

RFU SHORT JUDGMENT FORM



Match	Northampton Saints	Vs	Saracens
Club's Level	1st XV - Level 1	Competition	Gallagher Premiership
Date of Match	02/01/2022	Match Venue	Franklin's Gardens

Particulars of Offence			
Player's Surname	Boyd	Date of Birth	
Forename(s)	Christopher	Plea	Admitted <input type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Northampton RFC	RFU ID No.	
Type of Offence	Conduct Prejudicial to the interests of The Union & The Game		
Law 9 Offence	Rule 5.12		
Sanction	2 match suspension plus off-field		

Hearing Details			
Hearing Date	13/01/2022	Hearing venue	Remote
Chairmen/SJO	Martin Picton	Panel Member 1	Tom Gilbart
Panel Member 2	Rob Vickerman	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:
John Shea, Representative Paul Shields, Head of Recruitment & Retention at Northampton Saints	Rob Cumming, Counsel for the RFU David Barnes, RFU Head of Discipline

List of documents/materials provided to player in advance of hearing:
<p>Recording of post-match interview with press Emails exchanges dealing with comments made and identifying which members of the press were present for the interview (along with links to the reports subsequently published): Gary Fitzgerald (Telegraph), Gerard Meagher (Guardian), Adam Hathaway (Mirror), Duncan Bech (Press Association), Alex Lowe (The Times), Hugh Godwin (i Newspaper) Letter dated 11/11/21 from RFU Referee Union Report on refereeing crisis written by Neil Sweeney 202-2021 Gallagher Premiership Rugby Values of the Game End of Season Review RFU Regulation 19 sanctions table Email with links to previous RFU discipline cases Written Submissions on behalf of Chris Boyd Witness statement of Chris Boyd Character reference from Bruce Blair, HP Coach Development Manager - NZ Rugby Character reference from Eddie Jones, England Head Coach Character reference from Lyndon Bray, CEO Tasman Rugby Union Written submissions as to sanction on behalf of the RFU including judgment in the Steve Diamond November 2017 discipline case Email from John Shea responding to the RFU submissions by way of referencing (a) RFU v Middleton 2/11/21 (b) RFU v Williams 23/11/21 (c) RFU v Ward 21/12/21 (d) RFU v Sinckler 12/01/21</p>

Northampton dominated the first half at Franklin's Gardens and were camped in the Saracens' 22 for an extended period, opting for three successive scrums under the posts. Saracens repeatedly infringed.

On the third scrum the referee Adam Leal awarded a penalty against Northampton, allowing the visitors to clear their line.

In the second half Saracens came into the ascendancy and ended up winning 6-30.

In a post-match interview Chris Boyd was critical of the referee and the fact that he did not penalise Saracens by way of awarding a yellow card for the infringements referred to above and then ultimately penalising the Northampton scrum.

Mr Boyd commented: 'He didn't have enough nuts did he? I mean it was a clear hinge. There was only one side under pressure in that series of scrums'.

These remarks were widely reported in the press.

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

N/A

Summary of Player's Evidence

In advance of the hearing Mr Boyd provided the following account:

"I think it's important for me to firstly provide some context in relation to my comment. I was very frustrated with the result of the game. We had the majority of territory and possession in the first half of the game which we didn't capitalise on and we ended up on the wrong end of a result which we got no points from. I was very disappointed in the loss, especially after the result against Harlequins the previous week at Twickenham meaning we lost ground in the league table.

In the first half of this game, we had significant dominance at scrum time. We had a series of scrums where we won penalties and we were very much in the ascendancy and putting Saracens under serious pressure. The scrum, which my comments have been attributed to, was on our ball on the Saracens 5 metre line. It was a pivotal moment in the game and despite our dominance, a penalty was given against us when I thought the reason the scrum collapsed was due to the actions of a Saracens player. As a result of these frustrations, I therefore expressed my disappointment when, very soon after the game with emotions were running high, I was asked by one of the journalists about that particular scrum which was a very important decision at such a pivotal moment in the game. I appreciate that decisions at scrum time are always very difficult for referees to make and I accept that those decisions are rightly dependent on the referee's discretion and interpretation. Differences in interpretation of incidents at scrum time are common and my interpretation of the particular incident was that I thought the Saracens player had collapsed the scrum. In answering the journalist's question, I was simply providing my opinion on that moment in the game as requested.

I wish to make it clear that in no way did I intend to disrespect the referee and at no point did I abuse or attack him, use foul language or call into question his integrity, honesty, character or suitability. That was certainly not my intention. I completely respect all referees and accept that they have an extremely difficult and important job to do. My comments were also not directed to the referee as I was only responding honestly to the journalist's question and providing my opinion about that particular moment in the game.

I have since contacted the referee to explain all of this to him and to apologise if he interpreted my comments any differently, but there are no issues at all between us. We actually ended up having a long, interesting and constructive discussion about various aspects of the game and particularly the scrum. As a result of our chat, we have planned to meet up in the future to hold a de-facto training session between us where we analyse and discuss various aspects during a game from both a coach's and referee's perspective. I think this will be a really valuable experience and perhaps worthwhile for other coaches and referees to do the same.

I feel the headlines surrounding my comment have been taken out of context. The journalists have unsurprisingly latched onto that particular comment because it creates a headline and the implication from those headlines is that I made an angry and longwinded rant and attack about the referee's performance. However, it is clear from the transcript that that was far from the case. I am disappointed about this because, as I said, this was not my intention and I did not want the referee in particular to misinterpret my comments. Thankfully, I am glad that this was not the case. I was only responding to a very specific question about that scrum and my comment accounted for around 5-10 seconds of an interview which lasted for 3-4 minutes in total. they do in very difficult circumstances. For this reason, I would never abuse a referee or call into question a referee's character or suitability as I acknowledge that respect of the referee is one of the fundamental values of the game. I have worked in rugby for over 40 years in different countries and with many different elite professional and international teams. I have an exemplary disciplinary record and have always been supportive of referees. In my time with the New Zealand Rugby Union, I worked particularly closely with them and have the upmost of respect for the job they do and how important they are for the game."

Mr Boyd addressed the Panel and made clear how upset he was at the suggestion he had abused the referee, commenting that he did not believe he had ever abused anyone in his life. He asserted that he was not seeking to ascribe to the referee a conscious decision on his part, commenting that the actions of senior players in a high pressure situation can have a subtle impact. He said that his frustration was the the pressure applied may have had an effect. Mr Boyd said he was very apologetic. He stated that speaking as he did was completely out of character and he emphasised that he had apologised to the referee. He referred to himself as having made a poor choice of words and stated that it was not something he had planned to say - the words just came out. He reiterated that he was sorry he said it that his remark was not directed at the referee.

Findings of Fact

The words used by Mr Boyd did fall foul of Regulation 5.12 as he accepted. The statement that the referee did not have "enough nuts" was disrespectful of the referee concerned, carrying with it the potential to undermine the referee himself as well as the standing of referees in general. It was made directly to a number of journalist from the national media. Mr Boyd was speaking as the Director of Rugby of a well known Premiership side and as such he must have appreciated that a statement of the kind he made was inevitably going to get significant traction in the media and thus with the public at large. Mr Boyd knows there are appropriate channels through which someone in his position may ventilate any perceived issues with a refereeing performance. Being frustrated at a particular result, whilst it might explain, cannot justify him speaking as he did.

Decision

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not Proven <input type="checkbox"/>	Other Disposal (please state below) <input type="checkbox"/>
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Sanction is at large. The RFU submitted that the words used by Mr Boyd should be assessed as amounting to "verbally abusing a match official" in terms of identifying the starting point in the sanctions table. As such the effect would be, on the basis that the RFU suggested that this was a low-end offence, to produce a starting point of 6 weeks/matches, to which allowance for mitigation might then be applied. On the RFU approach the least period of suspension would be one of 3 weeks/matches. Counsel for the RFU accepted that the judgment in the Geordan Murphy case (18/5/19) left open the question of whether words directed at someone not present could amount to verbal abuse of a match official. The judgment in the Steve Diamond case (16/11/17) did not identify whether the approach contended for by the RFU had in fact been adopted there, the case turning very much on its own particular facts. Counsel was asked to explain why, in the light of the case the Panel dealt with immediately before this one, the RFU had there suggested that Harvey Biljon saying that a referee had 'buckled' under pressure from an intimidating crowd amounted to 'disrespect', but Chris Boyd saying that the referee lacked 'nuts' should be assessed as 'abuse'. Counsel's response was to suggest the RFU had come to that conclusion 'by a very fine margin'.

On the facts of this case the Panel rejected the approach for which the RFU contended. As in the case of Geordan Murphy we do not suggest that verbal abuse of a match official cannot be found to have occurred where the words used have been transmitted via a third party, but we could see no basis upon which we should here adopt an approach different from that which we were asked to do in respect of Harvey Biljon. Just because the word used was 'nuts' and not 'buckle' did not, in our view, convert the statement made by Mr Boyd from one that was 'disrespectful' into one that should be considered 'abusive', thus carrying with it a higher potential sanction.

The RFU submitted that only an immediate period of suspension could meet the justice of the case.

On behalf of Mr Boyd it was submitted that the offence amounted to low-end disrespect. It was further submitted that the sanction could properly be limited to a reprimand or a suspended suspension.

The comment made by Mr Boyd has to be considered in the context of the need to maintain the core values of the game. It is worth quoting from the judgment in the Steve Diamond case heard in November 2017:

"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. Referees are vital to the sport. Without them there would be no games. They deserve respect and they must be respected."

No one involved in the game can be in any doubt about the importance that is attached to the maintenance of respect for referees and other officials. It is crucial that those at a senior level in the game set an example. Someone of the standing of Mr Boyd choosing to criticise an official in the terms he adopted doesn't just impact upon that official as an individual but impacts on the game as a whole. If someone at Mr Boyd's level thinks it acceptable to denigrate an official to the public at large then that is bound to encourage others to so behave. Any referee labelled as lacking the capacity to cope with a pressure situation is going to feel denigrated in the eyes of the public and is going to find it harder to carry out the crucial function that the game needs our referees to fulfil. It was a hurtful remark and it should not have been made. Whilst the comment was made in the immediate aftermath of a game about which Mr Boyd felt strongly it concerned an incident that took place during the first half and about which Mr Boyd had ample time to calm down. What purpose could making such a statement be intended to serve? The fact that it was made to a large number of journalists with the inevitability that the remark would be widely publicised meant that in our view the case merited something more than a low-end starting point. Post-match interviews are an important part of the professional game and they both inform and entertain. They do not, however, legitimately provide a platform for attacks on referees, particularly where the words used are not considered and are instead the ill-considered product of emotion and frustration.

We concluded:

- (i) That it was appropriate, as has been done in many other cases, to take account of the entry points in the sanction table relevant to disrespecting a match official;
- (ii) That there were material differences as between the Biljon and Boyd cases such as to lead us to conclude that in the case of Mr Boyd a mid-range entry point was merited by reason of (a) the number of journalists to whom Mr Boyd was speaking (b) the fact that he was speaking to representatives of the national media (c) the inevitability of the very wide coverage his remarks would receive (d) Mr Boyd's substantial experience at a very high level in the professional game such that he should have been able to avoid speaking as he did.

Accordingly, we concluded that the mid-range entry point for disrespecting a match official i.e. a four match suspension (subject to potential reduction to reflect mitigation) was appropriate.

We were quite sure that any period of suspension should be immediate and not suspended, that approach being consistent with the importance attached to the core values of the game at all levels within rugby.

In addition to the period of suspension Mr Boyd must present to the Playing and non-Playing members of the Club on the topic of the need for respect for Match Officials. He should undertake a second presentation to a school or local rugby club of his choice so as to get the same message out at a grass roots level. A recording of each presentation should be provided to the RFU. The choice of sanction upon which we have settled is dependent upon Mr Boyd undertaking the presentations in a satisfactory manner. We have no doubt from MR Boyd's reaction when told of the proposed sanction that he will do so.

SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

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

Mr Boyd chose to use the words that he did.

Nature of actions - Reg 19.11.8(c)

As above.

Existence of provocation - Reg 19.11.8(d)

N/A

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)

There was no specific evidence as to any particular impact upon the referee in question but the victim is the game itself and the damage these sort of remarks can have on the standing of referees within the game and how those involved in the sport may behave toward them.

Effect on match - Reg 19.11.8(h)

N/A

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

N/A

Conduct completed/attempted - Reg 19.11.8(k)

N/A

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

N/A

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"/>	4	<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:

See above.

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)
Prompt and fulsome.	Clean.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
N/A	Exemplary.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
We assessed the remorse to be both genuine and immediate once the nature of the wide ranging reporting of what was said became apparent.	Impressive character references and contribution to the game over many years.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
The panel considered that Mr Boyd was entitled to the maximum 50% available mitigation credit bearing in mind his full acceptance of the charge, genuine remorse and his engagement with the Panel at the hearing.

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)
N/A

Number of additional weeks: 0

Games for meaningful sanctions:

Mr Boyd will serve a 2 game suspension from all match day coaching duties (meaning he can only attend as a spectator), which will be served over the games against Ulster on the 16th January and 23rd January against Racing 92 (both EPCR Champions Cup).

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	2 matches	Sending off sufficient	
Sanction commences	11.01.2022		
Sanctions concludes	24.01.2022		
Free to play	25.01.2022		
Final date to lodge appeal	28.01.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£500		

Signature (JO or Chairman)	M Picton	Date	14/01/2022
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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