

RFU SHORT JUDGMENT FORM



Match	Shrewsbury RFC	Vs	Old Sattleians RFC
Club's Level	7	Competition	Counties 1 Midlands W (N)
Date of Match	03/09/2022	Match Venue	Shrewsbury RFC

Particulars of Offence			
Player's Surname	Pope	Date of Birth	17/05/1998
Forename(s)	Oliver	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Shrewsbury RFC	RFU ID No.	701115
Type of Offence	Red Card		
Law 9 Offence	9.12 - Verbal Abuse		
Sanction	3 week suspension from playing		

Hearing Details			
Hearing Date	06/09/2022	Hearing venue	By video
Chairmen/SJO	Matthew Weaver QC	Panel Member 1	Matthew Curtis
Panel Member 2	James Wilson	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:
	Simon Jenkins - Shrewsbury RFC Stephen Biggs - NMRFU Disciplinary Secretary

List of documents/materials provided to player in advance of hearing:
Charge Sheet Red Card Report E-mail from NMRFU Disciplinary Secretary RFU Regulations

The Referee's report describes the incident as follows:

7 minutes after second half restart, OS winger scored in the corner, despite an attempted tackle by SRFC 11. After the try was awarded, the scorer threw the ball away without force, which made contact with SRFC 11 's face. SRFC 11 reacted by 'squaring up' to the try scorer. I blew my whistle and was assisted in separating the players by team mates of both. SRFC 11 swore at OS winger (I do not recollect the exact words used), and then when OS winger was walking away, SRFC11 further shouted at him 'Fuck off you fucking faggot'.

I called the player and SRFC captain to me and issued a RC under Law 9.15, verbal abuse of another player. I considered this an appropriate sanction given the homophobic language used.

Both the captain on-field, and the coach after the game agreed that I had had no option other than this sanction

After the match SRFC 11 apologised to me for his behaviour which he said was "totally out of character"

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

Summary of Player's Evidence

The Player accepted the charge and admitted using the homophobic slur. He explained, without seeking to make excuses, that the match had been a "niggly" affair and that having attempted to stop the OS player from scoring, the OS player threw the ball into his face. This caused the Player to square up to the OS player and a number of other players became involved.

The Player then used the homophobic slur. The Player was not able to explain why he chose that particular phrase but was clear that it was not a comment on the OS player's sexuality. He does not recall ever using that phrase before.

After the game, the Player apologised to the referee and to the OS player.

Findings of Fact

The Player admitted the charge

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



19.11.8(b) Reckless



Reasons for finding as to intent:

The phrase was uttered deliberately

Nature of actions - Reg 19.11.8(c)

Use of a homophobic slur

Existence of provocation - Reg 19.11.8(d)

Whilst no excuse, the phrase was uttered after the Player had the ball thrown into his face

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

The phrase does not appear to have had any obvious detrimental effect on the victim

Effect on match - Reg 19.11.8(h)

None

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

This was a reaction not a premeditated action

Conduct completed/attempted - Reg 19.11.8(k)

Completed

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

None

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 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:

A homophobic slur is a serious matter. In this instance, the slur was a one-off comment and not part of any continuing abuse. The phrase was uttered as a reaction; was not premeditated; was not a comment on the victim's sexuality; and the victim does not appear to have been adversely impacted by the comment. As such, a low-end entry point is appropriate.

Relevant Off-Field Mitgating 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 admitted the charge at the earliest opportunity	The Player has no previous disciplinary issues
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
The Player is 24 years old	The Player conducted himself appropriately during the hearing

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
The Player showed clear remorse for his actions at the time of the incident and at the hearing	The Player received a positive character reference from his Club and has volunteered as a referee/coach for junior teams at his Club

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The Player's early acceptance of the charge; his obvious remorse and his previously clean disciplinary record mean that the Player is entitled to the maximum 50% mitigation.

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)
N/A
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
N/A
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)
None

Number of additional weeks: 0

Games for meaningful sanctions:

The Player is suspended for the following matches:

10.9.2022 - vs Uttoxeter

17.9.2022 - vs Stafford

24.9.2022 - vs Stourbridge Lions

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	03.09.2022		
Sanctions concludes	26.09.2022		
Free to play	27.09.2022		
Final date to lodge appeal	22.09.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature
(JO or Chairman)

Matthew Weaver QC

Date

07/09/2022

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