

**RUGBY FOOTBALL UNION
INCLUSION AND DIVERSITY PANEL
DISCIPLINARY HEARING**

Venue: Remote via Zoom

Date: 5th October 2023

JUDGMENT

Re: Andrew George Eugene Sarek (RFU ID: 86668)

Match Attended England v Wales

Match Date 12th August 2023

Match Venue Twickenham

Panel: Ian Unsworth KC (Chair), Dr Emily Ryall and
Dr Michael Morton

Secretary Rebecca Morgan-Scott.

Attending:

For the RFU Angus Hetherington, Counsel for the RFU

In person Andrew George Eugene Sarek

Decision

1. Mr Sarek pleaded guilty to the offence of Conduct Prejudicial to The Interests Of The Union And The Game, Contrary To RFU Rule 5.12. He admitted that whilst attending a match between England v Wales, he addressed an RFU volunteer as a “Black C [REDACTED]”.
2. The Panel determined that:

- (i) Mr Sarek be suspended for a period of 12 months from performing any act of administration relating the game of Rugby Union in England
- (ii) Mr Sarek be suspended for a period of 12 months from attending/ spectating at any game of Rugby Union in England.
- (iii) Any return after that period is conditional upon Mr Sarek completing, to the satisfaction of the RFU, the RFU's Online education module – Tackling Racism in Sport.

Preliminary Matters

- 3. There was no objection to the composition of the Panel.
- 4. Moreover, Mr Sarek was content for the hearing to proceed without him being represented. He wanted to proceed without representation. The Panel ensured that the proceedings were dealt with in an appropriate manner bearing in mind Mr Sarek was appearing in person. We are very grateful to Mr Hetherington for his measured and fair approach in that regard.

Charge and Plea

- 5. Mr Sarek was charged with conduct prejudicial to the interests of the union and/or game contrary to RFU Rule 5.12, in circumstances where on 12 August 2023 whilst attending England v Wales Summer Series match, he addressed an RFU volunteer as a “black d[REDACTED].”
- 6. Mr Sarek accepted the charge against him.

Material

7. At the hearing, we had sight of a 30-page bundle which the parties confirmed was within their possession. We adjourned the hearing to reflect on the submissions and invite further assistance as to previous authorities. To that end, Mr Hetherington provided the Panel and Mr Sarek with several authorities. Both parties assisted us with their written observations as to these.
8. Furthermore, the Panel invited and received the parties' assistance with two further cases identified by the Panel (referred to in the judgment below).

RFU Rule 5.12

9. RFU Rule 5.12 provides as follows

The Union shall have power to discipline any

(a) Member;

(b) Rugby Body;

(c) non-voting member of the Union;

(d) any player, official, member or employee of a Member or a Rugby Body; or

(e) any other person or body that submits to Union's jurisdiction to discipline them;

for any infringement of these Rules, the RFU Regulations, the Laws of the Game or the World Rugby Regulations and/or for any conduct which is prejudicial to the interests of the Union or the Game or which amounts to cheating. The Union may terminate or suspend membership of the Union or impose any other appropriate punishment for any such offence. The procedure for and the conduct of disciplinary hearings shall be prescribed by the Council and shall be published in the Handbook or on the Union's official website.

Applicability

10. There was no dispute that the RFU had jurisdiction in this matter and that Rule 5.12 was applicable. Mr Sarek is a former RFU Council Member for Eastern Counties who stood down some 5/6 years ago. He is a member of Old Priorian RFC where he represents the Northwest Group of Middlesex RFU and advises the management for Stallions RFC when requested.

Sanction 5.12

11. As is well known, insofar as Rule 5.12 is concerned, sanction is at large. As the Rule provides:

The Union may terminate or suspend membership of the Union or impose any other appropriate punishment for any such offence.

12. This does not mean that a Panel can simply pluck a sanction “out of the air”. A measured, structured approach is required. This will include:

- (a) following identified disciplinary procedures pursuant to Regulation 19;
- (b) ensuring that the overriding objective of Regulation 19 is maintained;
- (c) considering any guidance for possibly analogous offending;
- (d) considering other similar cases; and
- (e) carrying out a detailed assessment of the facts and submissions of the parties.

13. Furthermore, under RFU Regulation 19.11.7, “*Appropriate punishment*” is defined as:

“(a) for a person, a reprimand, a financial penalty or suspension from playing, coaching and/or administration...”

The Incident

14. On the 12 August 2023, Mr Sarek attended England v Wales Summer Series match at Twickenham as a guest of Mike Waplington. Following the end of the match Mr Waplington introduced Mr Sarek to Mr [REDACTED] an [REDACTED]. Mr [REDACTED], a black man, offered his hand to Mr Sarek and was greeted with the word “Not another black c[REDACTED]”.

15. Mr [REDACTED] left the conversation before Mr Waplington later apologised for his guest’s comments. Mr Sarek did not apologise to Mr [REDACTED] at the time or at any time since.

16. As set out in his [REDACTED], Mr [REDACTED] is a black British man with many decades experience in the game. His early experience of rugby helped shape his views in life in a positive way. The sport offered him a place of friendship, camaraderie, support, built his self-esteem and offered somewhere to belong. He is a role model to other black and ethnic minority people, influencing them to see opportunities in rugby beyond the player and coach roles. He is determined to help make the change as the RFU present rugby as a sport for all, regardless of race, religion, colour, sexuality, gender, disability, social or economic background.

17. In his measured written evidence, Mr [REDACTED] stated:

“On the 12th August 23 I and some friends attending the England v Wales game at Twickenham.

While at the match I saw Mike Waplinton and exchanged hellos at that point I didn't notice who he was with.

After the match I left the spirit of rugby building with my guests and bumped into Mike again at this point I had moved away from my guests because I had seen Mike and he had called me over to meet his friend.

I approached Mike and he introduced me to Andrew and I offered a handshake. I was initially greeted with the words " Not another Black C [REDACTED]"

I looked at Mike, who appeared extremely embarrassed. Andrew continued with some conversation but to be frank I wasn't listening.

I remarked to Mike "I can do with (out) speaking to such idiots" and left. Mike clearly heard the comments and apologised for his guest that evening.”

18. Notably, Mr [REDACTED] continued:

*“In one respect I am pleased my friends were not close enough to hear this, several of them are black and would have also been deeply offended. **I am beginning to feel tired of defending the people in the game of rugby.**”*

19. In written evidence, Mr Waplinton described events as follows:

“My guest at this game was Andrew Sarek (AS), former Council member for Eastern Counties who stood down some 5/6 years ago I believe. I'd not seen AS since he left Council but bumped into him at the Gill Burns County Championship finals day held at Ealing Trailfinders back in May

where both NLD and Eastern Counties were playing in different finals. We had a good chat and I subsequently invited him along as my guest. I've known Andrew around 15 years in all through our respective work / volunteering within the RFU.

Everything during the day was going as expected, we'd had lunch outside the ground and a few beers before watching the game and meeting people both before and after in the Members' Lounge. I chatted with [REDACTED] and his guests after the game in the Lounge but AS was speaking with others who he'd not seen for several years. We left the Lounge when it closed (around 8.30/8.45pm I believe) and went out onto the concourse where we bumped into [REDACTED] again. His guests carried on walking so there was myself, [REDACTED] and AS present as I recall. **I introduced [REDACTED] to AS who totally from nowhere said 'Oh yes, you're that black c**t from NLD'. I was shocked and told AS that language was totally unacceptable and apologised to [REDACTED] for AS's behaviour. I don't recall AS making an apology, although he may have done as [REDACTED] and I looked at each other totally dumbfounded, before [REDACTED] walked away as AS carried on talking as though nothing serious had happened.** I was staying with AS that night and we caught the bus to Richmond, had one beer at The Sun and then got an Uber back to his house. There was little conversation between us that night and I left around 10:30am the following morning, declining to go out to breakfast with him and just wanting to get away.

Since then, I've had minimal contact with AS only to answer a WhatsApp message about a mutual friend I was meeting on the following Monday. I was away on holiday for a few days following the game but did exchange messages with [REDACTED] and spoke with him about the incident when I returned home on Thursday 17 August. [REDACTED]

[REDACTED] ”

20. Mr Waplinton also provided us with very helpful information concerning Mr Sarek's character and serious ill health, in respect of which we have had proper regard.

Rugby and Racism

21. Between September and December 2022, the RFU, PRL and RPA commissioned independent research into players' experiences of classism and racism in the elite game and launched, for the first time, an elite game-wide inclusion and diversity survey to gather broader sentiments in the game. See [**Inclusion & Diversity Action Plan for Elite Game of Rugby in England**](#)

22. The summary provides that key findings from the research were

- Rugby is by its nature an inclusive sport. Once you are on the pitch, no one cares about your background - the only important thing is how well you play.
- However, discrimination and experiences of exclusion remain. The qualitative research found that in every area of elite rugby - men's and women's, national team, clubs and academies - players had experienced some form of racism.
- Additionally, a sense of belonging is not universal while the perceived need to assimilate, as well as being stereotyped, exists, particularly for players of colour.
- Classism, either accessing and navigating through the pathways or personal experiences within elite environments, is an issue which affects the game and fuels an elitist perception.

- Reporting of incidents of discrimination is low across the elite game and it is felt that leaders are the cornerstone to driving change for the better.
- The burden to call out poor behaviour and discrimination tends to land on under-represented groups.
- Efforts by the game to respond to discrimination to date, while well intended, have been either short-lived or perceived as performative.
- Disparities and inequities between the men and women's game is the biggest inequality faced by women.
- Microaggressions are mostly experienced or witnessed by women and ethnically diverse communities.
- While there is a sense that discrimination is decreasing in the game broadly, this trend is moving at a slower pace for women and ethnically diverse communities.

23. In the light of this research the RFU has put in place a number of actions. One of these is directly relevant to the composition of this panel. The RFU has appointed an Inclusion and Diversity panel with 11 new independent members to hear all disciplinary cases relating to both on and off-field rugby matters which involve an allegation of discriminatory behaviour. The panellists come both from inside and outside of the game as well as legal and non-legal backgrounds and have either a professional or personal sporting background.

24. Thus, this Panel sits as an Inclusion and Diversity Panel with two independent panellists and an independent legal chair.

25. Within the same research it is stated:

When asked about how they felt about the response of the governing bodies to racism and classism, participants in the main felt that it tended towards the performative. Participants could cite visible initiatives such as Rugby Against Racism, but could not point towards impact on the ground or in their experience.

26. In that regard, it is of note that Mr ██████ stated, “*I am beginning to feel tired of defending the people in the game of rugby.*”

27. In another disciplinary context, In RFU v Steve Diamond (19 November 2017), the Panel observed:

[56] ... The game is built upon respect. There must be respect for officials.

[57] Rugby’s Core Values are not empty words or slogans which can be signed up to and then ignored. They are not to be treated as useful bolt-ons dreamt up by a marketing team. They are integral to the game and are what make the game special.”

28. Those sentiments, adopted in a number of other cases, are as true in the context of this case as in any other. The RFU has taken rigorous and robust action against racism. Inclusivity is at the heart of what it does. Indeed, it is critical to the evolution of the game and the sport’s diversification.

29. Thus the aims and actions set out by the RFU are not simply to be left on a PowerPoint presentation and filed away. The aims are living, breathing core elements of the body of the game. They must be adopted by all. Those who ignore them, can and must expect that strong action will be taken. Punishment will not be considered in isolation. There is

a need to educate. There is a need to ensure a far greater awareness and understanding of inclusive cultures and the value of diversity in rugby.

30. The action taken by the RFU and other bodies reflects societal changes and a wider approach taken by legislative bodies. In the UK, Parliament has passed specific legislation aimed at outlawing crime where the offender is motivated by hostility or hatred towards the victim's race or religious beliefs (actual or perceived). Indeed, section 18 of the Public Order Act 1986 provides:

(1) A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if—

(a) he intends thereby to stir up racial hatred, or

(b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

31. In August 2023, a football fan was fined and made the subject of a 3-year football banning order after pleading guilty to a racially aggravated public order offence, having been identified making a racist gesture towards a South Korean player. [Three-year football ban for Chelsea fan who made a racist gesture at Tottenham's Son Heung-min | The Crown Prosecution Service \(cps.gov.uk\)](#)

32. Of course, we are not dealing with this matter as a criminal case but it is plain that those who attend sporting events and behave in a racist manner can expect that the authorities will take the matter seriously. Victims of such behaviour and wider society expect no less. There is no room for sanctions that fail to take into account the seriousness of racist behaviour.

33. It is against that background that we consider the simply appalling experience suffered by Mr [REDACTED], when he attended Twickenham Stadium in the summer of 2023.

The RFU's case

34. In helpful submissions, Mr Hetherington indicated that the RFU regarded this as a serious matter and by way of comparative analysis this could be regarded as a top end offence. In their written submissions, amplified in the hearing, it was submitted that in accordance with other cases of this nature a period of suspension from spectating and in addition being an administrator of rugby union should be imposed.

35. To assess this the RFU considered that we should follow the on-field method of determining sanction as set out at 19.11.8, 19.11.10 and 19.11.13 alongside the sanction tables set out in Appendix 2 of Regulation 19.

36. If we agreed with this approach, then we would be required to undertake an assessment of seriousness to establish the entry point and apply that to an appropriate sanction table as set out in Appendix 2 of Regulation 19.

37. The RFU considered that the appropriate sanction table for the language used in this matter would be that of Law 9.12 – a player must not verbally abuse another player. (Verbal abuse includes but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation.) Following this we would then consider mitigating and aggravating features as set out in RFU Regulations 19.11.10 and 19.11.13.

38. The RFU submitted that when carrying out an assessment of seriousness of the incident, the offending warrants a top end entry point given that the abuse targeted at a protected characteristic and that Mr Sarek was in a privileged position.
39. It went on to submit that the approach taken in other cases has been that as a minimum where abuse is based on a protected characteristic a mid-range entry point shall apply (we were provided with a copy of RFU v Mogford).
40. However, the RFU submitted that in this case due to the abuse being targeted at the colour of Mr [REDACTED] skin, Mr Sarek being in a privileged position, that harm was caused to the game and Mr [REDACTED], and that Mr Sarek was involved in the administration of the game, a top end entry point required. The RFU considered that the 18-week starting point was sufficient in this case.
41. In summary the RFU considered that the Panel should sanction Mr Sarek in three areas:
- a) A period of suspension from spectating and the administration of the game of Rugby Union in England equivalent to a top end entry point of 18 weeks for verbal abuse based on a protected characteristic, prior to any mitigation being applied.
 - b) Any return after that period is conditional upon Mr Sarek completing the RFU's online education module – Tackling Racism in Sport.
 - c) The Panel may wish to consider suspending part of the sanction to bind over the future behaviour of Mr Sarek for a period of time.

Mr Sarek's Case

42. Mr Sarek assisted us by providing his explanations and submissions in writing.

43. When informed of the allegations, Mr Sarek responded to the RFU's Head of Discipline (Mr David Barnes) as follows:

"I'm ashamed to say that I said those words at the time and place stated. Although I did not intend them to be malicious or derogatory, I understand how hurtful those words must have been.

The incident has been on my mind ever since and I deeply regret what I said and the hurt I caused, and your telephone call and subsequent email did not come as a surprise. I can't tell you why I said what I did; I recognised the gentleman in question as someone who was introduced to me several times previously, and I blurted out what I did. The person I was with rightly admonished me afterwards and I told him that it was not something I could even try to justify.

By way of background, I am Nigerian by birth and I have visited Nigeria several times to help develop rugby in the country. I am involved with Stallions RFC, previously known as Nigerian Exiles RFC, which provides a pathway for Nigerian qualified players in England to represent the country in Olympic, Commonwealth and World Rugby Events.

I am not a racist nor have I ever been accused of being one or for having racist views. *What I said was crass and insensitive and I am very sorry for the hurt and distress I caused. If there needs to be a disciplinary hearing, I am prepared to accept whatever punishment the panel deems appropriate."*

44. In further written responses to the RFU written submissions, he stated (not all matters are included here but all have been considered)

*There is a difference between Mr [REDACTED]'s recollection of the words I used.....and those of Mike Waplington and me. The words I remember using were 'Oh you're that black c*** from NLD.'*

You have said that I was in a privileged position as I would be perceived to be close with those at the top of the game. I left the RFU Council at the end of the 2016/17 season, and I have rarely been in contact with any Council members or RFU staff since then.

The remark was instantaneous, and I have gone over in my mind why I would say such an offensive thing. I was seriously ill through covid, spending a prolonged time in hospital, and I am still recovering. The day was probably the longest I had spent without a rest since my discharge, and I was very tired. I suffer from 'brain fog' and sometimes struggle to find the right words, and I wonder if these factors led to my using such crass words. However, I do not offer the above as an excuse for my behaviour.

As far as I am aware I have never had a complaint made against me in my many years of rugby volunteering. This was an aberration and one that I will take every care not to repeat.

Finally, I am not racist and there is some evidence to support that. However, I am guilty of using offensive language and for that I sincerely apologise to all concerned, and I should be rightly sanctioned.

45. Mr Sarek expanded upon these and other matters within the hearing. We heard further evidence from him regarding his medical position, had sight of his medical records and heard of how important rugby was to his life. He urged us not to regard this as a top end matter and, as he had done in writing, invited us to consider another case (Murphy). This was one of these cases referred to above and to which we have considered the parties submissions.

Seriousness

46. We have reminded ourselves that as a Rule 5.12 matter, this is not strictly a case which requires us to adopt a mechanistic approach by comparison to regulation 19. That said, for the reasons stated above, it is very helpful for us to consider the matters set out therein in considering the overall seriousness of this matter.

47. Adopting the matters set out in Regulation 19.1.8, we make the following observations:

(a) whether the offending was intentional;

This was plainly intentional. Mr Sarek aimed his abuse at his victim, a black man. We carefully considered all relevant matters including Mr Waplinton's detailed evidence as to Mr Sarek's character and periods of serious ill health. We accepted that Mr Sarek had never before been heard to say anything of a racist nature. However, there was no evidence to undermine the clear and obvious inference that that was deliberate and intentional behaviour.

(b) whether the offending was reckless, that is the Player knew (or should have known) there was a risk of committing an act of Foul Play;

This was deliberate, targeted behaviour and not reckless

(c) the nature of actions, manner in which the offence was committed including part of body used (for example, fist, elbow, knee or boot)

The words used were inherently racist. Having heard from Mr Sarek, we reject the suggestion that this was merely

offensive. He said that he had difficulty in repeating the “C” word. He did not give the impression of having any real insight into the racist and hateful nature of what he had said. Indeed, in response to the Panel inviting submissions as to the Football case referred to above, Mr Sarek again demonstrated a complete lack of insight to the fact that his behaviour amounted to racist conduct.

(c) the existence of provocation;

Nothing can justify such behaviour

(d) whether the Player acted in retaliation and the timing of such;

Nothing can justify such behaviour

(e) whether the Player acted in self-defence (that is whether they used a reasonable degree of force in defending themselves);

Nothing can justify such behaviour

(f) the effect of the Player’s actions on the victim (for example, extent of injury, removal of victim Player from game);

Racist comments are inherently harmful for all the reasons stated above.

(g) the effect of the Player’s actions on the match;

This is not applicable

- (h) the vulnerability of the victim Player including part of the victim's body involved/affected, position of the victim Player, and the ability to defend themselves;

Mr [REDACTED] was simply attending a match of rugby. He was in what should have been a civilised and safe environment with like minded people who were there to enjoy the rugby.

- (i) the level of participation in the offending and the level of premeditation;

This was pre-meditated. Mr Sarek saw his victim and because of the colour of his skin, chose to subject him to racial abuse. We accept that he did not look out for a victim, but he being introduced to his victim, he chose to abuse him in the way that he did. We reject the assertion that Mr Sarek's physical or mental health problems provide any explanation for what he said.

- (j) whether the conduct of the offending Player was completed or amounted to an attempt;

The offending was complete

- (k) any other features of the Player's conduct in relation to or connected with the offending

This was committed in a public place where, as Mr [REDACTED] observes, others may have been exposed to this abuse. No apology was provided to Mr [REDACTED] at the time or since.

48. In the light of all these matters, we unhesitatingly find that Mr Sarek's culpability was very high. In our judgment, this is a very serious

case and, had there been an applicable sanction table, it would be one that would not only qualify for a top end starting but one, requiring a substantial upward adjustment from that.

Mitigating Features

49. Adopting the (non exhaustive features) as set out in Regulation 19.11. 10, we observe as follows:

(a) the presence and timing of an acknowledgement of the commission of foul play by the offending Player;

When the RFU presented Mr Sarek with the facts of the allegations, as we have set out above, he readily accepted that he had committed an offence. Plainly all sides agree that the words “Black C [REDACTED]” were used. We regard it is as immaterial (for our purposes) whether “from the NLD” were used.

It is of note that Mr Sarek did not apologise at the time.

We were both surprised and disappointed to learn at the hearing that no apology had been proffered since.

Significantly, we found that whilst Mr Sarek accepted that his words were offensive, he had no insight as to the fact that they were racist. We reject the suggestion that they were merely crass.

Mr Sarek observed that he did not intend his words to be malicious or derogatory. We reject that notion.

(b) the Player’s disciplinary record;

Mr Sarek has been involved in rugby for many years. He has held relatively high offices, is one of many volunteers and we accept that he is well regarded. He has a clear disciplinary record and no findings relating to racism are recorded against him.

(c) the youth and/or inexperience of the Player;

He is highly experienced

(d) the Player's conduct prior to and at the hearing.

Mr Sarek conducted himself very well and with courtesy throughout.

50. We considered with care the personal mitigation put forward by Mr Sarek. For confidential reasons we do not repeat herein the information provided to us within his medical records but we have taken this and all other relevant matters into account, as appropriate.

Analogous Sanctions?

51. As stated above, the RFU suggested that the Panel was required to undertake an assessment of seriousness to establish the entry point and apply that to an appropriate sanction table as set out in Appendix 2 of Regulation 19.

52. We do not accept that there is any such requirement in a Rule 5.12 case. To be clear, Rule 19.11. 8 provides (emphasis added):

A Disciplinary Panel shall undertake an assessment of the seriousness of the Player's conduct which constitutes the offending and shall categorise the offence as being at the lower end, mid-range or top end of the scale of seriousness in order to identify the appropriate entry point

*for consideration of a particular incident(s) of Foul Play, **where such incident(s) is expressly covered in Appendix 2.***

53. Appendix 2 provides no guidance as to sanction where an attendee at a rugby match utters deliberately targeted racist words at a black person also attending the match.

54. Whilst we understood the RFU's attempt at assisting us by making a comparative analysis with Law 9 – 12 (verbal abuse towards another player), we did not find it helpful or applicable to the facts of this case. Law 9-12 provides:

A player must not verbally abuse anyone. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation.

55. Law 9.12 provides a maximum sanction of 52 weeks. Its focus is not on the interests of the game. Rule 5.12 focus is upon the interests of the game and the Union. The importance of this is reflected in the fact that sanction is at large. In our judgment, the conduct in this case is highly prejudicial to the interests of the game and Union. Any sanction must reflect that fact. We would be failing in our duty to do otherwise.

56. Whilst the approach to Rule 5.12 cases, and in particular, one such as this, must avoid a mechanistic approach, we have faithfully adopted the measured approach as set out above. Accordingly, having carefully reflected on matters, we observe that Law 9.12 makes clear (as is obvious) that verbal abuse can be differently categorised, we found that the nature of that offending is not directly applicable to the facts of this case. Moreover, the nature of the differing charges (and sanctions available) mean that we do not accept the approach as suggested by the RFU.

Other cases

57. We have carefully considered the parties observations on other cases. None were directly applicable to the facts of this case either factually or framework.
58. What we have noted is, as seen from the football banning order referred to above and from a decision of UK Athletics Independent Disciplinary Panel (UK Athletics and England Athletics and Starkey 9th March 2023) is that those who behave in a racist manner within a sporting environment can expect significant punishment and restriction on their future engagement with the sport.
59. Beyond that emerging feature, we found no other case directly applicable to the facts of this case. Those matters do, however, highlight, in our judgment, the plain inadequacy of the sanctions provided in Law 9.12 for cases such as this.

Sanction

60. Having carefully adopted the approach that we have set out, we do not accept the suggested approach to sanction. Moreover, we, for obvious reasons, wholly reject Mr Sarek's submissions that this was not a serious case of its kind.
61. In our judgment, balancing all relevant factors and making due allowance for the mitigation available to Mr Sarek, we are of the view that had he contested this matter, the appropriate sanction would have been a suspension of two years.
62. He having admitted the offence at the first opportunity, we see no reason to withhold the maximum credit (50 %) from him. Indeed, it was clear from the outset that Mr [REDACTED] would not be required to give evidence.

63. We accept the RFU's suggestion that Mr Sarek ought not to be able to re-engage with the game until he has completed the proposed programme of education. Mr Sarek showed no insight into his racist behaviour. Education is a vital part of this sanction.
64. We do not accept that the suggestion that any part of the sanction should be suspended. It is far too serious for that.
65. Our decision is as follows:
- (i) Mr Sarek be suspended for a period of 12 months from performing any act of administration relating the game of Rugby Union in England
 - (ii) Mr Sarek be suspended for a period of 12 months from attending/ spectating at any game of Rugby Union in England.
 - (iii) Any return after that period is conditional upon Mr Sarek completing, to the satisfaction of the RFU, the RFU's Online education module – Tackling Racism in Sport.
66. We have carefully considered Mr Sarek's position and given all relevant matters, we make no order as to cost in this case. Mr Sarek has 14 days in which to appeal from the date on which this judgment is sent.

Ian Unsworth KC (Chair)

Dr Emily Ryall

Dr Michael Morton

DATE 25th October 2023