

KENYA RUGBY FOOTBALL UNION



April 1, 2006

CONTENTS

1	KRFU CODE OF CONDUCT	P2
2	DISCIPLINARY CODE	P6
3	LOCAL COMPETITIONS	P37
4	REGISTRATION, MOVEMENT & TRANSFER OF PLAYERS	P38
5	NON COMPETITIVE MATCHES	P42
6	TOURS	P43
7	DOPING CONTROL	P44
8	MATTERS NOT PROVIDED FOR	P45
9	SCHEDULE OF DEFINITIONS	P46

1 KENYA RUGBY FOOTBALL UNION

CODE OF CONDUCT

1.1 STATUS:

1.1.1 This Code of Conduct ("the Code") has the status of regulations of the Kenya Rugby Football Union ("KRFU") and is binding on- -

- i. Members of the KRFU Board;
- ii. Members of sub committees or *ad hoc* committees of the KRFU who are not members of the Board
- iii. Members of Selection Committees, and Coaches and members of team Management of KRFU representative teams;
- iv. Referees who officiate in the KRFU competitions;
- v. Officials, Employees and Agents of KRFU;
- vi. All players affiliated to the KRFU;

(hereinafter referred to as "*covered persons*");

1.2 OBJECTIVES:

This Code is introduced to-

- a) ensure that the policies and decisions of KRFU, are implemented professionally and in an objective and accountable manner;
- b) re-affirm the commitment of covered persons to act in the best interest of KRFU at all times;
- c) provide a further deterrent against conduct, behavior and practices, which may be detrimental to the best interests of KRFU and/or the game of rugby football ("the game").

1.3 RESPONSIBILITIES OF COVERED PERSONS:

1.3.1 Covered persons *must* -

- 1.3.1.1 Perform the functions of their office in good faith and honestly;
- 1.3.1.2 Act in the best interests of KRFU and take all necessary steps to assist KRFU in achieving its objectives in such a way that KRFU's credibility and integrity is not compromised;
- 1.3.1.3 Conduct themselves in a manner worthy of their position within KRFU and/or the relationship between KRFU and other subsidiaries/associates and/or their own relationship with KRFU;
- 1.3.1.4 Act with due care and diligence in the discharge of their functions for and on behalf of KRFU;

1.3.1.5 Disclose to KRFU any direct or indirect personal or private business interest that they or their spouses, partners or business associates may have which may conflict with KRFU's interests.

1.3.2 Covered persons *may not*: -

1.3.2.1 Engage in conduct, behavior or practices which may be detrimental to the best interests of KRFU;

1.3.2.2 Engage in any conduct, behavior or practices which may bring KRFU or the game into disrepute;

1.3.2.3 Disclose confidential information entrusted to them or obtained as a result of their position as covered persons, unless legally obliged to do so;

1.3.2.4 Disclose confidential information, unless legally obliged to do so, in a way which may damage the reputation of KRFU or the game;

1.3.2.5 Use their position or privileges as covered persons for private gain or to benefit another person improperly;

1.3.2.6 Commit or be responsible for, and/or party to, any form of discrimination including, but not limited to, discrimination on the basis of race, color, gender, sex, ethnic or social origin, religion, or political persuasion;

1.3.2.7 Do anything which is likely to intimidate, offend, insult or humiliate any person on the grounds of his or her race, color, gender, sex, ethnic or social origin, religion or political persuasion;

1.3.2.8 Harass any person on any grounds whether physical, mental, professional or sexual;

1.3.2.9 **Accept**: -

i. Hospitality, either personally or on behalf of persons accompanying them, whether relatives or otherwise, which is excessive in the circumstances: Provided that referees may not accept any hospitality which may cast doubt on their impartiality;

ii. Gifts, other than gifts of nominal value in accordance with prevailing local custom and given and accepted as a mark of respect or friendship: Provided that **gifts which exceed Kshs. 50,000/- in value** should be declared to the appropriate KRFU structure and handed over to it unless it decides otherwise: Provided further that referees may not accept any gift which may cast doubt on their impartiality;

iii. Goods or services, which may influence or affect judgment in the conduct of KRFU's affairs.

1.3.2.10 Give gifts or perform favors of any kind where it could appear designed to influence others improperly or which may influence or affect judgment in the conduct of KRFU's affairs.

1.4 BREACHES OF THE CODE

- 1.4.1 An alleged breach of the code shall be investigated by a member of KRFU Board or someone appointed by the Board specifically for that purpose (hereinafter referred to as "a Designated Official").
- 1.4.2 A Designated Official shall determine the procedures governing the investigation of an alleged breach of the Code in his or her discretion on condition that the rules of natural justice are complied with.
- 1.4.3 If a Designated official determines that a breach of the Code may have been committed, he/she shall refer the matter through the Chairperson of the Appeals Council or his or her representative for adjudication, pursuant to the KRFU constitution and the Appeal Council procedures.
- 1.4.4 If a disciplinary committee appointed in terms of the KRFU Appeal Council procedure determines that a breach of the Code has been committed, he/she may impose any of the following penalties:
 - 1.4.4.1 A caution, warning as to future conduct, reprimand, and/or financial penalty not exceeding Kes 1 million in case of a club or affiliate and Kes 500,000 in the case of other covered persons.
 - 1.4.4.2 Suspension of membership of KRFU or any or all positions in KRFU or any or all rugby activities.
 - 1.4.4.3 Expulsion from KRFU or from any or all positions in KRFU or any or all rugby activities.
- 1.4.5 A Covered person, Member, Associate Member or representative found by a Disciplinary committee to have committed a breach of the Code, shall have the right to appeal as provided for in the KRFU constitution and the Appeals Council procedure against the finding and/or the penalty imposed.
- 1.4.6 KRFU shall also be entitled to appeal against a finding of and/or penalty by a Disciplinary Committee.
- 1.4.7 Any penalty imposed shall be suspended pending the determination of an appeal unless a Disciplinary Committee determines otherwise.
- 1.5 IMPLEMENTATION OF KRFU CODE OF CONDUCT

KRFU shall be responsible for the application and implementation of the KRFU code of Conduct as provided for in that Code.

1.6 IRB CODE OF CONDUCT:

- 1.6 KRFU shall adopt in full the International Rugby Board (IRB) Regulation 20 (Code of Conduct) as appearing below:
 - 1.6.1 All Unions, Associations, Rugby Bodies, Clubs and Persons:-
 - 1.6.1.1 Must ensure that the Game is played and conducted in accordance with disciplined and sporting behavior and acknowledge that it is not sufficient to rely solely upon the Match Officials to maintain those principals;
 - 1.6.1.2 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;

- 1.6.1.3 Shall not repeatedly breach the Laws of the Game;
- 1.6.1.4 Shall accept and observe the authority and decisions of Referees, Touch Judges, Match Officials and all other rugby disciplinary bodies, subject to IRB Regulation 17;
- 1.6.1.5 Shall not publish or cause to be published criticism of the manner in which a referee or touch judge handled a match;
- 1.6.1.6 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 breach of the By-Laws, Regulations, or Laws of the Game;
- 1.6.1.7 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 in the integrity and good character of any person;
- 1.6.1.8 Shall promote the reputation of the Game and take all possible steps to prevent it from being brought into disrepute;
- 1.6.1.9 Shall not commit a Doping Offence as defined in IRB Regulation 21;
- 1.6.1.10 Shall not abuse, threaten or intimidate a referee, touch judge or other match official, whether on or off the field of play;
- 1.6.1.11 Shall not use crude or abusive language or gestures towards referees, touch judges or other match officials or spectators;
- 1.6.1.12 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, color or national or ethnic origin.
- 1.6.1.13 Shall not do anything which adversely affects the Game of Rugby, the Board, any member Union or any commercial partner of the Game;
- 1.6.1.14 Each Union and Association is under obligation to:
 - i. Comply with and to ensure that each of its members comply with this Code of Conduct; and
 - ii. Adopt procedures to monitor compliance and impose sanctions for breaches of the Code of Conduct by Persons under its jurisdiction

2 DISCIPLINARY CODE:

2.1 APPLICATION OF THE DISCIPLINARY CODE:

2.1.1 The Disciplinary Procedures are as outlined in By-law articles **2.1 to 2,31**

2.1.2 The KRFU shall have power to discipline covered persons, including the power to hold inquiries and take such action as it sees fit subject to a right of appeal when a breach of the By-laws occurs. These powers shall be exercised on behalf of KRFU by duly appointed Disciplinary Panels, Appeal Council.

2.1.3 The Disciplinary Code shall apply whether the hearing is being conducted by a Club Disciplinary Panel, KRFU Disciplinary Panel, Board Inquiry or Appeal Council. The overriding consideration in the conduct of disciplinary and appeals procedures are that they should be fair and just. The Disciplinary Code are guidelines aimed at achieving this objective.

2.1.4 The person(s) entrusted in making a disciplinary decision must be:

- i. Impartial – that is free of prejudice or bias and not have an interest in the outcome, other than to see that the decision is fair and;
- ii. Careful and thorough in their consideration of the procedures and evidence;

2.1.5 KRFU Disciplinary Regulations are applicable to all Schools Rugby save for the possibility of their enhancing to reflect the higher discipline expected of the School Institutions and Age Grade Rugby.

2.2 STRUCTURE OF THE KRFU DISCIPLINARY SYSTEM:

2.2.1 The Structure of the KRFU Disciplinary System shall consist:

- i. KRFU, Disciplinary Committee appointed Disciplinary Panel(s), Appeal Council;
- ii. Board Inquiry;
- iii. Club Disciplinary Panel(s).

2.2.2 Annually, the KRFU Board shall appoint a Disciplinary Committee and a five-member APPEAL Council comprising mix of independent persons and board members to run the overall discipline policy.

2.2.3 Annually, the Board shall appoint the Discipline Officer. The Discipline Officer chairs the Disciplinary Committee and oversees the exercise of these powers upon such terms of reference as the Board from time to time determines.

2.2.4 The Disciplinary Officer is authorized to act on behalf of KRFU in instituting disciplinary proceedings where there is an alleged breach of KRFU Disciplinary Code.

- 2.2.5 Where the Disciplinary Officer brings proceedings pursuant to this authority, he shall not be involved in any way with the arrangements for the hearing of the case or the appointment of the Disciplinary Panel to hear it; such arrangements and appointment shall be made by the KRFU Disciplinary Committee.
- 2.2.6 The Disciplinary Officer is authorized to issue practice notes as guidance on the interpretation of the Disciplinary Regulations. Such practice notes will normally be incorporated into the Regulations at the next review of the Disciplinary Code.
- 2.2.7 The Board shall appoint the Disciplinary Administrator, an individual involved in the day-to-day running of the game and with access to the running records.
- 2.2.8 The Disciplinary Committee shall appoint Disciplinary Panels, Judicial Officers and such other Officials as necessary to adjudicate discipline issues for specific cases as they arise.
- 2.2.9 A Disciplinary Panel when not a Judicial Officer shall normally comprise a Chairperson, who is legally qualified, or Ex-player, or Experienced Administrator. These requirements may be varied if the Disciplinary Committee decides in its absolute discretion that the variation is appropriate or necessary. Exceptionally a hearing may proceed with a panel of two provided that all parties to the case first agree.
- 2.2.10 The Board shall appoint Boards of Inquiry, where necessary, usually on issues “**prejudicial to interests of the game**”.
- 2.2.11 Clubs shall appoint Club Disciplinary Panels.

2.3 JURISDICTION OF THE UNION DISCIPLINARY SYSTEM:

- 2.3.1 The Constitutional Appeal Council, Board Inquiry Panel, Independent Appeal Panels or Arbitrators, Disciplinary Panel or such other Body as appointed by the Disciplinary Committee shall have jurisdiction to hold inquiries and impose punishment over covered persons who are subject to the jurisdiction of the Union as stated in article 1.2.
- 2.3.2 That jurisdiction may be exercised where:
- i. A player has been dismissed from the field of play by the Referee.

- ii. The same player has received an accumulation of **three yellow cards during a season**.
- iii. A player has been cited for foul play or has been reported by the Referee for misconduct in the playing enclosure.
- iv. A player, Club Official or member is reported by a match official for abuse during the game or after it while he is still on or at Club premises.
- v. There has been misconduct wherever occurring which would prima facie constitute a breach of Disciplinary Rules as relates to the Union Constitution and / or Bye Laws.

2.4 DISCIPLINARY HEARING(S):

- 2.4.1 Such person(s) as in sub-article **2.3.1** above must follow carefully all laid down procedures and ensure that any entity appearing before them is fully aware of those procedures. The Chairman of the Panel or relevant individual shall explain the procedure before a hearing commences and give a person appearing before the Panel an opportunity to ask questions on matters of procedure, which are not clear.
- 2.4.2 An entity whose conduct is the subject of a hearing is entitled to be present throughout the proceedings except as stated in sub-article **2.15.1 and 2.15.2**.
- 2.4.3 Any person appearing before a disciplinary organ as a party (as opposed to attending as a witness) must be made aware in advance of the hearing, of the charges to be answered and the need where appropriate to adduce evidence in corroboration or rebuttal in answering the charges. If such a person appearing before the disciplinary organ has not been given reasonable notice of the charges or any of them, the disciplinary organ should consider sympathetically a request for an adjournment.
- 2.4.4 Any entity appearing before a disciplinary organ to answer any charge must be given an accurate copy of any document setting out the complaint the entity and any documents in the possession of the disciplinary organ relevant to the hearing as soon as practicable.
- 2.4.5 Reasonable notice of the hearing before the disciplinary organ must be given to all persons required or entitled to attend.
- 2.4.6 All parties must be given the opportunity to state their case in full and to challenge any evidence given or respond to it.

2.5 PROCEDURES AT AND CONDUCT OF DISCIPLINARY HEARINGS:

- 2.5.1 The procedures set out below apply equally to the conduct of hearings before any judicial officer, disciplinary panel, appeal panel or an independent arbitrator (except when these Regulations are inconsistent with the appointment of an individual) which for the purposes of these Regulations are referred to generically as 'the Disciplinary Panel.'
- 2.5.2 The procedures shall be adopted at all disciplinary hearings following a sending-off, a report of abuse of a match official, an investigation into a breach of Disciplinary Rules as relates to the KRFU Code of Conduct or Disciplinary Code or a Citing.
- 2.5.3 All notice or correspondence to be sent to any Disciplinary Body shall be sent to the KRFU Disciplinary Administrator as appointed by the Board.
- 2.5.4 Separate Regulations will be issued for any other league or tournament, where there is a variation to these Procedures.
- 2.5.5 If before a hearing it becomes apparent to the Chairman of the Panel that the case will involve specialist (e.g. medical) evidence, or has elements which are unusual or difficult, he may, with or without a preliminary hearing, issue an order for directions setting out a timetable for the exchange of information and evidence, witness statements and/or skeleton arguments in order that the hearing of the case itself may be properly and fairly conducted. If appropriate a Chairman may make such an order during a hearing prior to granting an adjournment.
- 2.5.6 In all cases:-
- i. A person or player is entitled to be represented by one person of his choice, who may be legally qualified, but not by more than one person. A Club may be represented by one person of its choice, who may be legally qualified, in addition to Officers or members of the club;
 - ii. The Chairman will explain the procedure before the hearing commences;
 - iii. The Referee's Report will be read or details of the conduct alleged or the citing will be explained;

- iv. The person, player or Club appearing before the Disciplinary Panel shall be asked whether the allegations being the subject of the enquiry or hearing ("the allegations") are admitted. At this stage a video, when available, will normally be shown;

2.5.7 If the allegations are not admitted the Disciplinary Panel will hear the evidence in the following sequence:-

- i. The Referee and/or Touch Judge will be invited to comment upon his Report; and
- ii. The Referee's Advisor's evidence (if applicable) and any evidence in support of the Referee's Report will be heard; or
- iii. In cases of a citing or a Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code, the person, persons, Club, KRFU or affiliated organization making the complaint shall be invited to present the case and call any witness or evidence to establish the complaint;
- iv. The person, player or Club against whom the allegations are made shall be entitled to give and to call evidence in rebuttal;
- v. Before being called, witnesses should be asked to retire whilst evidence is being given, but may remain in the room when their evidence is concluded, if they so wish;
- vi. Questions may be put to each witness upon the conclusion of his/her evidence through the Chairman at the request of the party appearing to make or to answer the allegations, the Referee or by any member of the Disciplinary Panel. The Chairman may allow direct questioning of witnesses if he considers it to be fair to do so;
- vii. In cases of citing or a Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code, the person representing KRFU or affiliated organization responsible for the citing or the person (if any) making the allegations shall have the right to address the Disciplinary Panel, but in all cases the person, player or Club answering the allegations shall have the right of the last word;
- viii. The Chairman will then invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers its decision;
- ix. Evidence of the player's previous disciplinary record will not be given until after a finding of fact has been made;

2.5.8 If the allegations are admitted or proved to the satisfaction of the Disciplinary Panel then:-

- i. The person, player or Club facing the allegations may call evidence as to character and address the Disciplinary Panel in mitigation. No other person may address the Panel as of right but the Disciplinary Panel may seek such further information as it requires from any party;
- ii. A player's previous disciplinary record should be ascertained;
- iii. The Chairman will again invite all persons other than the members of the Disciplinary Panel to retire whilst the Panel considers the penalty to be imposed under the provisions of **article 2.15** of these Regulations.

2.5.9 Where the person appearing before a Disciplinary Panel is or is likely to be subject to civil or criminal proceedings arising from the circumstances, which are the subject of the case, the Disciplinary Panel, will decide whether it is in the interests of the game to proceed. If it does not proceed to hear the case and adjourns the matter until the conclusion of the criminal proceedings, it may impose a temporary suspension on the player against whom the allegations are made. Before so doing, the Disciplinary Panel must first give the player the opportunity to make representations about temporary suspension.

2.5.10 In the event of a person, player or Club having been given due notice failing to attend a hearing and failing also to invite the Disciplinary Panel to deal with the case under **article 2.1** of these Regulations, the case will be adjourned and, after reasonable attempts have been made to agree a date, the individual will be advised in writing that, unless a satisfactory reason can be given, his attendance is required at the adjourned hearing. Should the individual, without good reason, fail to attend the adjourned hearing, the Disciplinary Panel shall have discretion to hear the case in his absence.

2.5.11 The procedure contained in **sub-article 2.10.2** of these Regulations shall not be available for any adjourned hearing.

2.5.12 At any adjourned hearing at which a player does not attend, a Panel, if it decides not to hear the case, may suspend a player until such time as he appears in which event every reasonable attempt will be made to agree with the player the date for a further hearing.

2.5.13 Alternatively, at an adjourned hearing of which the Panel is satisfied that an absent player received due notice, the Panel may find him guilty in his absence and impose an appropriate penalty.

Note: The responsibility for determining the date of a hearing rests solely with the Chairman of the Panel whose decision is final.

2.6 THE CARD SYSTEM:

- 2.6.1 Use of a Card System will be pursued for all KRFU sanctioned games including as varied within tournament rules.
- 2.6.2 A Player will receive a yellow card as a warning for breach of the laws and will be penalized accordingly. A player receiving a second yellow card during the same game will automatically be sent off from the field of play and will be considered suspended automatically for two games or as directed by the Disciplinary Officer based on recommendations of the referee / match commissar in the match report.
- 2.6.3 A player receiving three yellow cards during the season will automatically miss the next game as directed by the Disciplinary Officer and may be required to appear before a disciplinary panel / judicial officer for misconduct within the playing enclosure.
- 2.6.4 A player sent off [shown a red card] for breach of the laws will not take further part in a match / tournament.
- 2.6.5 Any player shown a red card by the referee shall automatically serve a two-match suspension. In this rule, references to the word "match" shall apply to tournaments and for the purposes of suspension a tournament shall be counted as one match.
- 2.6.6 For the purposes of computation of time, the player's suspension shall commence in the match subsequent to the one in which he is sent off and shall only be applicable in KRFU sanctioned matches excluding internationals.
- 2.6.7 A player receiving a suspension shall in any event not be eligible to play in any KRFU sanctioned international fixture but such missed matches shall **not** count towards his suspension period.
- 2.6.8 Any suspensions from International fixtures shall carry on locally and may be enhanced as per the KRFU disciplinary code.
- 2.6.9 The Disciplinary Officer will still call for a hearing to review the sending off of a player or if the player receives three yellow cards in the season with a view to enhancing the suspension on the requisition of the match referee, match commissar or citing officer.

2.6.10 Such requisition as provided for in sub-article 2.6.9 above must be received in writing by the Disciplinary Administrator 48 hours after the sending off incident / player receiving a third yellow card in a season and the requisition shall include a brief statement outlining the reasons for the same.

2.7 PROCEDURE FOLLOWING SEND OFF OR REPORTED MISCONDUCT WITHIN THE PLAYING ENCLOSURE OR A MATCH OFFICIAL REPORTING ABUSE:

2.7.1 The Referee shall, within 48 hours after the end of the match, send a completed copy of the sending off report to the Disciplinary Administrator. The referee must also, within the same timeframe, send a copy of his report to the Referees Society.

2.7.2 Where a player is sent off following foul play drawn to the Referee's attention upon the intervention of a Touch Judge that Touch Judge shall also comply with the obligations imposed upon the Referee by sub-article 2.7.1 of these Regulations. In these Regulations the words 'Referee's Report' shall include where appropriate the Touch Judge's Report. The report must in all instances be signed by the referee as well as the touch judge.

2.7.3 A match official reporting abuse shall use an official report form, and shall comply with the requirements set out in sub-article 2.7.1, but the timeframe is extended to 72 hours. The match official shall set out in his report full details of the abuse suffered, including, in the case of verbal abuse, his recollection of the actual abusive words spoken, expressly or by implication, to him or uttered in his presence. All cases of match official abuse must be notified to the KRFU Disciplinary Administrator.

2.7.4 Club Secretaries must report to the KRFU Disciplinary Administrator, within 72 hours after the match the name and address and contact telephone and fax numbers of any player who has been ordered off the playing enclosure. This applies irrespective of whether the referee is a member of a Society or not.

2.8 CITING:

2.8.1 Citing occurs where a player commits an act of foul play which has not been detected by the match officials when either of the KRFU or affiliated organizations participating in the match have the discretion to cite that player to show cause why he should not be held accountable in the same way as a player who has been ordered off.

2.8.2 Who can cite?

2.8.2.1 Only affiliated organizations (i.e. Clubs in membership of KRFU **using video evidence**) participating in the match or an accredited referee assessor/adviser when officially appointed by the KRFU or the Kenya Rugby Referee Societies sent to attend the match (the Complainant).

2.8.3 How does the Complainant cite in domestic cases?

2.8.3.1 The citing must be in writing, signed by the nominated person acting on behalf of KRFU or Chairman, Secretary or appointed member of the Executive Committee of affiliated organization or by the accredited referee assessor/adviser seeking to cite. A citing by e-mail or Fax is acceptable provided that the hard copy follows by post and is received within seven days of the e-mail or Fax.

2.8.3.2 The citing must be addressed to the KRFU Disciplinary Administrator.

2.8.3.3 The citing must be received by the KRFU Disciplinary Administrator not later than the 7th day immediately following the match in which the incident-giving rise to the citing occurred. All evidence supporting the citing must be received by the KRFU Disciplinary Administrator within 14 days of the match concerned. A citing, once made, may not be withdrawn without the express permission of the KRFU Disciplinary Officer.

2.8.4 The citing must state:

- i. The date, venue and teams participating in the match;
- ii. Details of the alleged act of foul play, including as accurately as possible the point of time in the match, score at the time and position on the field when and where the incident is alleged to have occurred;
- iii. It must identify, or provide the means of identifying the player or players alleged to be guilty of foul play;
- iv. Save in the cases of a citing by an accredited referee assessor/adviser the citing must be accompanied by a remittance of a fee as determined by the Disciplinary Committee from time to time to cover administrative expenses. If the foul play alleged is proved then the payment will be returned to the Complainant and if the foul play is not proved the Disciplinary Panel shall have discretion to reimburse or forfeit all or part of the remittance as it thinks just and equitable, but without prejudice to the Disciplinary Panel's powers;

- v. The citing **must also be accompanied by the video evidence** it is intended to adduce in support of the citing.

2.8.5 Receipt of a written citing:

- 2.8.5.1 Upon receiving a written citing, the Secretary of the Disciplinary Panel shall consult the match officials (which in this context shall mean the Referee and any touch judges officially appointed and not appointed by the participating club) to ascertain whether they or any of them detected the act which was alleged to constitute foul play and which is the subject of the citing.
- 2.8.5.2 In the event of any official having detected the alleged act of foul play and which is the subject of the citing or having detected the act and considered that it did not constitute foul play, the citing shall be void and no further action shall be taken upon it other than advising the Complainant that the citing is void and the reasons therefore. However, the KRFU Disciplinary Officer may, at his absolute discretion and in exceptional circumstances, allow a citing even when a match official has detected the alleged act of foul play.
- 2.8.5.3 Where the alleged act of foul play was not detected by any of the match officials, the Chairman of the Disciplinary Panel shall consider the complaint and unless he considers the complaint to be frivolous or vexatious, the player cited shall be advised in writing of the allegations made against him in the citing.
- 2.8.5.4 If the Chairman of the Disciplinary Panel considers the complaint to be frivolous or vexatious he shall so advise the Complainant which, if aggrieved, may refer the matter to the KRFU Disciplinary Officer to convene an appeal panel within 14 days of the decision. Any such reference to the Union Disciplinary Officer shall be in writing and received by the Union Disciplinary Administrator within seven days of the Union or affiliated organization being informed that the complaint is considered frivolous or vexatious.
- 2.8.5.5 Where the player having been advised of the allegations made against him admits those allegations the player may invite the Disciplinary Panel to deal with the complaint under the provisions of sub-article **2.24** of these Regulations, failing which the Disciplinary Panel shall hear the matter following the procedure set out in sub-articles **2.5.1 to 2.5.13** of these Regulations.
- 2.8.5.6 The Disciplinary Panel shall convene a hearing following the procedure set out in sub-articles **2.5.1 to 2.5.13** of these Regulations

2.8.5.7 A player who has been cited is presumed innocent until proved guilty. The burden of proof is not on him showing his innocence but on the other party to rebut his innocence and show real and not proximate guilt on his person for the act committed. He may continue to play pending the hearing of the complaint unless he has been suspended under sub-article 3.5.9, whether or not he admits the allegations of foul play. Where the foul play is not admitted by the player, it is the responsibility of the Complainant to prove that the offence took place as cited.

2.9 DISCIPLINARY RULES AS RELATES TO BREACH OF KRFU CODE OF CONDUCT AND / OR DISCIPLINARY CODE CASES:

2.9.1 Where information is given in writing to the KRFU Disciplinary Officer or to the Disciplinary Committee from a named person within the game (i.e. not anonymously) which in the opinion of the KRFU Disciplinary Officer/Disciplinary Committee would amount to a prima facie case of a breach of Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code, the KRFU Disciplinary Officer/Disciplinary Committee may require the person or Club to whom that information relates to appear before a Disciplinary Panel to answer the allegations.

2.9.2 Such cases will only be brought in exceptional circumstances in relation to the conduct of players on the field of play if the Club or Sub Union has not exercised its right to cite, although the requirement for exceptional circumstances shall not apply to cases brought under sub-article 2.2.5 of these Regulations.

2.9.3 The KRFU Disciplinary Officer/Disciplinary Committee may, at its discretion, before deciding whether the person or a Club to whom the information relates has a case to answer, invite the person or Club to make written representations in which event that person or Club shall have the right to see a copy of any such relevant documents submitted to the KRFU Disciplinary Officer/Disciplinary Committee.

2.9.4 In the case of a match official reporting abuse in accordance with sub-article 2.7.3, the Disciplinary Panel shall always hear the case as if the person(s) named in the report had been sent off.

2.9.5 Allegations of misconduct in the Playing Enclosure which are not the subject of a sending off or a citing may be referred (and if so must be in writing) to the appropriate Disciplinary Panel or (in cases where powers have not been delegated to the Disciplinary Committee) to the KRFU Disciplinary Administrator for consideration of disciplinary action under Union Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code.

- 2.9.6 The KRFU Disciplinary Officer shall inquire into any circumstances or information which leads them to believe that there has been conduct amounting to a breach of Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code, when convening such an enquiry.
- 2.9.7 Match officials shall report on a designated form all incidents of abuse, verbal or physical, from non-players during a match, and any Club member or official at the Club premises after a match.
- 2.9.8 The KRFU Disciplinary Officer may from time to time issue guidance on what constitutes a bad disciplinary record. An appropriate officer of Clubs with a bad disciplinary record shall be called to appear before a Disciplinary Panel to be dealt with under Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code .

It should be noted that when dealing with a Club, the Disciplinary Panel has power to suspend the whole Club, a specific team or individuals from playing or taking part in the administration of Rugby Union Football, or both, for such a period as it may think fit. If before or during the course of such a hearing, it becomes apparent that one or more individuals are likely to be singled out for special penalty, they must be afforded an opportunity, after receiving notice of the matters being investigated, to attend and to defend themselves.

2.10 NOTICE OF HEARING:

- 2.10.1 Where a player has been sent off, or a player, Club official or member has been reported for abuse by a match official, or where the KRFU Disciplinary Officer or a Disciplinary Committee is satisfied that there is a prima facie case for a player or Club to answer following a valid citing or an allegation of misconduct under Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code, then the Disciplinary Committee or the KRFU Disciplinary Administrator (as appropriate) will complete and forward a notification of hearing that will include the specific charge together with a copy of the reported citation or allegation to the person(s) named therein, his/her/their Club and Referees Society. It will notify the date, time and place appointed for the hearing. The Club is ultimately responsible for ensuring that any of its members who are called to attend a hearing have all the relevant paperwork and attend the hearing.
- 2.10.2 In the case of a player who has been sent off:-
- i. The notice of the hearing shall be accompanied by a copy of the Referee's Report;

- ii. The player will be asked in the notification of hearing whether he pleads guilty to the offence specified in the Referee's Report or whether he wishes the Referee or Touch Judge in appropriate cases, to be invited to attend; **the player should at the same time be advised that he may be called upon to pay their traveling expenses.** Where the Referee or Touch Judge is unable to attend, he may give evidence by telephone conference or, if the Disciplinary Panel so decides, the case will proceed on the written evidence of the Referee's Report.

NOTE: See sub-article **2.12.4** for the consequences of failure to request the Referee or Touch Judge's attendance.

- iii. Where a Referee's Advisor duly appointed by a Referees Society was in attendance at the match he may attend the disciplinary hearing and where the Referee is unable to attend and his attendance as requested by the player, such Referee's Advisor may be invited to attend. The player may be required to pay the Referee's Advisor's traveling expenses.
- iv. The player will normally be asked in the notice of hearing whether, if he accepts that he committed the offence specified in the Referee's Report, he wishes to be dealt with in his absence, in which event he will receive not more than the minimum recommended penalty for the offence shown in the recommended penalties set out by article **2.24** of these regulations. In determining the penalty, the Disciplinary Panel is entitled to take into account the fact that the player pleaded guilty.
- v. Alternatively the KRFU Disciplinary Officer/Disciplinary Committee may indicate in the notice of hearing that a postal or e-mail plea will not be acceptable and summon the player to appear where it considers that the circumstances of the case or the player's record of previous offences, so require in the interests of procuring a fair trial. If the player pleads guilty at such a hearing this shall be taken into account by the Disciplinary Panel in determining the appropriate sanction.
- vi. The notice of hearing shall advise a player that he should have available any evidence he wishes to call and his attention must be specifically directed to these Regulations. Notice of the hearing shall be sent no later than 7 days from the receipt of the Referee's Report.

- vii. In cases of alleged abuse reported by a match official the provisions of sub-article 2.10.2 shall apply mutatis mutandis, save that an alleged offender will normally be required to attend a hearing.
- 2.10.3 In cases of valid citing or an investigation into a breach of Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code:
- i. The notice shall be accompanied by a copy of the citing or complaint being investigated and a copy of all relevant papers in the possession of the KRFU Disciplinary Officer/Disciplinary Panel Secretary at that stage.
 - ii. The person, player or Club should be asked whether the allegations are admitted and warned in the event of their being in dispute of the need to call evidence.
 - iii. The hearing should, if possible, take place within 14 days of the decision that the citing contained a prima facie case.
- 2.10.4 It shall be the duty of the KRFU Disciplinary Administrator / Disciplinary Panel Secretary (as appropriate):-
- i. To notify the Referee (or the Touch Judge or Referee's Advisor of the date, time and place of the hearing if his attendance is required.
 - ii. In a case of citing or disciplinary rules breach as relates to the Union KRFU Code of Conduct and or Disciplinary Code case to notify any person, persons, club, union or affiliated organization making the complaint of the date, time and place of the hearing and provide a copy of the notice served under sub-article 2.10 and a copy of any representations made by the person, player or club against whom the citing or complaint is made.
- 2.10.5 It shall be the duty of any person(s), club, union or affiliated organization in a case of a citing or a Disciplinary Rules as relates to breach of KRFU Code of Conduct and or Disciplinary Code case, making a complaint to notify and arrange the attendance of any witnesses he or they may wish to call in support of the complaint.
- 2.10.6 It shall be the duty of the person, player or club facing any complaint to notify and arrange the attendance of any witness he or they may wish to call.

2.11 DISCIPLINARY FEE DEPOSIT:

2.11.1 A Disciplinary Panel may:

- i. Require the Club or a player who has been dismissed from the field of play to pay an administrative fee after the hearing, and
- ii. Require a person or Club lodging a complaint under Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code or seeking to cite a player similarly to pay such a fee on lodging the complaint or making the citation and/or after the hearing. Where a Disciplinary Panel has determined in favor of a person, player or Club and considers it is fair and equitable to do so the fee may be reimbursed upon the conclusion of the hearing.

2.12 EVIDENCE IN DISCIPLINARY HEARINGS:

2.12.1 **It must always be borne in mind that a Disciplinary Panel is not a court of law and those appearing before it will not as a rule be trained advocates and must therefore in the interests of achieving a just and fair result be given every assistance and latitude in presenting their submissions. *All procedural and technical considerations must take second place to the paramount object of being as just and fair to all parties* as is consistent with a duty to the Game. The Disciplinary Panel must at all times observe the rules of natural justice.**

2.12.2 **The standard of proof is the balance of probabilities and not, as in a criminal court, beyond all reasonable doubt. The balance of probabilities means that, having heard all the evidence and using their experience in the Game, the Disciplinary Panel believes that it is more likely than not that the offence is proved.** The balance of probabilities is a sliding scale: the more serious the alleged offence the higher the standard of proof. This means that Disciplinary Panels deciding whether an offence attracting severe penalties is proved should be satisfied that they are sure of the accused guilt. Disciplinary Panels must use their experience in the Game to help them to decide what was most likely to have occurred in the circumstances before them.

2.12.3 Apart from in cases of referee abuse, the Referee is not a party to the proceedings but an independent eye-witness of what occurred, and therefore his evidence or report must carry considerable weight. This provision will apply equally to the evidence or report of a Touch Judge who has been independently appointed by the Union or by Referees Society.

- 2.12.4 Where a player does not request the Referee's attendance at the hearing he will not be permitted to challenge the Referee's Report. The player may challenge the Referee's Report when after the player has requested his attendance and the Referee is unable to attend. When the Referee is not present at the hearing the Disciplinary Panels should seek the best evidence of the events in issue, which would normally be an eyewitness account.
- 2.12.5 Speaking to an absent referee by telephone during a hearing is permissible provided that the Panel, the player and his representative can hear the question(s) being asked and the answer(s). **Hearsay evidence is unreliable and should only be accepted in exceptional circumstances, and then with caution.** Although written statements from witnesses may be received, witnesses should, whenever reasonably possible, **attend in person** to give oral evidence which must, save in exceptional circumstances, **carry greater weight than evidence given in writing only.**
- NOTE:** It is open to a Panel at its discretion to adjourn a case to obtain the attendance of a referee or witness at a hearing if that is likely to be reasonably practicable and likely to resolve or clarify a conflict of evidence.
- 2.12.6 **The Referee is the sole judge of fact and law during the match but after the match where his decision is challenged there is a presumption of innocence, i.e. the player is innocent until proved guilty on the balance of probability.** In citing cases and Disciplinary Rules as relates to the breach of Union Constitution and or By-Laws cases there is also a presumption of innocence but the Disciplinary Panel may not have the advantage of the independent eye-witness account of the referee.
- 2.12.7 If video evidence is available the video should be viewed immediately after the Referee's Report has been read and the player has asked whether or not he pleads guilty, and without the sound or commentary. Where a video has been taken of the match the Club which took or commissioned it is responsible for producing it to the Panel whether or not it is a member of that Club which is to appear before the Disciplinary Panel.
- 2.12.8 A Disciplinary Panel shall be entitled to consider all video evidence from whatever source.
- 2.12.9 Where a player is sent off, cited or the subject of a complaint under article **2.9**, any Club which took or commissioned a video shall forward to the Disciplinary Committee or KRFU Disciplinary Administrator in whose jurisdiction the case falls, a copy of all video evidence in its possession or under its control as soon as possible.

- 2.12.10 Where video evidence is not produced to a Disciplinary Panel in breach of sub-article 2.12.7 above, the Panel shall be entitled to infer that the video evidence in control of the player's Club is unfavorable to the party failing to produce it without reasonable excuse.
- 2.12.11 Where a Union or affiliated organization cites a player or makes a complaint under Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code it shall lodge with the complaint all video evidence it intends to adduce in support of the citing or complaint and deliver a copy of that video evidence to the player cited or the player or Club against whom the complaint is made, within 48 hours of the citing or complaint being made.
- 2.12.12 Where a copy of video evidence is delayed the Disciplinary Panel may decline to accept it or adjourn the hearing at the expense of the party responsible for the production of the video if it feels that the other party is or could be prejudiced.
- 2.12.13 Where a Disciplinary Panel advises a player or his Club that it does not have the required equipment for the showing of the video it is the responsibility of the player appearing before the Disciplinary Panel or his Club to provide and install the same. It is for whomever produces a video to satisfy the Disciplinary Panel that the video evidence of the incident being investigated has not been edited or altered in any way.
- 2.12.14 After the screening of the video evidence, the Chairman or other members of the Disciplinary Panel may ask such further questions as they deem appropriate of those (if any) who have given evidence prior to the screening of the video.
- 2.12.15 When receiving video evidence, the members of the Disciplinary Panel must be aware that the video does not necessarily give a full picture. Camera angles and foreshortening can result in a misleading impression being given and it is for the Disciplinary Panel in every case to determine what weight, if any, should be given to the video evidence received.
- 2.12.16 A Disciplinary Panel may change any law reference contained in a report before or during a hearing. If the Panel reasonably considers that a change, in the circumstances, would be prejudicial to the player it should hear submissions before deciding whether or not to change.

2.13 BOARD INQUIRIES:

- 2.13.1 The Board or Disciplinary Officer, exercising the Board's disciplinary powers, may determine, in sole discretion, what constitutes gross misconduct necessitating a Board Inquiry.

- 2.13.2 A Board Inquiry must be constituted of at least three members, two of whom must be Board members and, may incorporate individuals outside of the Board provided, in the opinion of the Board or Disciplinary Officer, in sole discretion, the individual(s) is well experienced in the game and/or administration and/or, has legal training.
- 2.13.3 **Proviso:** At its sole discretion, the Board may constitute such an enquiry even if the entity concerned, is properly under the control of the KRFU but, at the time of the alleged gross misconduct, had not been under the direct jurisdiction of the KRFU. The decision of the Board enquiry shall be binding on all entities under the jurisdiction of the KRFU.
- 2.13.4 A Board Inquiry, once it has concluded its findings, shall accord such sanction, if any, as it deems suitable or as provided in article 2.23.
- 2.13.5 The Board or Disciplinary Officer, exercising the Board's disciplinary powers, may direct a Club's Disciplinary Panel to conduct an Inquiry into a case of gross misconduct, as a preliminary action and file its findings to a Board Inquiry.
- 2.13.6 The Board Inquiry may also direct a Club Disciplinary Panel to terminate an Inquiry already commenced.
- 2.13.7 If in the opinion of the Board or its express disciplinary appointee(s) a Club Disciplinary Panel has failed to make proper Inquiry or willfully refuses to comply with the request, the Board Inquiry shall inquire and take such action as it may deem fit taking into account such failure or refusal.
- 2.13.8 Any entity, under the jurisdiction of the Union, disobeying any Rule or Regulation of the KRFU or failing to give effect to any Resolution of the Board or its express appointee(s), shall be liable to such sanction as the Board shall think fit including suspension for such period as the Board or its express appointee(s) for the consideration of the such issue(s) may deem fit.
- 2.13.9 The Disciplinary Administrator of the KRFU must give at least seven (7) days notice to any entity accused under By-Law sub-article 2.13.8 above of the date and time of the meeting at which the Board under these rules shall hold any Board Inquiry.
- 2.13.10 The Notice must contain a brief statement of the alleged breach and complainant.
- 2.13.11 At any Board enquiry, the accused entity shall have the right to be heard, to file statement(s) in defense and to call a witness or witnesses.

2.14 SPECTATOR CONDUCT:

- 2.14.1 The Board or its express appointee(s) for the consideration of this or such issue(s) shall have power to prohibit for such a period as they may think fit, the playing of Rugby on the ground(s) of any Club or rugby entity whose spectators molest or otherwise attempt to interfere with or intimidate a Match Official or Match Officials, or players, or other spectators, or a match organizer or match organizers or other persons that are in attendance of, or have an association to or relationship with a match or tournament.
- 2.14.2 The Board or its express appointee(s) for the consideration of this or such issue(s) may in addition inflict further sanction as appropriate.
- 2.14.3 The Board or its appointee shall meet to determine any case under article sub-article **2.14.1** above, after the Club, person or persons against whom there are adverse allegations have been furnished, by the Disciplinary Administrator, with a notice of such meeting and of the allegations made against the Club, person or persons.
- 2.14.4 At such meeting, as under sub-article **2.14.2**, the Club, person or persons shall have the right to be heard, to file statement(s) in defense and to call a witness or witnesses.

2.15 DECISIONS AND APPLICABLE SANCTIONS AFTER A HEARING:

- 2.15.1 The conclusions of the hearing will be deliberated in private with only the members of the disciplinary organ present. The secretary of the Panel, if not a member of it, may be present and may advise on procedures, but shall not vote on the issues.
- 2.15.2 The person charged has no right of access to the deliberations of the Panel.
- 2.15.3 Specific reason(s) for the decision must be stated.
- 2.15.4 The punishment should be consistent with similar cases but the Panel should take into consideration a person's previous record and behavior.
- 2.15.5 Any decision will be confirmed and communicated in writing.
- 2.15.6 Where the alleged offence is not admitted, the Disciplinary Panel shall first determine whether it has been proved. If the offence has not been proved, the Chairman shall so state and the Disciplinary Panel's finding shall be a bar to further disciplinary proceedings arising from the issues then before the

Disciplinary Panel save in the case of an appeal by the Union Disciplinary Officer. Any person or Club who willfully misleads a Disciplinary Panel will be liable to be made the subject of disciplinary action under KRFU Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code.

2.15.7 Where the alleged offence is admitted or proved the Disciplinary Panel shall have power to impose the following penalties as appropriate:

- i. That in the circumstances the sending off and two match suspension was sufficient punishment for the offence.
- ii. That the player or Club be cautioned / reprimanded or severely cautioned / reprimanded as to future conduct.
- iii. That a further period of suspension from playing or taking part in the administration of Rugby Football Union, or both, be imposed on the player or Club (in the case of a Club, subject to sub-article 2.15.25 below).
- iii. An appropriate punishment. For the avoidance of doubt 'appropriate punishment' referred to in Disciplinary Rules as relates to the KRFU Code of Conduct and or Disciplinary Code shall include, but not be limited to: for a person, a reprimand, a financial penalty or suspension from playing, administration or both and for a Club, in addition to these penalties deduction of league points, relegation or exclusion or disqualification from any competition. Where a competition does not fall within the jurisdiction of the KRFU, a Club may be required to withdraw from that competition.
- iv. A caution, warning as to future conduct, reprimand, and/or financial penalty not exceeding Kshs 3,000 in the case of a Member and Kshs 5,000 in the case of other covered persons.
- v. Suspension of membership of the KRFU or of any or all positions in KRFU or any or all rugby activities.
- vi. Expulsion from KRFU or from any or all positions in KRFU or any or all rugby activities.

2.15.8 Disciplinary action for employee's of KRFU will be the prerogative of the Board and / or Management and may include a reprimand which is documented in the personnel file, loss of compensation, change of responsibilities to avoid repeat violations, demotion, termination or other measures the Board and / or management deems appropriate, or, in the case of a director, suspension or removal from the Board.

2.15.9 In addition the Disciplinary Panel may order that the player and/or the Club shall pay the costs of the hearing, or a part thereof, or a fixed contribution towards those costs.

2.15.10 Where at a hearing a player is ordered to pay costs, such costs, unless the Disciplinary Panel grants a longer period for payment, shall be paid within 21 days of the receipt by the player of the written judgment including the order to pay costs.

If such costs are not paid in full by the date specified in the order, the player shall be or remain suspended from playing from the day following the date by which the costs were ordered to be paid in full until the date when they are so paid unless the Disciplinary Panel which heard the case orders otherwise.

The player shall be entitled to apply to that Disciplinary Panel for a review of the date or manner of payment when the Disciplinary Panel may make such orders as to payment and suspension as it considers reasonable.

2.15.11 A Disciplinary Panel shall have no power to order a player whose case is dealt with under who has accepted he committed an offence specified in a referee report and wish to be dealt with in his absence may be required to pay the costs of a hearing other than the Disciplinary Panel's usual administration fee.

2.15.12 In a case of citing or a Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code case:

- i. Where the complaint is not proved, the Disciplinary Panel shall have the power to order the party citing or making the complaint under Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code to pay the costs of the hearing, any part thereof, or a fixed contribution towards those costs. Failure to pay any costs so ordered shall be an offence under Disciplinary Rules as relates to the breach of KRFU Code of Conduct and or Disciplinary Code.
- ii. No party shall be required to pay or contribute to the legal costs incurred by the other party.

2.15.13 All penalties must be seen to be **just and fair and in accordance with the circumstances of the individual cases**. Whilst no two cases can be identical and the discretion of Disciplinary Panels should not be restricted, the **recommended penalties should be regarded as strongly persuasive of the penalty to be imposed in order to achieve uniformity throughout the country**. Where a

player appears before a Disciplinary Panel as a result of having been sent off for receiving a second yellow card in the same match or has received three yellow cards in a season, the recommended penalty for the more serious of his two offences will, subject to the discretion of the Panel, apply.

2.15.14 The recommended sanctions for offences within the playing enclosure are set out in sub-article 2.24.5 of these Regulations.

2.15.15 A Disciplinary Panel may impose a suspension measured by a defined number of competitive matches played by the player's club.

2.15.16 A competitive match shall be defined as a match played in any competition organized by or under the auspices of the KRFU or recognized by the Union and in which the player's Club's first XV participates.

2.15.17 A player whose suspension is measured in competitive matches shall not be entitled to play in non-competitive matches until the Club for which he was playing at the date of the offence for which he was suspended has played the appropriate number of competitive matches for which he was suspended.

2.15.18 The player's suspension shall not be extended by reason of his not being selected for a competitive match during the period of suspension measured by reference to competitive matches.

2.15.19 Whilst a Disciplinary Panel shall have discretion as to the number of competitive matches for which a player is suspended from playing it is recommended that a suspension of one competitive match should be the equivalent of a seven day suspension in applying the recommended penalties set out in article 2.23.

2.15.20 Unless the Disciplinary Panel orders to the contrary a competitive match which is postponed due to weather, abandoned before full time or not played on its scheduled date due to the player's Club's opponents being unable to fulfill the fixture, shall be deemed to have been played for the purpose of computing the length of the player's suspension.

2.15.21 In assessing a penalty a Disciplinary Panel is:-

- i. Entitled to take into account, and give credit for, the fact that the player pleaded guilty;

- ii. Entitled to take previous offences into account provided that in determining any punishment unless the player has committed an offence in relation to which he has appeared before a Disciplinary Panel within the five years prior to the Hearing, any offences committed more than five years prior to the hearing shall be disregarded;
- iii. Entitled to disregard or take into account the whole or any part of a period of suspension imposed by a player's Club;
- iv. The fact that a player acted in retaliation or was subjected to provocation shall be no defense to foul play but may be taken into account as a mitigating factor in determining the penalty.

2.15.22 Any period of suspension imposed by a Disciplinary Panel may:-

- i. Be back-dated to start at such date as it thinks fit if it wishes to take account of any effective disciplinary action taken by the Club of which the player or other person to whom the report relates is a member arising out of the same incident;
- ii. Include or exclude the whole or any part of the closed season taking into account any tours or other games to which the player or other person to whom the report relates is committed.

2.15.23 If a Disciplinary Panel imposes a period of suspension it should:-

- i. Make it clear whether the period of suspension is from playing or administration or both;
- ii. Specify the exact dates between which the suspension will take place, the commencing and finishing dates to be inclusive of the period of suspension. The period of suspension may be split into two distinct periods if it is desired to exclude the whole or part of the closed season;
- iii. The player or Club shall furnish the Disciplinary Panel with a list of Club's competitive fixtures relevant to a suspension at the conclusion of the hearing or within 5 days thereafter.

2.15.24 The Secretary of the Disciplinary Panel shall at, or within five days after, the conclusion of the case, deliver a written judgment to the player, the Secretary of the player's Club and to the Secretary of the Referees Society of which the referee is a member.

2.15.25 In addition, the Secretary of the Disciplinary Committee shall report the decision of the Disciplinary Panel to the Union (on the prescribed form in the case of a sending-off), the Secretary of the Club to which the player or other person to whom the report relates belongs or where the decision relates to the Club itself, in the case of a sending-off, the Secretary of the Referees Society to which the Referee

belongs and the KRFU or affiliated organization in the case of a citing. In cases outside the jurisdiction of the Disciplinary Committee the Union Disciplinary Administrator shall notify the above-mentioned parties with the exception of the Union and his own committee.

2.16 AVAILABILITY OF PLAYERS SUBJECT TO DISCIPLINARY PROCEEDINGS:

2.16.1 Subject to any suspension which may be imposed upon a player by his Club or by a Disciplinary Panel, **a player who has been cited may continue to play until his case is determined by the Disciplinary Panel. However a player will not be permitted to play in an international match until the final determination of his case.**

2.16.2 Where the decision appealed against involves suspension and an appeal is lodged within the period allowed the suspension shall not take effect pending the determination of the appeal. However a player will not be permitted to play in an international or any KRFU Sanctioned match until the final determination of his appeal.

2.16.3 The KRFU Disciplinary Officer may, in exceptional circumstances where in his view a sentence is wholly inappropriate, appeal against the sentence imposed by the Disciplinary Committee or Disciplinary Panel.

2.16.4 The KRFU Disciplinary Officer shall intimate to the Chairman of the Union of his wish to lodge such an appeal within 14 days of his being advised of the result of the hearing. The Chairman of KRFU shall then consider whether to permit the KRFU Disciplinary Officer to proceed with an appeal and if such authority is given the procedure for appeals set out below shall then apply. Where the KRFU Disciplinary Officer appeals pursuant to this article, a player may therefore play pending the hearing of the appeal if the period of suspension has expired or no suspension was imposed by the original Disciplinary Panel.

2.17 APPEAL HEARINGS:

2.17.1 Where a person, player or Club ('the Appellant') is aggrieved by the decision of a Disciplinary Panel, the Appellant shall have the right to appeal to the Appeal Council as the final arbiter.

2.17.2 For the results of any hearing under the jurisdiction of the Union Disciplinary Committee, the Appellant shall have, **in the first instance**, a right to appeal to an Appeal Panel constituted under sub-article **2.19.1**. An appeal once validly lodged cannot be withdrawn but must be adjudicated upon by an

Appeal Panel, unless the KRFU Disciplinary Officer grants permission for the appeal to be withdrawn. There is no further right of appeal.

2.17.3 The Appellant shall serve notice of appeal in writing and in the case of a player, signed by him upon the KRFU Disciplinary Administrator stating:

- i. The date and decision of the Disciplinary Panel against which the appeal is lodged, and;
- ii. The grounds of the appeal;
- iii. The prayer to the appeals panel.

2.17.4 Notice of Appeal shall be sent by post or FAX or e-mail or recognized delivery to the KRFU Disciplinary Administrator and be received by him not later than on the seventh day next following the date of the delivery of the written notification of the disciplinary decision against which the appeal is lodged.

2.17.5 The Notice of Appeal shall be accompanied by a cheque for KShs 5,000. For the purposes of this paragraph, delivery will be the handing of a written decision to the Appellant at the end of a hearing, or, if this is not done, the day following the posting by first class post of the written decision to the Appellant, or receipt of the decision by e-mail. Where an Appellant serves notice of appeal by recorded delivery posted no later than the twelfth day next following the delivery to him in writing of the disciplinary decision as mentioned in this paragraph the notice of appeal will be deemed to have been served within the appropriate time limit upon the production of the certificate of posting by the Appellant.

2.17.6 Save as mentioned in sub-article **2.18.7** below any Notice of Appeal which is not accompanied by the relevant payment to the Union to cover administration expenses **SHALL BE VOID**. Where an appeal is lodged by e-mail or FAX the payment must be received no later than the third day following the e-mail or FAX. The payment may be repaid to the Appellant at the discretion of the Appeal Panel and will normally be repaid where an appeal is successful. Nothing in this paragraph shall restrict the power of the Appeal Panel to order the Appellant to make further payments to cover the costs of the appeal in addition to the sum referred to above.

2.17.7 Where an Appellant accepts the Referee's Report and wishes to appeal against the sentence only, he may in his notice of appeal invite the Appeal Panel to review his sentence in his absence in such manner as the Appeal Panel shall find expedient. In these circumstances the Panel may, after

determining the appeal, consider whether, in the circumstances of the case, the sum referred to in sub-article 2.18.5 or any part thereof, should be refunded in whole or in part.

2.17.8 The Appellant shall have the right to be present in person at the hearing of his Appeal unless he elects to invite the Appeal Panel to review his sentence in his absence as provided in sub-article 218.5 except in cases heard under sub-article 2.18.5 he may be represented and the person representing him may be present throughout the hearing.

2.18 COMPOSITION OF AN APPEAL COUNCIL:

2.18.1 As outlined in the KRFU Constitution.

2.19 EVIDENCE IN THE APPEAL HEARING:

2.19.1 As in the original hearing, the Appeal Panel must be satisfied on the balance of probabilities, and using their experience in the Game, that the offence was committed by the appellant.

2.19.2 At the discretion of the Independent Arbitrator or of the Chairman additional evidence may be presented by the Appellant irrespective of whether or not the additional evidence was available to the Appellant or by reasonable enquiry could have been made available to the Appellant at the time of the original hearing.

2.19.3 The provision of article 2.12 of these Regulations shall also apply where appropriate to evidence on appeal.

2.19.4 The Appeal Panel may decide that the allegations against the Appellant have not been proved or, where they find that the allegations have been proved they may reduce, increase or confirm the penalties imposed by the original Disciplinary Panel and may impose any other penalties available under these Regulations. Any sentence of suspension imposed or confirmed or varied by the Appeal Panel shall normally commence on the day following the date of the appeal, but may be delayed to take account of the closed season or other relevant factors.

2.19.5 The Appeal Panel may direct the Appellant to pay the costs of the appeal and whilst the Appeal Panel shall have discretion in this regard, an unsuccessful Appellant will normally be required to pay the costs of the appeal which shall include the traveling expenses of the Referee.

2.20 APPEAL FINDINGS:

2.20.1 The Chairman or secretary of the Appeal Panel shall at, **or after a maximum of two days** from the conclusion of the hearing deliver a written judgment to the Union Disciplinary Administrator.

2.20.2 The KRFU Disciplinary Administrator will within four days of the conclusion of the appeal hearing communicate the decision together with a copy of the written judgment to:

- i. The Appellant;
- ii. The Secretary of the Disciplinary Committee;
- iii. The Secretary of the Club to which the Appellant belongs, or the Appellant Club;
- iv. The Secretary of the Referees' Society to which the Referee belongs, or to the Referee if he is not a member of a Referees' Society;
- v. In citing cases, the Club, KRFU
- vi. or affiliated organization making the complaint.

2.20.3 Proceedings, findings or decisions of a Disciplinary Panel shall not be invalidated by reason of any minor defect, irregularity, omission or technicality unless such defect, irregularity, omission or technicality raises a material doubt as to the reliability of the proceedings, findings or decisions.

2.21 TIME LIMITS:

2.21.1 In general, **failure to observe the time limits specified in these procedures shall not nullify any proceedings, but such failure may be a good cause for a hearing to be adjourned.** However in the following cases compliance with the specified time limit is mandatory, and failure to comply will render any proceedings, application or appeal void:

- i. A citing must be made within the time limit specified in article 4.83 of these Regulations;
- ii. An appeal must be made strictly within the time and in accordance with the procedures specified in sub-article **2.18.1 to 2.18.8** of these Regulations;
- iii. An appeal against the award of a yellow card must be made within seven days.

2.22 RECOMMENDED SANCTIONS:

2.22.1 Recommended Disciplinary Measures against an Official:

<i>OFFENCE</i>	EVIDENCE	PENALTY	<i>FINANCIAL PENALTY</i>
Referee or TJ not protected	Report	20-180 days	NO
Abuse of Referee or TJ	Red Card and/or Report	Sporting Penalty	NO
Threat against Referee or TJ	Red Card and/or Report	20-180 days	NO
Refusal to comply with a Referee or TJ decision	Red Card and/or Report	50-180 days	NO
Push / knocking a Referee or TJ	Red Card and/or Report	20-180 days	NO
Assault, spitting on a Referee or TJ	Red Card and/or Report	190 days-1 year Match abandoned	YES
Misconduct by an official or a coach	Report	Sporting Penalty	YES

2.22.2 Recommended Disciplinary Measures for Misconduct:

<i>Offence</i>	Evidence	Penalty	Financial Penalty
Disputing a Referee decision	Red Card	10 days	NO
Reprehensible behaviour from the bench	Red Card	10 days	NO

2.22.3 Recommended Disciplinary Measures for Collective Violence:

<i>Offence</i>	Evidence	Penalty	Financial Penalty
Pitch invasion by players, officials, spectators	Report	Ground suspended	YES
Use of any sound or visual amplification devices that may stir up the spectators	Report	Ground suspended	YES
Objects thrown on the pitch	Report	Ground suspended	YES

2.22.4 Recommended Disciplinary Measures for Non compliance with player obligations:

<i>Offence</i>	Evidence	Penalty	Financial Penalty
Failure to comply with Captain's obligations	Report	10 days	NO
Fielding of an unregistered player.	Report	Loss of match points	NO

2.22.5 Recommended sanctions for offences within the playing enclosure (IRB Regulation 17):

OFFENCE	RANGE OF PENALTIES	NORM
To strike an opponent with the hand, fist or arm including the elbow.	7-84 days / 1-12 weeks	21 days
To hack, stamp or trample an opponent.	21-182 days / 3-26 weeks	Head-84 days Body-42 days
To kick an opponent.	21-182 days 3-26 weeks	Head-26 weeks Body-84 days
To trip an opponent with the foot	7-42 days 1-6 weeks	14 days 2 weeks
To strike an opponent with his head.	49-252 days / 7-36 weeks	20 weeks
To strike an opponent with his knee(s).	7-84 days / 1-12 weeks	28 days
To bite an opponent.	12-36 months	18 months
To attack an opponents eyes with any part of the hand	18-36 months	24 months
To tackle early, late or dangerously, including the action known as a "stiff arm tackle".	7-56 days / 1-8 weeks	21 days
To charge or obstruct or grasp an opponent who has just kicked the ball.	7-42 days / 1-6 weeks	14 days
To hold, push, charge, obstruct or grasp an opponent not holding the ball except in a scrum,	7-42 days / 1-6 weeks	14 days

ruck or maul.		
In the front row of a scrum to form down some distance from the opponent and rush against them.	7-42 days / 1-6 weeks	14 days
In the front row of a scrum to lift an opponent off his feet or force him upwards out of the scrum.	7-42 days / 1-6 weeks	14 days
To cause a scrum, ruck or maul to collapse	7-42 days / 1-6 weeks	21 days
While the ball is out of play to molest, obstruct or in any way interfere with an opponent or be guilty of any form of misconduct.	7-42 days / 1-6 weeks	14 days
Having received three cautions or temporary suspensions.	7-28 days / 1-4 weeks	14 days
To verbally abuse match officials.	4 -12 weeks	8 weeks
To use threatening actions or words at match officials.	12-24 months	18 months
To physically abuse match officials.	2 years – Life	5 year
To commit any actions which may subject players or officials to unnecessary risk.	12-24 months	18 months

2.23 HOW TO BECOME ELIGIBLE AGAIN AFTER A LIFE SUSPENSION:

2.23.1 A player who has received a life suspension may be granted a pardon. Such exceptional decision may only be granted once the player concerned has refereed in accordance with the following conditions:

- i. The player has refereed for one full year, both on the pitch and in training courses;
- ii. The player shall keep on refereeing for a second year during a necessary period for 12 official matches, with a maximum periodicity of one match per week.

3 LOCAL COMPETITIONS:

- 3.1 KRFU shall have jurisdiction over all matches of the code of Rugby Union, and the conditions of competition in which they are played, in all its forms and variations in Kenya.
- 3.2 The Board or its express appointee(s) for the consideration of this or such issue(s) shall organize or sanction competitions of the code of Rugby Union.
- 3.3 The Board or its express appointee(s) for the consideration of this or such issue(s) shall annually circulate, not later than four weeks to the beginning of a Season, the Rules and Regulations of KRFU organized competitions to the teams in the competition.
- 3.4 If the Board or its express appointee(s) for the consideration of this or such issue(s) proposes to change any of the Rules and Regulations, the proposed change(s) must be circulated not later than six weeks to the beginning of a Season. **Proviso:** The Rules and Regulations of League Competitions shall be amended in, at least, two-year cycles.
- 3.5 The Board or its express appointee(s) for the consideration of this or such issue(s) and the teams shall consider the first draft of the Rules and Regulations as under article 5.4 above after two weeks of their circulation.
- 3.6 The Board or its express appointee(s) for the consideration of this or such issue(s) will then release the final draft of the Rules and Regulations for the competitions of a Season at least two weeks before the beginning of the season
- 3.7 The Board or its express appointee(s) for the consideration of this or such issue(s) shall release the Rules and Regulations of each competition as a Handbook Appendix to these By- Laws, which will then have the force of the By-Laws in their operation. Where there is conflict between rules and regulations of a competition and the Code of Conduct, the Byelaws will prevail.
- 3.8 **The Participating Teams in the Kenya Cup shall be such a number, as the Board shall decide from time to time. This shall be achieved by relegating team(s) from Kenya Cup and promoting a team(s) from the Eric Shirley Shield until the number is achieved.**

4 REGISTRATION, STATUS, MOVEMENT AND TRANSFER OF PLAYERS.

4.1 PLAYER REGISTRATION:

- 4.1.1 All Clubs or Rugby Bodies shall cause all their players to be registered with KRFU.
- 4.1.2 Players shall be eligible to play in KRFU recognized competitions if their Clubs have properly registered them **at least two weeks** before the beginning of the Kenya Rugby Season.
- 4.1.3 The beginning and end of a Rugby Season shall be defined as March 31 or the date of the first KRFU sanctioned competition to the last organized or sanctioned KRFU competition or December 31.
- 4.1.4 Player Registration shall be a continuous exercise and any player previously unregistered by a club can be registered with KRFU as required. A registered player shall be issued with a player's card by KRFU provided that no club shall gain or lose more than 5 players during any one season.
- 4.1.5 When a player transfers to another club, the old card shall be retrieved by KRFU and a new one issued upon completion of the transfer process as outlined in article 5.3.
- 4.1.6 All clubs shall produce player's cards for inspection before any KRFU organized match as part of the pre-game inspection. An appointed representative of each team shall do verification of the cards.
- 4.1.7 Any player previously registered by a club and who wishes to move to a new club must undergo the transfer process as outlined in article 4.3.
- 4.1.8 For the avoidance of doubt, any player who transfers during the off-season shall undergo the transfer process as outlined in article 4.3. An administrative fee of Kes 1,000 will be levied for off-season transfers.

4.2 TRANSFER WINDOW:

- 4.2.1 There shall be a transfer window in June where players not being utilized by their clubs can be loaned or transferred to play for other clubs.
- 4.2.2 The club wishing to utilize the player on loan shall collect the appropriate form complete it and have it completed by the club loaning the player. The form shall indicate terms of the loan such as the period the player will be on loan.
- 4.2.3 No consideration shall be payable in the player loaning process.
- 4.2.4 At the end of the loan period the player will revert back to his original club.

4.3 IN SEASON TRANSFERS:

- 4.3.1 Players shall be allowed to change Clubs in Season so long as the procedure in article 4.3.2 to 4.3.7 below is followed.
- 4.3.2 A Club, who wishes to negotiate the movement of a player from his/her current Club, shall in writing request the current Club for permission to do so. The current Club shall notify the player within 3 days of receipt of his/her application for such permission. The player or an Official of the Club the player wishes to join (New Club or Rugby Body) must complete a Player Transfer Clearance Form and complete negotiations within 2 weeks from date of notification.
- 4.3.3 The Transfer Clearance Form is then taken to be completed by an Official of the Club the player is leaving (Current Club).
- 4.3.4 The New Club pays an in season Club Transfer Fee of Kes 10,000 to KRFU.
- 4.3.5 The Current Club must not consent to the issue of a Clearance if the concerned player is under disciplinary suspension (unless the New Club confirms in writing that a suspension for an equal period of the balance of suspension will be imposed on the player in the competition for which the New Club will register the player) and/ or the player concerned has not handed over Club property in his or her possession or is contracted to the a Club as per sub-article 5.4.1 to 5.5.1.
- 4.3.6 Save in circumstances set out in article 4.3.5 above, a player's Current Club shall not be entitled to refuse to give its consent to the issue of a Clearance.
- 4.3.7 Disputes relating to the issue of a Clearance shall be referred by any aggrieved party to the Board or its express appointee(s) for the consideration of such issue(s). The resolution of the dispute(s) must be within 2 weeks of receipt of the dispute at the KRFU Secretariat.
- 4.3.8 In the instance(s) where there is no dispute(s) at or from the Current Club, the Transfer Clearance Form must be returned by the transferring player or an Official of the New Club to the KRFU Secretariat together with the Club Transfer Fee.
- 4.3.9 KRFU shall deduct an Administrative Fee of Kes 1,000 and pass the balance of Kes 9,000 to the losing Club.
- 4.3.10 The transfer becomes official on the date when the completed Transfer Clearance Form together with a receipt of the Club Transfer Fee has been received at the KRFU Secretariat.
- 4.3.11 The player becomes eligible to play for the New Club in a KRFU organized competition immediately (reference in sub-article 4.3.10 above).

- 4.3.12 Any player who transfers from one town to another due to his or her occupation and as a result of this, is no longer able to play for the Club in which he or she is registered in at KRFU, will be allowed to transfer to another Club in the new town.
- 4.3.13 The transfer procedure as laid down in sub-article 4.3.2 to 4.3.10 will apply. Formal proof of such occupational transfer as in sub-article 4.3.12 above will be required.
- 4.3.14 In occupational transfer cases as in sub-article 4.3.12 the player concerned will be eligible to play for his/her new club immediately.
- 4.3.15 The Board or its express appointee(s) for the consideration of this or such issue(s) shall have the right to revert to sub-article 4.3.11 if it is considered that the player is changing Clubs for other reasons and that his occupational relocation is coincidental.
- 4.3.16 Any Club that fields an unregistered player in a Union organized fixture will be open to sanctions prescribed in the relevant Tournament Handbook or as may be determined by a Disciplinary Panel.

4.4 PLAYER STATUS, CONTRACTS AND MOVEMENT:

- 4.4.1 The game is open to all and persons may receive Material Benefit **NOTWITHSTANDING** that for the majority of those participating, the Game will remain a non-vocational leisure activity.
- 4.4.2 A player may receive Material Benefit from the KRFU.
- 4.4.3 KRFU **may permit** any Rugby Body or Club in its membership to provide **Material Benefit** to any player.
- 4.4.4 Any player receiving material benefit from the KRFU, a Rugby Body or Club must have in place a written agreement with KRFU or such Rugby Body or Club.
- 4.4.5 If KRFU grants such permission as referred to in article 5.4.3 above, then prior to any written agreement between a Rugby Body or Club and the player taking effect, the written agreement must:
- i. Be agreed by the relevant parties;
 - ii. Be concluded for a pre-determined period and;
 - iii. Be in a form approved by KRFU as notified in writing to the Rugby Body or Club.

A copy of such written agreement shall on demand, be provided to KRFU Board, and made available to IRB.

4.4.6 Players who are registered and are currently receiving, or who have received material benefit shall be regarded as contract players.

4.4.7 No Rugby body, or club shall enter into agreement with any player which enables the player to receive material benefit unless:

i. Such player is a major or is assisted by his parent or natural guardian

ii. In the case of players that are minors but 16 years and older, such material benefit takes the form of non refundable financial grant to be applied only for the purposes of a player's academic and/or vocational training for a period of 12 months or longer.

4.4.8 A contract player shall not move to another rugby body or club during the period of his written agreement unless the rugby body or club to whom he is contracted, KRFU, rugby body or club he is proposing to join and the player himself concur. Any compensation to be paid in such cases shall be agreed between the relevant parties concerned.

4.5 APPROACHES TO CONTRACTED PLAYERS:

4.5.1 No Union, Rugby Body, Club, Agent or any other person or entity, whether acting on its own accord or on behalf of any third party, shall induce or attempt to induce any contract player or other person who has a written agreement with a Union, Rugby Body or Club to leave his Union, Rugby Body or Club unless the prior written consent of that Union, Rugby Body or Club has been obtained.

5 NON COMPETITIVE MATCHES:

5.1 No member of the Union shall arrange or give approval for a non-competitive match to be played in Kenya if any player resident outside Kenya is to be invited to play in the match, unless an authorized Official of the member has first obtained the consent of the Board

6 TOURS:

- 6.1 No Rugby entity, under the jurisdiction of KRFU, shall undertake a tour overseas or receive or play against an overseas team without, through an authorized Official, first obtaining the written approval of the Board or its express appointee(s) for the consideration of this or such issue(s).
- 6.2 No team which is not composed entirely of registered players from a Club affiliated to the Union shall be permitted to play in a match in Kenya at which gate collection is taken unless the written approval of the Board or its express appointee(s) for the consideration of this or such issue(s) has been obtained.
- 6.3 All incoming Rugby touring parties must obtain written approval from the Board or its express appointee(s) for the consideration of this or such issue(s).
- 6.4 While in Kenya, such parties as in article 8.3 above shall play matches under the jurisdiction of KRFU.
- 6.5 All outgoing touring parties must receive written approval from the Board or its express appointee(s) for the consideration of this or such issue(s)
- 6.6 All outgoing touring parties must produce evidence of insurance for all their participants in their application for approval to the Board or its express appointee(s) for the consideration of this or such issue(s) in respect of injury and/ or death while on the tour.
- 6.7 The outgoing touring parties, shall play and operate under the jurisdiction of Rugby governing body of the host country.
- 6.8 All outgoing touring parties shall submit to KRFU a written report of the tour within 14 days of return.

7 DOPING CONTROL:

- 7.1 No member of a club or rugby body shall commit an anti doping offence as prescribed in IRB Regulation 21.
- 7.2 The Union shall adopt in full the IRB Regulation 21 on ANTI DOPING.

8 INTERPRETATION AND MATTERS NOT PROVIDED FOR:

- 8.1 If any case should occur which, in the opinion of the Board, is not provided for, the Board shall determine the matter in such a manner, as the Board shall at its sole discretion deem expedient.
- 8.2 Subject to the provisions of the Code of Conduct and or Disciplinary Code, any difference of opinion as to the interpretation of these Rules or on any matter not provided for therein shall be decided by Board in every other circumstance, and every such decision shall be recorded in the minutes and shall be accepted as the true meaning until thereafter otherwise interpreted on due notice, at a meeting of the KRFU Board.

9 SCHEDULE OF DEFINITIONS:

- 9.1 **"Area"** For the purpose of these rules and regulations, Area is defined as department, national team, unit, program or function of the Union.
- 9.2 **"Board Inquiry"** body set up to adjudicate on matters prejudicial to the interests of the game and relating to covered persons.
- 9.3 **"CAR"** means African Governing Body of the Game, which at the date of the adoption of these Rules is the Confederation of Africa Rugby of which the Union is a member.
- 9.4 **"Citing"** where a player commits an act of foul play which has not been detected by the match officials when either of the Unions or affiliated organizations participating in the match have the discretion to cite that player to show cause why he should not be held accountable in the same way as a player who has been ordered off.
- 9.5 **"Club"** means a club admitted into membership of the Union in accordance with provisions of the KRFU Constitution.
- 9.6 **"Confidential Information"** All non-public information that might be of use to competitors, or harmful to KRFU, or its associates, if disclosed.
- 9.7 **"Conflict of Interest"** Conflict of interest may occur when a person in a decision making role in relation to recruitment has an interest in the outcome (separate from their professional role), and which may appear to an independent observer to be sufficient to influence the objective exercise of his or her academic or professional obligations or official duties.
- A "conflict of interest" also exists when a person's private interest interferes in any way with the interests of the Company. A conflict situation can arise when a director, officer or employee takes actions or has interests that may make it difficult to perform his or her Company work objectively and effectively. Conflicts of interest also arise when a director, officer or employee, or members of his or her family, receives improper personal benefits as a result of his or her position with the Company.
- 9.8 **"Club Disciplinary Panel"** Disciplinary Panel charged with the responsibility of maintaining the standards of discipline within the Club.

- 9.9 **“Appeal Council”** person(s) appointed by the KRFU to hear appeals and adjudicate on disciplinary and other matters referred to them in relation to the Code of Conduct and in particular the Disciplinary Code.
- 9.10 **“Disciplinary Administrator”** a person (appointed by the KRFU Board to carry out the day to day activities on disciplinary matters referred to the Union and in relation to the Code of Conduct and in particular the Disciplinary Code.
- 9.11 **“Disciplinary Officer”** a person appointed annually by the KRFU to run the Disciplinary Policy of the Union in relation to the Code of Conduct and in particular the Disciplinary Code.
- 9.12 **“Disciplinary Panel”** Panel charged with the responsibility of maintaining the standards of discipline within the Union set-up.
- 9.13 **“Directors”** member of the Board as elected under provisions of rule 10 (c) of the Kenya Rugby Football Union Constitution. A director may be: -
- i. **Executive Directors:** - individual(s) that is involved in the day-to-day management and/or is in full time salaried employment of the Union and/or any of its subsidiaries.
 - ii. **Non-executive directors:** - individual(s) not involved in the day-to-day management and not a full-time salaried employee of the Union or of its subsidiaries.
- 9.14 **“Equitable”** Open to all without systemic, hidden or apparent bias on the grounds of gender, race, affiliation, disability, sexuality, age, marital status, pregnancy, potential pregnancy, breastfeeding, religious belief, medical record or irrelevant criminal record.
- 9.15 **“Game”** means the game of Rugby Union Football.
- 9.16 **“Gross Misconduct”** includes all issues, actions and/ or omissions of such severity as to constitute prejudice to the interests of the game.
- 9.17 **“Internal Applicant”** A person who at the time of recruitment for the vacancy is employed by the Union part-time or full-time on either a fixed term or continuing contract. Casual employees with 12 months or more continuous service may be considered as an internal applicant for the purposes of this policy.

- 9.18 **"IRB"** means the world Governing Body of the Game, which at the date of the adoption of these Rules is the International Rugby Board of which the Union is a member and / or its operating entity IRFB Services (Ireland) Ltd.
- 9.19 **"IRB Regulations"** means the resolutions and regulations promulgated by the IRB from time to time
- 9.20 **"Laws of the Game"** means the laws promulgated by the IRB from time to time according to which the game is played throughout the world and in place at the time of a Match. In the case of differences of interpretation the English text of the IRB Handbook shall be authoritative and final.
- 9.21 **"Match Commissioner"** The Union appointed official responsible for the matters related to the playing enclosure, the conduct of the Match and all elements related to Teams in the organisation of each Match and such other responsibilities as the Union may from time to time direct.
- 9.22 **"Match Official"** A representative appointed by the Union to be responsible for the conduct of a Match according to the IRB Laws of the Game, including referees, touch judges, match commissars, referee advisors, referee coach or fourth official.
- 9.23 **"Member"** means a member of the Union as per Rule 6 of the Constitution.
- 9.24 **"Non-competitive Match"** a match not being an ordinary Club competition or an Inter-Union representative fixture or a Kenya Rugby Football Union fixture.
- 9.25 **"Outsourcing Recruitment"** entering into a contract with a specialist provider from outside the Union to deliver services to support the recruitment process.
- 9.26 **"Recruitment and Equity Training"** Practical online and face-to-face training, incorporating essential equity and diversity knowledge, will provide committee members with an understanding of effective recruitment processes and assessment tools.
- 9.27 **"School"** means a school situated in Kenya, which includes within its curriculum the playing, and/or coaching of the Game.
- 9.28 **"Shadow Director"** a person in accordance with whose directions or instructions (whether they extend over the whole or part of the activities of the Union) the directors of the Union are accustomed to act.

- 9.29 **“Transparency”** Processes, which are clearly defined, easily understood and accessed regularly reported and open to scrutiny.
- 9.30 **“KRFU”** means the means the Kenyan Governing Body of the Game, which at the date of the adoption of these Rules is the Kenya Rugby Football Union.
- 9.31 **“Overseas Union”** means any national Rugby Football Union other than the Kenya Rugby Football Union.
- 9.32 **“Overseas Club”** means an association of persons situated outside Kenya the principal object of which is the playing of the Game.