



Discovery Bay Pirates Rugby Football Club

The Discovery Bay Pirates Rugby Football Club

Disciplinary Handbook



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Terms of Reference

DISCIPLINARY PROCEEDINGS

1. Disciplinary Bodies

There shall be:

- 1.1 An Investigation Group constituted for the purpose of investigating reports / complaints against players, coaches and / or parents of players and other members (including Social Members) of the Club
- 1.2 A Disciplinary Tribunal constituted for the purpose of carrying out the functions described below (hereinafter called the "Disciplinary Tribunal" or DT), and
- 1.3 An Appeal Tribunal constituted for the purpose of deciding appeals against decisions of the Disciplinary Tribunal

The members of the above shall be appointed and may be removed by the Committee of the Club. Appointment can be annual or as decided upon by the Committee. A member may retire from office but eligible for re-appointment by the Committee.

In the case of a complaint against a Committee member the Committee will form an Ad Hoc Investigation Group which shall be chaired by the Chairman or if the Chairman is the subject of the complaint, the Deputy Chairman and shall consist of at least three persons of which two should not be members of the Committee.

2. Constitution and Procedure

2.1 The constitution of and the procedures followed by:

- (a) the Investigation Group;
- (b) the Disciplinary Tribunal; and
- (c) the Appeal Tribunal

shall be those approved from time-to-time and set forth in disciplinary regulations made by Committee.

2.2 There shall be no overlap in the membership of any of the Investigation Group (IG) or Tribunals concerned with the consideration of any particular case, unless expressly directed by the Committee which should make its reasons for such a directive clear in a written statement to the Committee and if thought necessary (by the Committee) the Members of the Club.

2.3 The Committee shall have the power, where at any time it considers it to be necessary or desirable, to appoint non-members of the Club to any of the IG or Tribunals listed above provided that the number of non-members does not exceed one-third of such Group or Tribunal. The IG and Tribunals should consist of a minimum of three persons. The maximum number of members of the IG and Tribunals can be set by the Committee as it sees fit.



3. Investigation Group

3.1 If a complaint from a member of the Club (which includes for the sake of this document mini/youth/senior players, social members, Committee members, parents/guardians of players) or a member of the public or anyone else is made against a member of the Club that:

- (a) Might or is likely to be discreditable to the Club; or
- (b) Claims that a Club member conducted himself/herself whether by act or default in a manner that might or is likely to be discreditable to the Club; or
- (c) Acted in breach of the Club's Code of Conduct (which until and unless otherwise stated will be considered to be the same as the HK Rugby Football Union Code of Conduct for players and coaches and parents/guardians of players); or
- (d) Acted in a manner considered unbecoming or dangerous to himself/herself and/or another member of the Club by the Investigation Group

3.2 Where it comes to the attention of the Club that a member may have committed any of the acts or omissions specified in 3.1 above, the IG shall conduct an investigation into the matter in such manner as it may think fit and decide whether the matter should be referred to the Disciplinary Tribunal. If the IG should decide to make a report to the Disciplinary Tribunal, it shall submit to the Disciplinary Tribunal a written report of the investigation, including any supporting material it considers relevant, which shall indicate whether, in the IG's opinion, there are sufficient grounds for bringing a charge or charges and, if so, the appropriate charge or charges that the member concerned should answer.

It is a cardinal rule of the IG that under no circumstances unless compelled by legal requirements, shall the name or names of a Mini or Youth player or players be made public or known to any person outside of the parties involved in the disciplinary proceedings this includes via association with a parent and/or guardian; such parties that will know the identities of the Mini or Youth player/players includes the members of the Committee.

4. Disciplinary Tribunal

4.1 If any report submitted by the IG in accordance with the provisions stated in 3.1 and 3.2 above indicates that there are grounds for bringing a charge or charges against a member, the Disciplinary Tribunal (DT) shall not be empowered to modify the charge or charges, but may, if it considers the charges inappropriate or inadequate request that the charges be redrawn and so refer them back to the IG for it to consider and, if thought fit, redraw or withdraw the charges. Subject to any such redrawing, the DT shall arrange for such charge or charges to be heard.



4.2 The DT shall give to the member concerned the notice of a meeting at which the charge or charges against him/her, and the supporting evidence, shall be heard by the DT and such notice shall include the charge or charges, thus constituting the formal charging of the member. The DT shall at the same time give to the member a copy of the IG's report. If the member is a Mini or Youth player then the report will be sent to their parents/guardians.

4.3 The member charged or another person appointed by the member in writing shall be entitled to appear at such meeting of the DT, to be heard thereat, to call witnesses, to cross-examine any witnesses called to testify against him/her and to tender to the DT any oral or written submission with regard to the charge or charges which is or are being heard. After the hearing has concluded the DT shall consider and determine whether or not each charge against the member has been proved to its satisfaction.

For Mini or Youth members, such hearings will be conducted via written correspondence unless agreed otherwise by the parent/guardian of a player who is or is over the age of 16 years old at the time of the reported incident. Such player can appear in person but only with the consent of the parents/guardians. In such a case the guardians/parents and/or other representative of the player should also attend the meeting together with the player. For players under the age of 16 years old if the Chairman of the DT believes that a physical meeting is required then only the parents/guardians and/or representative of the player should attend the meeting. Under no circumstances will a player under the age of 16 years old be required to appear before the DT.

4.4 The DT shall, in respect of cases heard by it, make its decision. This shall contain details of the charge or charges, a summary of all evidence and submissions adduced or made at each hearing, the finding reached in respect of such charge or charges, a statement of reasons for those findings, the penalty or penalties, if any, that shall be imposed by the DT in respect of any charge found proved and a ruling as to whether and by what means there should be any publication of the decision or any matter relating thereto.

It is a cardinal rule of the DT that under no circumstances unless compelled by legal requirements, shall the name or names of a Mini or Youth player or players be made public or known to any person outside of the parties involved in the disciplinary proceedings this includes via association with a parent and/or guardian; such parties that will know the identities of the Mini or Youth player/players includes the members of the Committee.

4.5 The DT shall forthwith send to the member (or on the case of Mini and Youth players the parents/guardians) charged a copy of the decision and particulars of the appeal procedure available to the member to contest the decision. If the decision is that no further action is required, the member shall be notified accordingly.

5. Penalties

The penalty or penalties which may be imposed by the DT as part of its decision referred in 4.4 above may be to do any one or more of the following:



- (a) exclude the member from the Club;
- (b) call for and accept the withdrawal of the member from the Club;
- (c) suspend the member from the Club and/or all or some of its activities for a set period (e.g. a single or specified number of matches – either playing and/or attending; or from training; or from social or other events such as tours etc);
- (d) reprimand the member either privately or publically;
- (f) any other form of penalty that it believes reasonable given the circumstances (e.g. a letter of apology to the wronged party/parties; a verbal apology; a guarantee that such actions or similar will not recur etc).

The decision shall also include a ruling as to whether and by what means any penalty or penalties to be imposed shall be given publicity and if so whether the member shall be named (in the case of a Mini or Youth players no names will be made public).

6. Appeal Tribunal

- 6.1 A member in respect of whom the DT has made a decision shall be entitled to appeal against the decision or any part of it by submitting, in writing, a request that the matter should be considered by the Appeal Tribunal, specifying in the request the grounds to be relied on in support of the appeal (in the case of a Mini or Youth player such a request should be made on their behalf by a parent/guardian).
- 6.2 The member concerned must give notice to the Club of his/her intention to appeal. The notice of intention to appeal must be received by the Club within 28 days from the date of dispatch of the notice of the decision of the DT and may be given to the person by whom the notice of the decision was given or to the Secretary of the Club or any person authorized to receive such notice (i.e. the Chairman, Deputy Chairman, Chairman of the Mini's Sub-Committee/Mini's Convener if the member concerned is a Mini player, to the Chairman of the Youth Sub-Committee/Convener if the player is a Youth player or to the Chairman of the Senior's Sub-Committee/Convener if the player is a Senior player). If the notice of intention to appeal is given by telephone or other electronic method, it must be confirmed in writing within 14 days.
- 6.3 If notice of intention to appeal is not received within the prescribed time limit, the decision shall be implemented immediately thereafter.
- 6.4 Where notice of intention to appeal is received, the member concerned shall be allowed a further period of six weeks from the original expiry date in which to present, in writing, his/her application for an appeal hearing specifying in detail the grounds on which such an appeal is to be based.
- 6.5 The Appeal Tribunal shall have the power in its discretion to refuse to consider the request of a member for his/her appeal to be considered by the Appeal Tribunal where it considers that, having regard to all the circumstances, such request is without merit.
- 6.6 The Appeal Tribunal shall decide how it wishes to conduct its investigation and at its discretion may permit a member alone, or another person appointed by the member in



writing, or both, to appear at the relevant meeting of the Appeal Tribunal, to be heard thereat, to call witnesses, to cross-examine any witness called to testify against him/her and to tender to the Appeal Tribunal any oral or written submission with regard to the charge or charges which is or are being heard (for Mini and Youth players the parents/guardians will take the place of the player)

- 6.7 After the hearing has concluded, the Appeal Tribunal shall make its appeal decision which shall contain details of the decision of the DT appealed against, a summary of any additional evidence considered, the Appeal Tribunal's finding in respect of each charge which is the subject of an appeal, a statement of reasons for that finding, its decision whether to confirm, reduce or increase any penalty or penalties the DT decided should be imposed and a further decision concerning whether there should be any publication of the appeal decision or any matter relating thereto.
- 6.8 The Appeal Tribunal shall send the member charged a copy of the appeal decision which shall forthwith be implemented.

It is a cardinal rule of the AT that under no circumstances unless compelled by legal requirements, shall the name or names of a Mini or Youth player or players be made public or known to any person outside of the parties involved in the disciplinary proceedings this includes via association with a parent and/or guardian; such parties that will know the identities of the Mini or Youth player/players includes the members of the Committee.



Discovery Bay Pirates Rugby Football Club

DISCOVERY BAY PIRATES RUGBY FOOTBALL CLUB

DISCIPLINARY REGULATIONS



A. INTRODUCTION

1. *The Discovery Bay Pirates Rugby Football Club (the “Club”) is a registered society in the Hong Kong Special Administrative Region of the People’s Republic of China. Its members range from Mini to Youth to Senior players of sports embraced and recognised as Club sports by the Committee of the Club. The Club is empowered under its constitution to conduct disciplinary proceedings in respect of its members which includes all playing and social members of the Club.*
2. *These Regulations are applicable to all members of the Club.*
3. *From time to time the Committee may review these regulations and make changes which shall be approved by members during a General Meeting.*
4. *The Investigation Group, Disciplinary Tribunal and Appeal Tribunal are the disciplinary bodies of the Club. Appointments to each of these disciplinary bodies are made subject to such terms and conditions as set by the Committee.*
5. *The Committee may appoint individuals to, or as the case may be, remove individuals from, the Investigation Group, Disciplinary Tribunal and Appeal Tribunal. The Committee shall request permission for the authority to appoint persons to the Investigation Group, Disciplinary Tribunal and Appeal Tribunal from the members during a General Meeting.*

B. THE INVESTIGATION GROUP

Membership

6. *A minimum of four members will be appointed to the Investigation Group (IG). Provided that the number of non-members shall not exceed one-third of the IG, upon recommendation of the Committee (such power having been granted by the members during a General Meeting), the Committee may from time to time appoint one or more non-members to the IG as it sees fit.*
7. *Three members of the IG, of whom two must be members of the Club, shall form the quorum for a meeting (whether physical or by virtue of circulation/teleconference or similar means). The IG shall make its decisions by a simple majority of those members present, with the Chairman voting on all occasions but without a casting vote.*
8. *The members of the IG shall elect a Chairman, who must be a member of the Club.*



Method of operation

9. *Upon receipt of information or a complaint against a member, the Club's Chairman or failing whom an individual nominated by the Committee shall refer the matter to the IG for investigation. In appropriate circumstances, the member (or members) concerned may be advised of the general nature of the information or complaint received and of the fact that it will be referred to the IG and, invited to submit an initial response to the information or complaint received within a reasonable period.*
10. *The IG may dispose of the matter without further investigation where it sees no need for disciplinary proceedings. The member concerned shall be informed accordingly.*
11. *If further investigation is warranted, the IG shall make such further enquiries as the IG deems necessary. Such further enquiries shall include informing the member concerned of the complaint, the IG investigation and inviting the member concerned to respond to the complaint.*
12. *If the IG, at the conclusion of the investigation, decides that the member concerned appears to be in breach of one or more of the provisions as stated above in "Terms of Reference, Disciplinary Proceedings, 3.1 Investigation Group", the IG shall submit a written report of its findings, signed by the Chairman of the IG, to the Disciplinary Tribunal. The report shall include:*
 - 12.1 *The nature of the matter investigated including, the information or complaint received and the response, if any, of the member(s) concerned.*
 - 12.2 *The results of the enquiries made by or on behalf of the IG and the IG's findings.*
 - 12.3 *The charge or charges which the IG recommends the member(s) concerned should answer and, the grounds in support of the same.*

Meetings

13. *The IG may meet at such times and places as it thinks fit. The Chairman shall be responsible for convening meetings.*



C. THE DISCIPLINARY TRIBUNAL

Membership

14. *A minimum of four members will be appointed to the Disciplinary Tribunal („DT“). Provided that the number of non-members shall not exceed one-third of the DT, upon recommendation of the Committee (such power having been granted by the members during a General Meeting), the Committee may from time to time appoint one or more non-members to the DT as it sees fit.*
15. *Three members of a DT, of whom two must be members, shall form the quorum for a meeting. Save as otherwise provided for herein, the DT shall make its decisions by a simple majority of those members present, with the Chairman of the DT voting on all occasions but without a casting vote.*
16. *The members of the DT shall elect a Chairman, who must be a member.*

Method of operation

17. *The DT shall give the member concerned a copy of the Investigation Group’s report, including a copy of the charge or charges against that member (s).*
18. *Whilst the DT is not empowered to modify the charge or charges proposed by the Investigation Group, it may, in cases, refer the charge or charges back to the Investigation Group with a recommendation that the charge or charges be amended or, as the case may be, substituted with different charges. Before re-submitting the matter to the DT, the Investigation Group may amend or substitute the charge or charges.*
19. *A DT may, if it thinks fit, request that professional help be recruited to sit on the DT either as a temporary member or an advisor. If there are costs involved in recruiting such help this will be paid by the Club. Such costs will first need to be approved by the Committee.*
20. *Subject to these Regulations the conduct and proceedings before the DT shall be determined by the Chairman of the DT in consultation with the other members of the DT. The Chairman may adjourn the proceedings as and when necessary.*
21. *The DT shall arrange for a record to be kept of its proceedings. The deliberations of the DT shall remain confidential to the members of the DT and the parties involved but not shared with the Committee or any other party unless there is a legal obligation to do so. The proceedings may be shared with the HKRFU if requested by them for an investigation / disciplinary hearing into the same incident(s) involving the same parties.*



22. *The Investigation Group (or its representative) shall be responsible for prosecuting the charge or charges before the DT.*
23. *At the hearing of the charge or charges, if the Chairman of the DT considers it warranted in the circumstances, the member may be accompanied by his legal / other advisor or in the case of a mini or youth member, must be represented by a parent/guardian (the mini or youth member will not be present) or another person as decided by the parent/guardian who in turn may be accompanied / represented by a legal/other advisor.*
24. *At any time the DT, by its Chairman, acting with the consent of the parties or in the interests of a just and expeditious resolution of the matter, may issue directions for the future conduct of the proceedings, which directions, amongst other things, may relate to:*
 - 24.1 *The time and date on which and the place at which the substantive and any preliminary hearing, or adjournment of the same, will take place.*
 - 24.2 *The disclosure of information, including documents.*
 - 24.3 *The provision of particulars and the form in which those particulars are to be provided.*
 - 24.4 *The witnesses, if any, including expert witnesses, to be called by the parties and the nature of their evidence; and, the preparation, filing and admission of written witness statements.*
 - 24.5 *The manner and form in which evidence is to be prepared, filed and served.*
 - 24.6 *The provision of skeleton arguments and other submissions.*
 - 24.7 *The confidentiality of the disciplinary proceedings.*
 - 24.8 *The date by which any directed action shall be taken.*
 - 24.9 *Any other direction for the just and expeditious handling of the matter including, the grant of an extension of time in which directions may be complied with.*
25. *Any party to the proceedings may apply in writing to the DT for directions. At the same time the party applying shall serve a copy of the application on all other parties and all parties shall have an opportunity to respond to the application.*
26. *The DT, by its Chairman, may, without a hearing, give directions based on the papers before the DT.*



27. *If the DT, by its Chairman, decides to hear oral argument on any application for directions, then the Chairman may sit alone to hear and decide the application.*
28. *Any direction given by the DT shall be in writing, signed by the Chairman and, shall be served on the parties.*
29. *Directions shall continue to bind the parties notwithstanding any change in the composition of the DT.*
30. *Nothing in these Regulations shall be taken to limit the powers of the DT.*
31. *Unless the DT otherwise directs, the order of the proceedings shall be as follows:*
 - 31.1 *The charge or charges shall be read to the member(s) and/or their representatives concerned and a plea taken to each of them.*
 - 31.2 *Insofar as the DT permits witnesses to attend the proceedings to give evidence, the DT shall first hear from the witnesses, if any, called by or on behalf of the Investigation Group, followed by the witnesses, if any, called by or on behalf of the member(s) concerned.*
 - 31.3 *Closing submissions may be made by or on behalf of the Investigation Group and the member(s) concerned.*
 - 31.4 *In the course of the proceedings the DT may ask questions of any witness, including the member(s) concerned, however for mini or youth members all questions will be channelled via the parents/guardians or their representatives. At no point will a Mini or Youth player be called to appear before the DT, although written submissions are acceptable. Where a Youth member is 16 years old or older over at the time of the reported incident, this rule may be waived only if the parents/guardians agree and the Youth player may appear before the DT but must accompanied by at least one of his/her parents/guardians or representatives.*
32. *In finding a member liable for a breach of the rules as stated in 3.1 of this document and/or of the code of conduct of the Club and/or HKRFU, the DT may impose one or more of the penalties set out in item 5 Penalties of this document.*

Decision of the DT

33. *At the conclusion of the proceedings and upon reaching a decision on the liability (if any) of the member concerned, the DT shall prepare a written decision signed by the Chairman and members which contains: (a) details of the charge or charges against the member; (b) a summary of the evidence adduced and submissions made during the proceedings; (c) the findings reached by the DT in respect of each charge and, a statement of reasons for those findings; (d) the*



penalty or penalties imposed, if any, as described in 3.1 – a) to d) above and; e) a ruling as to what, if any, publicity there should be about the decision or any matter relating thereto (subject to noting that it is a cardinal rule of the IG, DT and AT that under no circumstances unless compelled by legal requirements, shall the name or names of a Mini or Youth player or players be made public or known to any person outside of the parties involved in the disciplinary proceedings this includes via association with a parent and/or guardian; such parties that will know the identities of the Mini or Youth player/players includes the members of the Committee).

34. *A copy of the DT's decision shall be sent forthwith to the member concerned (or in the case of a Mini or Youth member to the designated parents/guardians). The IG shall also receive a copy.*
35. *The DT shall inform the member (or in the case of a Mini or Youth member to the designated parents/guardians) concerned of his to appeal the DT's decision to the Appeal Tribunal.*

Meetings

36. *The DT may meet at such times and places as it thinks fit, or as required according in order to discharge its duties. The Chairman is responsible for convening such meetings.*

D. THE APPEAL TRIBUNAL

Membership

37. *A minimum of four members will be appointed to the Appeal Tribunal („AT“). Provided that the number of non-members shall not exceed one-third of the AT, upon recommendation of the Committee (such power having been granted by the members during a General Meeting), the Committee may from time to time appoint one or more non-members to the AT as it sees fit.*
38. *The members of the AT will elect a Chairman who must be a member.*
39. *Three members of an AT, of whom two must be members, shall form the quorum for a meeting. Save as otherwise provided for herein, the AT shall make its decisions by a simple majority of those members present, with the Chairman of the AT voting on all occasions but without a casting vote.*



Right of Appeal

40. *A member who is the subject of an adverse decision by the Disciplinary Tribunal has 28 days from the date on which the Disciplinary Tribunal's decision is dispatched to them in which to appeal that decision in whole or in part (including the penalty imposed) to the AT. A notice of the member's intention to appeal must be in writing and received by the Club, marked for the attention of the AT, within the said 28 days (in the case of a Mini or Youth member this may be done by their parents/guardians). A copy of the notice shall be supplied to the Investigation Group.*
41. *The notice of appeal shall state the grounds relied on in support of the appeal. The member concerned then has a further 42 days from the date on which the written notice of an intention to appeal is filed with the AT in which to file a notice of appeal which specifies in more detail the grounds on which the appeal is based. A copy of the notice shall be supplied to the Investigation Group.*
42. *The filing of the notice of appeal shall operate to stay the decision of the Disciplinary Tribunal including any penalty or penalties imposed by the Disciplinary Tribunal. For the avoidance of doubt, if the member fails to file a notice of an intention to appeal within the prescribed period of 28 days then the Disciplinary Tribunal's decision shall take immediate effect upon the expiry of the 28 day period.*

Method of Operation

43. *The appeal shall be by way of a re-hearing.*
44. *Save as otherwise provided for herein the conduct of proceedings before the AT shall be determined by the Chairman of the AT in consultation with the other members of the AT.*
45. *The AT may refuse to hear an appeal by a member where the AT considers, having regard to all the circumstances of the case, that the appeal is without merit.*
46. *At the hearing of the appeal, if the Chairman of the AT considers it warranted in the circumstances, the member may be accompanied by his legal adviser.*
47. *In an appeal the AT may allow the appeal, dismiss the appeal or vary or set aside any finding of or penalty imposed by the Disciplinary Tribunal and, where the finding or penalty is set aside, substitute for the finding or penalty any other finding or penalty it considers appropriate.*
48. *The AT shall keep a record of its proceedings.*



49. *The Investigation Group (or its representative) shall appear before the AT on the appeal.*
50. *At any time the AT, by its Chairman, acting with the consent of the parties or in the interest of a just and expeditious resolution of the appeal, may issue directions for the future conduct of the appeal, which directions, amongst other things, may relate to:*
 - 50.1 *The time and date on which and the place at which the appeal and any preliminary hearing, or adjournment of the same, will take place.*
 - 50.2 *The admission of additional evidence.*
 - 50.3 *The provision of skeleton arguments and other submissions.*
 - 50.4 *The confidentiality of the proceedings.*
 - 50.5 *The date by which any directed action shall be taken.*
 - 50.6 *Any other direction for the just and expeditious handling of the appeal.*
51. *Any party to the appeal may apply in writing to the AT for directions. The party applying shall serve a copy of the application on all other parties and all parties shall have an opportunity to respond to the application.*
52. *The AT, by its Chairman, may, without a hearing, give directions based on the papers before the AT.*
53. *If the AT, by its Chairman, decides to hear oral argument on the application for directions, then the Chairman may sit alone to hear and decide the application.*
54. *Any direction given by the AT shall be in writing, signed by the Chairman and shall be served on the parties.*
55. *Directions shall continue to bind the parties notwithstanding any change in the composition of the AT.*
56. *The AT may make any order or direction, including an order for the payment of costs.*
57. *Nothing in these Regulations shall be taken to limit the powers of the AT.*



Decision of AT

58. *At the conclusion of the appeal the AT shall prepare a written decision signed by the Chairman and members which contains: (a) the details of the Disciplinary Tribunal's ruling appealed against; (b) a summary of the evidence including any additional evidence considered by the AT in the course of the appeal; (c) the findings in respect of each charge forming the subject matter of the appeal and a statement of reasons for such findings; (d) the AT's decision; and, (e) a ruling as to what, if any, publicity there should be about the decision or any matter relating thereto.*
59. *A copy of the AT's decision shall forthwith be given to the member concerned (or their parents/guardians in the case of a Mini or Youth player). The Investigation Group and the Disciplinary Tribunal shall also receive a copy.*
60. *The decision of the AT shall be final and implemented forthwith.*
61. *The AT may instruct a solicitor and/or counsel to assist it in the appeal. The cost shall be borne by the Club with prior permission being granted by the Committee, such permission shall not be unreasonably withheld.*

Confidentiality

62. *Subject to sub-paragraphs 64, 65 and 66 below, information, which comes to the knowledge of the Committee, the Investigation Group, the Disciplinary Tribunal, the Appeal Tribunal, the Member concerned or any other party to the disciplinary proceedings, in the course of disciplinary proceedings, may only be used and disclosed*
- 62.1 *In the course of and for the purposes of an investigation or disciplinary proceedings ;*
- 62.2 *In any notice, report or finding published pursuant to the terms of these regulations; or*
- 62.3 *As required by law;*
- and shall otherwise be treated as confidential.*
63. *Any disclosure of such information (save where the disclosure is made in one of the circumstances set out in sub-paragraphs 63.1, 63.2 and 63.3) shall be on terms that it is confidential and no such information shall be disclosed (directly or indirectly) by the person provided with it except:*



- 63.1 *To his or her legal advisers for the purpose of obtaining advice in relation to the investigation or disciplinary proceedings;*
- 63.2 *To any other person to whom disclosure is necessary for the purposes of obtaining evidence, information or assistance in connection with the investigation or disciplinary proceedings; and*
- 63.3 *As required by law.*
- 64. *Such information may be disclosed by the Committee to any regulatory body (e.g. HKRFU), any investigation or prosecuting authority, or to any person, body or authority carrying out any role in any part of the world similar to that of the Committee (e.g. IRB)*
- 65. *The regulations on confidentiality shall not apply to any information obtained by the Committee, the Investigation Group, the Disciplinary Tribunal or the Appeal Tribunal, which information is or comes to be in the public domain or is disclosed at a public hearing or in relation to which confidentiality was waived.*

E. AD HOC DISCIPLINARY BODIES

- 66. *This regulation applies if the Chairman, Deputy Chairman or Committee considers that disciplinary action is appropriate in relation to:*
 - 66.1 *a Committee member; or*
 - 66.2 *an office bearer (i.e. Chairman, Deputy Chairman, Secretary, Treasurer) member*
- 67. *In this event, the Committee may appoint an ad hoc Investigation Group, Disciplinary Tribunal and, as the case may be, Appeal Tribunal, to investigate, report on and, as the case may be, reach a determination on the matter. Membership of any ad hoc body and its proceedings shall conform to the requirements of these Regulations. In making such a decision the relevant office bearer or Committee member or members shall be informed of the discussion but take not part in it or be present during the discussion. If the matter is on the agenda during a Committee meeting then the relevant party or parties shall excuse themselves from the meeting while the discussion is taking place.*

F. GENERAL

Reports

- 68. *A copy of the written decisions of the Disciplinary Tribunal and Appeal Tribunal shall be provided to the Committee and the receipt of the same shall be recorded in the minutes of the Committee.*



69. *The Committee may require the Investigation Group to report from time to time on the progress of its investigation. Such reports shall be in a form as directed by the Committee and shall be regarded as confidential to the Committee.*
70. *Save in exceptional circumstances and out of respect for the integrity of the disciplinary proceedings, the Committee shall not be entitled to receive a copy of the files held by the Investigation Group, the Disciplinary Tribunal and the Appeal Tribunal. Such files shall remain confidential to the Investigation Group, the Disciplinary Tribunal and the Appeal Tribunal. However, the Committee can by unanimous decision request such files to be viewed by the Chairman alone and/or the Deputy Chairman and/or Secretary and/or a combination of the office bearers or the entire Committee.*

Conflicts of Interest

71. *In order to preserve the integrity of the disciplinary process members of the Investigation Group, the Disciplinary Tribunal and the Appeal Tribunal shall disclose any actual or potential conflict of interest at the earliest opportunity to the Chairman of their respective body. The Chairman shall determine whether or not there is a conflict and if so, whether it should result in the member concerned recusing himself/herself from further involvement in a particular case.*
72. *In the event that the Chairman of the Investigation Group, the Disciplinary Tribunal or the Appeal Tribunal has an actual or potential conflict of interest he/she shall recuse himself from further involvement in the matter under consideration and, once he has been replaced the disciplinary body concerned shall elect one of its number to act as a temporary Chairman for the matter in question.*
73. *In general, it is desirable that an individual shall not at one and the same time be a member of the Investigation Group, the Disciplinary Tribunal and the Appeal Tribunal. However, given the size of the geographical area covered by the Club, the diversity of its membership and the difficulties which this often entails, the Committee may appoint an individual, at one and the same time, to be a member of one or more of the Investigation Group, the Disciplinary Tribunal and the Appeal Tribunal; provided that the said individual shall not be involved in the same disciplinary matter as a member of more than one of the said disciplinary bodies.*

Regulations

74. *These regulations may be suspended or modified, in whole or in part, by the Committee from time to time.*

Common Scenarios for Disciplinary Investigation

To be added as cases occur.