

RFU SHORT JUDGMENT FORM



Match	Henley Rugby Club Ltd	Vs	Bury St Edmunds RUFC
Club's Level	Level 4	Competition	National 2 South
Date of Match	7/12/19	Match Venue	Henley

Particulars of Offence			
Player's Surname	Emery	Date of Birth	29/04/1991
Forename(s)	Thomas	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Henley	RFU ID No.	406933
Type of Offence	Red card		
Law 9 Offence	9.12 - Verbal abuse of a player		
Sanction	3 weeks		

Hearing Details			
Hearing Date	12/12/19	Hearing venue	Bloomsbury
Chairmen/SJO	Dr Julian Morris	Panel Member 1	Inigo Churchill
Panel Member 2		Panel Secretary	Rebecca Morgan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):	Other attendees:
Aubrey Doran (Director of Playing Administration) Nigel Dudding (DOR)	

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

Charge Sheet
RFU Regulation 19, Sanction table extract
Referee's report
Minutes of Henley RFC disciplinary hearing convened on Saturday 7 & Tuesday 10 December 2019 and to include:
- Statement from the Player
- Statement from Nigel Dudding
- Statement from Chris Nixon (Chairman)
- Henley's conclusions as to sanction
A copy of the Judgment of RFU hearing 5 April 2018 of Denny Solomona

The Referee's report stated:

"Dry winters day, 3pm kick off so played for duration under floodlights. Light significantly dropped from half 1 to half 2. Fantastic first half of rugby played in perfect rugby spirit. 1 minute into second half Henley 2nd rows clashed heads and had to be removed for concussion. Messy next 15 minutes whilst Henley tried to sort themselves out. Hooker for Henley under pressure at line out and scrum due to losing both 2nd rows in earlier incident which lead to frustrations.

Penalty awarded to Bury st. Edmunds around their own 22m in the ruck. Players in the area stood up and grabbed one another in a small fracas. This was the first of the game. Majority of players broke up except for the Henley hooker and a Bury st. Edmunds player. The Henley Hooker then used the phrase during an exchange of words "Fuck off you Faggot". At this point the players continued to grapple. This was over momentarily afterwards and the Bury St. Edmunds player then turned to me and repeated what the Henley player had said. I called the captain of Henley over to myself with the hooker and issued a red card for use of a homophobic slur.

After the game the Henley Hooker came to the changing rooms and apologised to myself, two AR's, 4th official and Assistant Referee coach who were also in the room. He stated his apology again in the bar area after the game and stated it was completely out of character."

There were no other reports from the match.

Summary of Player's Evidence

In relation to the Player, he stated in his statement:

"The situation stemmed from a breakdown scenario. An intense, physical encounter played on the edge by both teams. We were in possession of the ball, in a threatening and attacking position on the field.

One of my team mates had carried the ball in to contact, and as the nearest support player, I aggressively and legally removed the breakdown threat. The Bury St Edmunds player then pursued to hold me down post contact, not allowing me back to my feet and back into the game. As I tried to get back up, the opposition player pushed my head into the floor, resulting in a reaction from myself. This resulted in some pushing and shoving from myself and the opposition player as I got back to my feet and a penalty was awarded.

In the heat of the moment and in confrontation, I used terminology in which I wholly regret. This was uncharacteristic of myself, meaningless and said with absolutely no intent. The player didn't take any offence, we were removed from the situation, and both got back into position as the penalty was awarded. On reflection, this was wholly unacceptable and which I deeply regret. There is no excuse for homophobic language. However, I can only assure everyone involved both in and outside of the game that I take responsibility for and apologise for the language and terminology used at this one point in the game, and my career.

At the conclusion of the match I visited the Match Officials and apologised to the Referee and his colleagues.

I then with our Captain Sam Lunnon, visited the Bury St Edmunds changing room to apologise to the player concerned. This was wholly accepted by the player concerned. Once changed I then found the Henley RFC Chairman – Chris Nixon and apologised for the comments I made on the field of play. I explained that this should not have occurred and that I am very sorry."

In live evidence he explained that he was cleaning the opposition player out when the penalty was awarded, although at the time he was not sure for what. All the players started getting to their feet, from the ruck, and the opponent grabbed him and pulled him down. It was at that stage that they tussled and the Player uttered the abusive language. He explained that it had been a 'heat of the moment' reaction.

The Player explained that he had had an emotional week with family losses which may have contributed to his demeanour but stated that nevertheless his actions were unacceptable. Once the Referee had shown him the red card he apologised to his opponent and the match officials after the game.

Mr Dudding stated: "I have known Tom for some four years since joining Henley Rugby Club. He is an outstanding rugby player who I know holds the core beliefs and values of rugby in high regard. The incident on Saturday 7th December was totally out of character and his subsequent apologies to all concerned speak volumes for him. The remark was clearly an ill judged and inappropriate one which Tom accepts without question. It was however said in the heat of the moment whilst being held down on the ground and then pulled from a ruck situation."

Findings of Fact

- Player was involved in a ruck
- The Referee had blown for an infringement
- The players were getting to their feet
- There was a tussle between the Player and one of his opponents
- In getting to their feet, during this tussle, the Player, during an exchange of words, says "Fuck off you Faggot"
- The Referee then calls over the Player and issues a red card.

Decision

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

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional/deliberate



19.11.8(b) Reckless



Reasons for finding as to intent:

The Player uttered the words as depicted above

Gravity of player's actions - Reg 19.11.8(c)

Verbal abuse of opponents or match officials will not be tolerated

Nature of actions - Reg 19.11.8(d)

Verbal

Existence of provocation - Reg 19.11.8(e)

Minimal, tussle between players on getting to their feet after the Referee had awarded a penalty to the opposition

Whether player retaliated - Reg 19.11.8(f)

No

Self-defence - Reg 19.11.8(g)

No

Effect on victim - Reg 19.11.8(h)

No physical effect, accepted the Player's apology

Effect on match - Reg 19.11.8(i)

None

Vulnerability of victim - Reg 19.11.8(j)

Unknown

Level of participation/premeditation - Reg 19.11.8(k)

Heat of the moment

Conduct completed/attempted - Reg 19.11.8(l)

Completed

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

None relevant

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 checked="" type="checkbox"/>	6	<input type="checkbox"/>		<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 this assessment, the JO/committee should be consider RFU Regulation 19

Reasons for selecting entry point:

A heat of the moment comment
The opposition player accepted the apology
No effect on the game (save Henley were reduced to 14 men)

Additional Relevant Off-Field Aggravating Factors - Reg 19.11.10

Player's status as an offender of the laws of the game - Reg 19.11.10 (a)

No previous red cards, technical yellows

Need for deterrent to combat a pattern of offending - Reg 19.11.10(b)

N/A

Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - Reg 19.11.10 (c)

None

Number of additional weeks: 0

Relevant Off-Field Mitigating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Acknowledged his wrong doing at the time and again immediately after the match	Good
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
N/A	Exemplary and contrite
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Remorseful at the time and again at the hearing	N/A

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Player is eligible for a 0-50% discount;

- 1, He apologised to the opposition (accepted) and the Referee on the day;
2. He has pleaded guilty;
3. He is genuinely remorseful;
4. He has a clean playing record;
5. He contributes heavily to the coaching and support of the junior sides.

For the all the above the Panel has applied the full 50% discount.

Games for meaningful sanctions:

14.12.2019 v Leicester Lions
21.12.2019 v Old Redcliffians
04.01.2020 v Bournemouth

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	10/12/2019		
Sanctions concludes	06/01/2020		
Free to play	07/01/2020		
Final date to lodge appeal	19/12/2019		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£200		

Signature (JO or Chairman)	Dr Julian Morris	Date	17/12/19
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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