law or code, policy or guidance may require that the complaint/allegation be reported to an appropriate authority, then the matter should be referred to such authority at the earliest possible opportunity and any further action in relation to the matter should promptly be suspended whilst advice is sought from the appropriate authority.

- 7.4 Where a complaint has been received by the Club that involves an allegation of Prohibited Conduct or the commission of a criminal act by a Relevant Person under its authority that has led to serious harm or serious pecuniary loss to another person or organisation or there is an identified ongoing risk or danger of harm to another person(s), then the Appointed Person has the power, after taking into account any oral or written material put by or on behalf of the person the subject of the complaint, to impose a provisional suspension/measures, including standing down an alleged offending Relevant Person from any role, duties or involvement in any rugby Activity pending the outcome of an investigation and/or proceedings relating to any alleged breach(es) of the Code or the commission of a criminal act. This decision may be on an interim basis and can be reviewed by the Appointed Person if considered appropriate to do so.
- 7.5 After conducting an assessment of a complaint and/or having had the matter investigated, the Appointed Person shall make a determination as to whether a breach may have occurred and that a breach notice should be served on the Relevant Person or Relevant Organisation to whom the complaint relates (respondent) or whether no further action shall be taken.
- 7.6 If it is decided that no further action shall be taken, then the Appointed Person (or his/her delegee) shall notify the complainant of the decision and the reasons for it.
- 7.7 A complainant may only seek a review of a decision under clause 7.5 to take no further action by providing a notice (including grounds) in writing to the relevant organ of WFC that has made the decision to take no further action. Only in circumstances where the Executive Committee determines in their absolute discretion that the complaint is within the scope of the Code and there has been gross inadequacy in the investigation process or that a gross injustice or procedural fairness has occurred, will the Executive Committee determine

that the matter should be reviewed by the Appointed Person. Procedural irregularities or minor defects will not in itself amount to gross inadequacy in the investigation process or gross injustice or procedural fairness.

## 8. BREACH NOTICE

- 8.1 Where an Appointed Person has made a determination that a breach notice should be served on the respondent, then the Appointed Person shall issue the respondent with a breach notice that will:
- (a) notify the respondent of the alleged breach(es) of the Code, including the alleged conduct and the relevant section(s) of the Rules, Code, Bye-laws, policy, or guideline;
  - (b) state that the conduct and sanction may be publicly disclosed;
  - (c) state that the respondent has a right to a hearing in relation to the alleged breach(es) and/or the proposed sanction before a Disciplinary Committee in line with Rules 6.1.1 to 6.1.6 of the Club Rules;
  - (d) state that the respondent may admit the alleged breach(es), waive their right to a hearing and accept any proposed sanction or the proposed discounted sanction (if applicable);
  - (e) provide at least 14 days' notice for the hearing/enquiry, and inform the respondent that they may bring a fellow Club Member to speak on their behalf in line with Rule 6.1.3 of the Club Rules;
  - (f) state that if the respondent does not respond within 14 days from the breach notice having been sent to the respondent's last known home and/or email address, they will be deemed to have admitted the alleged breach(es), waived their right to a hearing and accepted the proposed sanction;
  - (g) state that any response to the breach notice must be made to the Club in writing and provide the respondent with contact details for the Appointed Person; and
  - (h) be provided to the complainant and any other Relevant Person and/or Relevant Organisation that the Appointed Person, acting in good faith, deems necessary and appropriate.

## 9. RESOLUTION WITHOUT AN ENQUIRY

- 9.1 Where a respondent admits the alleged breach(es), waives their right to an Enquiry (under Rule 6.1.6 of the Club Rules) and accepts the proposed sanction or the proposed discounted sanction (if applicable), or is deemed to have done so, the Appointed Person must take all necessary steps to impose and implement the sanction and proceed to finalising the complaint.

## 10. RESOLUTION AT AN ENQUIRY HEARING

- 10.1 WFC will appoint a panel of individuals (Code of Conduct Panel) of such number as it sees fit, each of whom can be selected to sit as a member of a Disciplinary Committee. In line with Rule 6.1.2 of the Club Rules a Disciplinary Committee will be comprised of one member of the Executive Committee, and two other members of the Code of Conduct Panel, and where appropriate, a member of the Rugby Committee.
- 10.2 The Executive Committee will convene a Disciplinary Committee when required, that will:
- (a) determine whether any provisional suspension/measures imposed in accordance with clause 7.4 are disproportionate; and
  - (b) arbitrate any alleged breach(es) of the Code and determine whether a sanction be imposed, and if so, what sanction is appropriate in accordance with clause 13.
- 10.3 The procedures with which the Disciplinary Committee shall comply are set out in clause 12.



## 11. DISCIPLINARY COMMITTEE

- 11.1 Where a Disciplinary Committee is required to deal with a matter in accordance with clause 10.2, the Disciplinary Committee shall be chaired by:
- (a) a current or retired legal practitioner of at least three years standing or a serving or retired judge, with appropriate rugby experience; or
  - (b) persons with appropriate training or experience in running disciplinary investigations
- 11.2 Where a Disciplinary Committee is required to deal with a matter involving a respondent that is under the age of 18 years of age or involving a matter where witnesses are under 18 years of age, consideration shall be given by the Executive Committee to ensure that the proceedings are ideally conducted by people that have professional experience in dealing with young persons and are equipped to provide a comfortable and safe environment with the appropriate level of informality.
- 11.3 The Disciplinary Committee shall act independently, impartially, and fairly. A member of the Disciplinary Committee that has a conflict of interest in dealing with a matter before the Disciplinary Committee should disclose the conflict and act in such a manner as he/she and/or the Disciplinary Committee considers appropriate including, if necessary and appropriate in the circumstances, by withdrawing from participation in the hearing.
- 11.4 The Disciplinary Committee shall have the power to:
- (a) commence and conduct a hearing where there is an alleged breach of the Code;
  - (b) request that any Relevant Person, representative from any Relevant Organisation or any other person attend a hearing and give evidence under the Code;
  - (c) make a final determination under the Code; and
  - (d) issue any sanction, subject to the guidelines contained in the Code.
- 11.5 The decisions of Disciplinary Committees shall be made by majority. In the event of an equality of votes on any question, the chairperson of the Disciplinary Committee will have both the deciding and casting vote.

## 12. PROCEDURE OF THE DISCIPLINARY COMMITTEE

- 12.1 Where the Disciplinary Committee has been convened to deal with a matter, the Appointed Person, after having consulted with the Disciplinary Committee, shall issue a hearing notice to the Relevant Person or Relevant Organisation containing the following information:
- (a) the date, time, and location of the Disciplinary Committee hearing;
  - (b) the identity of the members of the Disciplinary Committee;
  - (c) the requirement for the Relevant Person that is the subject of the proceedings to attend at the Disciplinary Committee hearing at a scheduled time/date so that the allegations can be determined;
  - (d) the requirement for the Relevant Person or Relevant Organisation that is unable to attend the hearing at the scheduled time/date to advise the Disciplinary Committee as soon as practicable and provide the reasons as to why they are unable to attend as required;
  - (e) the right for the Relevant Person to be represented by a fellow member in relation to the alleged breach(es) if required; and
  - (f) the right for the Relevant Person to produce evidence and make submissions in relation to the alleged breaches and sanctions available to be imposed upon them by the Disciplinary Committee.
- 12.2 Subject to the following guidelines, the Disciplinary Committee has the power to regulate its own procedure, and:
- (a) to the extent practicable, the Disciplinary Committee shall endeavour to conduct the hearing within fourteen days from the day the Disciplinary Committee is convened;
  - (b) hearings should be conducted with as little formality and with as much expedition, as permitted by the nature of the matter;
  - (c) the hearing shall always observe the principles of procedural fairness;
  - (d) the Disciplinary Committee shall have the discretion as to who can attend in addition to the parties to the hearing and their representatives;
  - (e) the hearing shall be in private, unless the Disciplinary Committee determines otherwise; and
  - (f) the decision must be timely, written and reasoned.

- 12.3 The Disciplinary Committee is entitled to call on experts to provide specialist advice where required, including legal advice.
- 12.4 The Disciplinary Committee has the discretion to hear and receive evidence as it thinks fit.
- 12.5 The Disciplinary Committee will seek to ensure that proceedings are heard in the presence of the alleged offending Relevant Person that is the subject of the proceedings (in person or via audio/visual technology), but nothing in this Code or otherwise prevents a Disciplinary Committee hearing and determining proceedings in the absence of the alleged offending Relevant Person, where it is satisfied that written notice of the hearing and their required attendance has been provided to them. In such circumstances, the Disciplinary Committee may take any written representations made by or on behalf of the alleged offending Relevant Person or Relevant Organisation into account in making its decision.
- 12.6 Without derogating from the Disciplinary Committee's power under clause 12.5, where an alleged offending Relevant Person fails, without reasonable excuse, to attend the meeting of the Disciplinary Committee, the Disciplinary Committee may suspend the Relevant Person from participation in any rugby activity until such time as they attend a hearing on a revised date set by the Disciplinary Committee. The Disciplinary Committee may impose any such additional sanctions as it considers appropriate as penalty for the Relevant Person's failure to attend as required.
- 12.7 In any case where a witness is requested to attend to give evidence before the Disciplinary Committee and refuses or fails to attend, the Disciplinary Committee may decide whether to allow the evidence of that witness to be given in any other form and to determine the weight to be given to that evidence.
- 12.8 The burden of proof before the Disciplinary Committee will be on the Club and the outcome will be determined on the balance of probabilities.
- 12.9 In exercising its jurisdiction, the Disciplinary Committee shall have the power to:
- (a) determine that an alleged breach(es) of the Code has been found proven and impose a suitable sanction in accordance with clause 13;
  - (b) determine that an alleged breach(es) of the Code has not been found proven and issue no sanction; and/or

- (c) determine that a breach(es) of the Code other than what is set out in the breach notice issued to the respondent has been found proven and issue an appropriate sanction, provided that the Disciplinary Committee has put the respondent on notice and allowed the respondent a reasonable opportunity to make submissions and provide any relevant evidence in relation to the new alleged breach(es); It is recommended that the Relevant Organisation that has issued the breach notice appoint a person to present the matter to the Disciplinary Committee and, where considered necessary and appropriate in the circumstances, appoint a legal practitioner to present the matter in accordance with clause 12.2(e).
- (d) deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.

12.10 The decision of the Disciplinary Committee must be advised to the parties and the complainant in writing as soon as practicable after the conclusion of the hearing (Committee Decision). This may be done by the Appointed Person or his/her delegee.

12.11 In all cases where a respondent is subjected to a sanction by the Disciplinary Committee in accordance with clause 13, the respondent must be advised that they have a right of appeal to the Appeal Committee in accordance with clause.

## 13. SANCTIONING PROCESS

13.1 Having regard to the factors set out in clause 13.2, the Disciplinary Committee shall determine the seriousness of the breach(es) committed by the Relevant Person.

### Factors

13.2 The Disciplinary Committee will have regard to:

- (a) the nature and gravity of the breach(es) and the impact of the offending on any Relevant Person or Relevant Organisation;
- (b) the degree to which the conduct of the Relevant Person was intentional;

- (c) the degree to which the consequences of the conduct were foreseeable at the time the conduct took place;
- (d) the degree to which the behaviour or conduct may have caused offence to the general public's sensibilities;
- (e) the degree to which the conduct impacted on the integrity of a rugby Activity;
- (f) the degree to which the conduct caused reputational damage to any Relevant Person, Relevant Person, or rugby Activity;
- (g) any other factor that the Disciplinary Committee determines is relevant to the circumstances of the case.

### **Sanctions**

13.3 The Disciplinary Committee is entitled to impose any such sanction(s) as it deems appropriate (in line with Rule 6.1.5 of the Club Rules) on any Relevant Person, including:

- (a) a reprimand and/or warning as to future conduct;
- (b) a direction to provide a verbal or written apology;
- (c) a direction to undertake a training/education/counselling session(s) to address their behaviour;
- (d) the payment of a fine and/or compensation;
- (e) a suspended sanction and/or good behaviour period;
- (f) placing conditions on or the removal of accreditation;
- (g) removal or withdrawal of awards or achievements (such as life membership);
- (h) suspension from membership from the Club;
- (i) suspension or exclusion from specific or all rugby activities for a set period of time (for example: from playing, officiating, coaching and/or administration of the Game);
- (j) a deduction or cancellation of points, or any similar competition or tournament-based sanction including expulsion from the remainder of a competition, tournament and/or series of matches;
- (k) exclusion orders from the Club's grounds/facilities;
- (l) the withdrawal of other benefits of membership with the Club and/or

- (m) any combination of the above or such other sanction that may be appropriate.

Aggravating and/or Mitigating Factors

13.4 In determining the appropriate sanction(s), the Disciplinary Committee shall have regard to any relevant aggravating and mitigating factors, including the following:

- (a) the presence and timing of an acknowledgement of culpability/wrongdoing by the Relevant Person;
- (b) the Relevant Person's disciplinary record and/or good character;
- (c) the conduct prior to and at the hearing;
- (d) remorse for the conduct including the timing of such remorse including any steps taken to rectify any wrongdoing;
- (e) any directives from a Relevant Organisation regarding match official abuse; and
- (f) any other aggravating and/or mitigating factors considered relevant by the Disciplinary Committee.

## 14. APPEAL PROCEDURES

- 14.1 WFC shall appoint a panel of individuals (an 'Appeal Panel') of such number as it sees fit, each of whom can be selected to sit as members of an Appeal Committee. Such individuals may, subject to clause 14.4, also be included on WFC's Code of Conduct Panel constituted under the Club Rules or to hear matters arising under other constituent documents.
- 14.2 Subject to clause 14.6, an Appeal Committee appointed to adjudicate on a case shall be comprised of no less than 2 members of the Appeal Panel and a member of the Executive Committee. The Appeal Committee shall be chaired by a current or retired legal practitioner of at least three years standing or a serving or retired judge, with appropriate rugby experience, or other person with experience as a Code of Conduct or Judicial Committee chairperson.
- 14.3 The decisions of Appeal Committees shall be made by majority. In the event of an equality of votes on any question, the chairperson of the Appeal Committee will have both the deciding and casting vote.
- 14.4 The Appeal Committee shall act independently, impartially, and fairly. A member of the Appeal Committee who has a conflict of interest in dealing with the matter before the Appeal Committee shall disclose the conflict and act in such a manner as he/she and/or the Appeal Committee considers appropriate (including, if necessary or appropriate in the circumstances, by withdrawing from participation in the hearing).
- 14.5 No person shall be appointed on an Appeal Committee to hear an appeal with respect to a decision in which that person participated as part of the Disciplinary Committee.
- 14.6 Where circumstances make it a necessity, an Appeal Committee may be formed by less than three members so long as the chairperson meets the appointment criteria as set out in clause 14.2.
- 14.7 Where appropriate, the size, composition and approach of the Appeal Committee may also be adjusted when dealing with persons under the age of 18. The Relevant Organisation convening the hearing shall ensure that the process is conducted by people that are accustomed to dealing with children and are equipped to provide a comfortable and safe environment with the appropriate level of informality.

14.8 The sanctioned Relevant Person has seven days, beginning with the date on which the written decision was sent, to appeal a decision made by the Disciplinary Committee by:

(a) completing an Appeal Notice and providing it to the Club Secretary

[Please note that there is no appeal from a decision of a Disciplinary Committee under clause 10.2(a) to an Appeal Committee.]

14.9 Except where an appeal proceeds in whole as a 'de novo hearing' in accordance with clause 14.12, it is for the appellant to establish to the satisfaction of the Appeal Committee, on the balance of probabilities, that:

(a) the decision being challenged was wrong in fact or in law;

(b) the sanction imposed was manifestly excessive; and/or

© the sanction imposed was manifestly inadequate.

14.10 To the extent practicable, an appeal should be held within fourteen days of the lodging of the Appeal Notice.

14.11 An appeal will be conducted by an Appeal Committee convened by the Executive Committee.

14.12 The Appeal Committee shall have the power to order that a de novo hearing in whole or in part be adopted on appeal. A de novo hearing in whole or in part would only be appropriate where it is established that exceptional circumstances exist, and it is in the interests of justice that a re-hearing of the case in whole or in part is necessary. In the case of an appeal which proceeds in whole as a de novo hearing the procedure to be adopted, the burden of proof and all evidential and other matters shall proceed as if the hearing was a first instance hearing before a Disciplinary Committee.

14.13 Subject to clauses 16.3 and 16.4, a decision handed down by the Appeal Committee is final and may not be appealed further under the Code.

14.14 Any sanction imposed at first instance by the Disciplinary Committee will be upheld until the matter has been determined by the Appeal Committee.

14.15 In determining an appeal (that is not heard de novo), the Appeal Committee:

(a) if it is not satisfied that one of the grounds in clause 14.9 has been established, may dismiss the appeal, and affirm the Disciplinary Committee Decision;



- (b) if it finds some form of legal, procedural, or factual error but takes the view that this would not have impacted on the Disciplinary Committee's Decision or give rise to a gross injustice or procedural unfairness, it may dismiss the appeal and affirm the Disciplinary Committee Decision; or
- © if satisfied that one or more of the grounds specified in clause 14.9 is established, may vary, reverse, or set aside the Disciplinary Committee Decision, in whole or in part, and substitute its own decision and/or sanction.

14.16 The Appeal Committee Decision must be advised to the parties in writing as soon as practicable after the conclusion of the appeal hearing.

## 15. RECOGNITION OF DECISIONS

15.1. WFC may, in consultation with the Leinster Branch or IRFU, as required, recognise decisions imposed by public authorities, other sports and/or other properly constituted bodies in respect of equivalent breach(es) to Prohibited Conduct as defined in this Code and/or breach(es) of disciplinary and/or conduct rules (including without limitation with respect to conduct committed on or off the field of play, or equivalent, in another sport), and may recognise and/or impose appropriate sports-based measures or sanctions, including without limitation equivalent sanctions to those provided for in this Code. For the avoidance of doubt there shall be no form or time limit applicable to the recognition of any decision by WFC pursuant to this clause.

## 16. MISCELLANEOUS PROVISIONS

### **CLEMENCY FOR LONG-TERM SANCTIONS**

16.1 Notwithstanding the process outlined in Rule 6.1.6 of the Club Rules for readmittance of an expelled member, a Relevant Person that has been the subject of a Long-Term Sanction may apply to WFC for clemency after he or she has served at least 8 years of the suspension handed down by the relevant Disciplinary Committee or Appeals Committee. The matter will be referred by the Executive Committee to a Disciplinary Committee for review and they shall

determine at their absolute discretion, whether it is appropriate for the individual to return to the Club and, if so, in what capacity and/or on what conditions. The decision of the Disciplinary Committee is final, and no appeal lies from it.

### **UNFORSEEN CIRCUMSTANCES**

- 16.2 In the event that a particular issue arises for which there is no provision in the Code, then a Disciplinary Committee or Appeal Committee may take such action as is considered appropriate in the circumstances in accordance with general principles of natural justice and fairness.

### **RETENTION OF CODE OF CONDUCT INFORMATION/DISCIPLINARY RECORDS**

- 16.3 Where a complaint has been received by a Relevant Organisation but has not resulted in a breach of the Code being admitted or proved, the Relevant Organisation shall retain a copy of the complaint and all relevant materials for a period of five years. Where a complaint has been received by a Relevant Organisation and has resulted in a breach of the Code being admitted or proved, the Relevant Organisation shall retain a copy of the complaint and all related material for a period of ten years.
- 16.4 A record of all admissions or findings of breach of the Code, including any sanctions imposed on a Relevant Person shall be kept by the Relevant Organisation with jurisdiction for dealing with the matter for a period of 10 years. The record may be taken into consideration in any future rugby disciplinary proceedings in that period of time and the Appointed Person or Disciplinary Committee has a discretion to determine the extent to which this is taken into consideration in determine a sanction in any subsequent proceedings under the Code.

### **PUBLICATION OF DECISIONS**

- 16.5 WFC shall be entitled to publish (including on its website or other media), in its absolute discretion, reports of its proceedings or any written decision of a Disciplinary Committee or Appeal Committee (in full or in a redacted form) and any supporting evidence, whether or not they reflect adversely on the character or conduct of any Relevant Person, Relevant Organisation or other person. All

Relevant Persons bound by the Code shall be deemed to have provided their full and irrevocable consent to such publication.

## **COMMUNICATIONS AND CONFIDENTIALITY**

16.6 The principle of confidentiality shall be respected by all Relevant Persons to whom this Code applies, in all WFC related activities:

- a) Relevant Persons must keep and store all documentation securely with respect to meetings, correspondence, minutes of committee meetings, databases, and financial reports. These documents should be stored in a manner in accordance with the General Data Protection Regulation (GDPR) policies and procedures;
- b) Relevant Persons must communicate effectively and accessibly with other club members through email, noticeboards, social media platforms, or the club's website; and
- c) If in the course of, or for the purposes of this Code, a Relevant Person will acquire or have access to and will be entrusted with information which will be confidential to WFC. It is the Relevant Person's duty to observe such confidentiality.