

RFU SHORT JUDGMENT FORM



Match	Wasps RFC	Vs	Bath Rugby
Club's Level	1	Competition	Gallagher Premiership
Date of Match	12/02/2022	Match Venue	Coventry Building Society Arena

Particulars of Offence			
Player's Surname	Rokoduguni	Date of Birth	28/08/1987
Forename(s)	Semesa	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Bath Rugby	RFU ID No.	789198
Type of Offence	Red Card		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	3 weeks		

Hearing Details			
Hearing Date	15/02/2022	Hearing venue	On the papers
Chairmen/SJO	Gareth Graham	Panel Member 1	Mitch Read
Panel Member 2	Guy Lovgreen	Panel Secretary	Rebecca Morgan
Appearance Player	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Appearance Club	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Player's Representative(s):	Other attendees:
N/A	N/A

List of documents/materials provided to player in advance of hearing:

The Player was provided with the following documents in advance of the hearing:-

- charge sheet;
- the Match Official's Red Card report;
- World Rugby's Head Contact Process;
- RFU Regulation 19 (Appendix 2);
- a brief medical report of the injured player;
- written submissions on behalf of the RFU
- footage of the incident.

The detailed report of the incident, as contained in the Referee's red card report, read as follows:-

“The second half had just kicked off. W13 caught the ball and ran forward into contact where he was tackled by B14. As I came across, I saw B14 jackling for the ball and awarded a PK to Bath for holding on. W13 remained down on the mark and received treatment, so I stopped the game to allow the player to be looked at. The TMO then came to me to tell me we needed to formally review the incident for foul play. After consulting with the match official team, we all agreed that there had been direct head contact with the shoulder of B14, that B14 was at fault as always upright and with a clear line of sight, that there was a high degree of danger due to the direct head contact with the shoulder and force, and that we did not see any mitigation as there was no late step or sudden/significant drop in height by the ball carrier. We all agreed that the sanction was a RC. I issued a RC to B14 who left the field with no complaint. W13 also left the field for a HIA - which the player failed.”

The Panel had the opportunity to review the video footage of the incident, both at full speed and in slow motion. The description given by the Referee, Anthony Woodthorpe, accords with the footage of the incident.

Essential Elements of Other Evidence (e.g. medical reports)

Wasps provided a brief medical report for the injured player, Sam Spink. The letter read as follows:-

“The player was attended to on the field of play following a blow to his face. He was assessed by the Wasps medical team and his subjective report along with the video footage prompted us to direct him towards a HIA assessment. He subsequently failed the HIA assessment and did not return to play in the game. He then subsequently failed the HIA2 post-match resulting in a confirmed diagnosis of Concussion.

No other injuries were sustained.

He has been reviewed today by the Club Physician and he has met the criteria on the HIA3 assessment to commence stage 2 of the Concussion.”

Summary of Player's Evidence

The Panel was provided with helpful written submissions on behalf of the Player. The submissions read as follows:-

"The Player accepts that by virtue the contact with the Wasps player's head, this is a mandatory mid range entry point case.

The Player respectfully agrees with the RFU's submissions that there is nothing in his conduct which should elevate the offence above that starting point.

He accepts he was reckless in remaining 'high' into the tackle. Whilst he would wish to point to the slight drop in height of the Wasps player as he approaches contact (the Panel's attention is drawn to the Wasps player's legs at the point at which contact is made – which clearly shows his knees being bent – and consequently closer to the ground) he accepts that that only provides him with limited mitigation.

There is nothing to aggravate the offence.

In respect of mitigation (pursuant to Regulation 19.11.10):

- i) The Player has indicated his acceptance of the charge and so an acknowledgement of his culpability/wrong-doing at an early stage;
- ii) The Player has a clean disciplinary record (a significant feature in this case given he has over 200 first class appearances for his club);
- iii) Whilst the player is not inexperienced (quite the contrary), he has 4 international caps for England and has played at the top tier of the English game for over 10 years – he was the first serving British soldier (since 1999) to play for England when he made his test debut in 2014;
- iv) The Player's conduct at the hearing one would expect to be exemplary;
- v) A character reference on the Player's behalf (from Stuart Hooper of Bath Rugby) is attached.

It is submitted on the Player's behalf that in those circumstances he should receive full mitigation.

That would have the effect of reducing the sanction (if mid-range) from 6 weeks' to 3 weeks'."

The Panel also received the character reference from Stuart Hooper (as referred to above), which spoke of the Player in glowing terms.

Findings of Fact

The circumstances giving rise to the Player's red card are straightforward and can be clearly seen on the match video footage.

The Panel made the following findings of fact, on the balance of probabilities.

1. Bath Rugby kick off to the right hand side and the ball is caught by Wasps 13 in his 22; he runs back towards the oncoming Bath defence.
2. The Player is the first player to reach Wasps 13 and makes contact with Wasps 13 with his left shoulder direct to the head/neck area of Wasps 13.
3. The Player is relatively upright in the tackle and whilst there is a degree of bend at the hips by the Wasps player, Wasps 13's height in entering the tackle remains relatively level.
4. In short, the Player simply fails to lower his height sufficiently in order to make the tackle.

Decision

Breach admitted Proven Not Proven Other Disposal (please state below)

The Player accepted that he committed an act of foul play that passed the red-card threshold. In light of the acceptance of the charge, the Panel had no hesitation in finding the matter proven.

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional	<input type="checkbox"/>	19.11.8(b) Reckless	<input checked="" type="checkbox"/>
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Reasons for finding as to intent:

The Panel accepted that this was a reckless tackle, where the Player simply failed to lower his height in time to make a legitimate tackle.

Nature of actions - Reg 19.11.8(c)

The Player remained upright in the tackle and made direct contact to the head of Wasps 13.

Existence of provocation - Reg 19.11.8(d)

There was no provocation.

Whether player retaliated - Reg 19.11.8(e)

He did not.

Self-defence - Reg 19.11.8(f)

Not applicable.

Effect on victim - Reg 19.11.8(g)

The Wasps 13 failed the HIA assessment and did not return to play in the match. He subsequently failed his HIA2 post-match, and has a confirmed diagnosis of concussion.

Effect on match - Reg 19.11.8(h)

There was no effect on the match.

Vulnerability of victim - Reg 19.11.8(i)

The victim was not particularly vulnerable, in that he was bracing for contact. However, the contact was to a vulnerable part of the body (i.e. the head/neck area).

Level of participation/premeditation - Reg 19.11.8(j)

The Player was the sole-participant; this was not a premeditated act.

Conduct completed/attempted - Reg 19.11.8(k)

The conduct was completed.

Other features of player's conduct - Reg 19.11.8(l)

Not applicable.

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

This was a reckless tackle, where the Player remained upright in that tackle, and made contact with his left shoulder direct to the head/neck area of the Wasps 13.

There was some force in that collision; the Wasps 13 failed his HIA assessment and was subsequently diagnosed as having concussion.

This type of incident requires the Panel to apply at least a mid-range entry point. In all the circumstances of the case, the Panel was satisfied that this was the appropriate starting point and that the incident did not warrant a top end entry point.

Relevant Off-Field Mitigating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
The Player accepted he had committed an act of foul play that passed the red card threshold at the earliest opportunity.	The Player has an exemplary disciplinary record.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
The Player has considerable experience of playing professional rugby. It is to the Player's credit that he has played over 200 times for his club, and has received 4 international caps for England.	The Player assisted the Panel by agreeing to deal with the matter on the papers.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player was remorseful.	The character reference speaks to the considerable impact the Player has had on the Club, and those around him. The Panel also notes that the Player has served in the British Army since 1999.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Panel had no hesitation in finding that the Player was entitled to the maximum reduction by way of mitigation. The Player acknowledged his actions merited a red card at the earliest opportunity, and he has an exemplary record as a professional rugby player. It is of note that he has played over 200 times for his club, and has played for his country, without previously coming before a disciplinary panel.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13

Player's status as an offender of the laws of the game - Reg 19.11.13 (a)

Not applicable.

Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)

Not applicable.

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)

Not applicable.

Number of additional weeks: 0

Games for meaningful sanctions:

The Player will miss the following matches by way of meaningful sanction:

1. Leicester (19 February)
2. Newcastle (26 February)
3. Bristol (5 March).

The Club indicated its intention to apply to World Rugby to access the WR Coaching Intervention Programme. The Panel gave permission for the Club to apply to WR and, in the event the application is allowed, and the Programme is completed, note that the Player will only miss two matches rather than three.

Sanction

NOTE: PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	3 weeks	Sending off sufficient	
Sanction commences	15.02.2022		
Sanctions concludes	07.03.2022		
Free to play	08.03.2022		
Final date to lodge appeal	17.02.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Gareth Graham	Date	15/02/2022
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NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC