

RFU SHORT JUDGMENT FORM



Match	Prenton RUFC	Vs	Crosby St Mary's RUFC
Club's Level		Competition	NOWIRUL Division 3 West
Date of Match	04/09/2021	Match Venue	Prenton

Particulars of Offence			
Player's Surname	Harrison	Date of Birth	21/01/1992
Forename(s)	Jamie	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Prenton RUFC	RFU ID No.	1403180
Type of Offence	5.12		
Law 9 Offence	RFU Rule 5.12 using abusive and homophobic language		
Sanction	5 weeks		

Hearing Details			
Hearing Date	23/09/21	Hearing venue	Remote
Chairmen/SJO	Ian Unsworth QC	Panel Member 1	Mitch Read
Panel Member 2	Miles Benjamin	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:
Allan Roberts, Prenton RUFC and other officials	Angus Hetherington (RFU) David Barnes (RFU) Garrath Bell and other officials from Crosby St Mary's RUFC

List of documents/materials provided to player in advance of hearing:
23 page bundle comprising relevant case material, including Report of alleged Incident dated 6th September 2021 Charge Sheet Citing Complaint Response to the citing complaint from the Player Email Correspondence Various statements contained within emails Extract of RFU Rugby Core Values document Letter from Chairman, Chester Centurions RFU Regulation 19, Appendix 2 - copy RFU Written submissions

In the second half of a troublesome local game, the Player, a centre for Prenton, broke the line, scored a try and called the closest opponent to him, a "faggot." He did so in an aggressive manner

The recipient of this abuse was gay.

This was reported to the referee who dealt with it by way of a yellow card.

Although, not required to, the referee kindly assisted these proceedings with a report of what occurred shortly after he had awarded a yellow card to the Crosby Loose Head:

"...Prenton broke through and one of their centres scored a try under the posts. I was about at the 5m line and directly under the posts as the ball was touched down. As the Prenton centre was running through there was a verbal exchange with one or more of the Crosby defending players. I cannot be sure exactly what was said, but during this exchange the Prenton centre used the word 'Faggot'. I cannot honestly say now whether the word was used before or after the ball had been touched down, but I think it was before.

As the Prenton centre turned away two Crosby players shouted that they objected to the use of the word 'Faggot'; indeed I think that one indicated that he may be homosexual himself, although I cannot now be certain of that. I allowed the Prenton player to return to his own half to remove him from potential further confrontation, especially in the light of the other incident a few moments earlier. After the conversion kick had been taken I called 'Time Off' and summoned the Prenton captain and the centre. I informed him that his use of language was unacceptable and showed him then yellow card. I also warned the Prenton captain to talk to his players and cut out the verbal exchanges with the Crosby players.

At the immediate moment that the word was used I didn't immediately think of it as a homophobic term, perhaps because it was the first match of the season and I wasn't quite as 'Match aware' as I might be later in the season, but partly also because I have not heard the term 'Faggot' used in my presence for a number of years (other than in mainly US TV programmes), so it took a few seconds to mentally compute the potential magnitude. A lesson learned that I will be switched on to as the season progresses."

The Club were unhappy about this sanction, reported the matter and made a citing complaint.

The Player provided a statement:

"As we lined up for the kick-off I was positioned as outside centre. The Centre and Winger opposite me were making comments about Prenton Players and how they were going to turn us over.

As the game progressed, we, Prenton, were on top. In a move started by our full back I received the ball and ran at the CSM line. The CSM Centre and Winger attempted to tackle me as I ran in to score under the posts. I then used the words •F**king FaggotsŽto show my contempt for the lack of effort by the 2 CSM players in stopping me.

The ref called me over with Jordon our captain and said he was yellow carding me for abusive language but no mention of homophobic abuse. I have grown up where the word faggot has been used to mean a person is lazy and useless. I now realise that it can be taken another way and I did not intend it to be homophobic abuse.

So, if that is how it was taken, I•m very sorry I was having a go at their poor rugby skills not their sexuality."

A letter from the Honorary Secretary of Prenton supported this use of the word faggot.

Summary of Player's Evidence

The Player gave evidence before us and echoed his written statement, he accepted that this was directed at the victim player (who did not attend but had signalled his consent for the hearing to proceed in his absence). He insisted that he had no intention to be homophobic, he did not know his sexuality and he was remorseful for any offence caused.

On behalf of the victim player, Mr Bell indicated that the apology which had been full and immediate was accepted.

Prenton indicated that they were a fully diverse Club who took Rugby's Core Values extremely seriously. They referred us to written examples of their commitment to this.

Findings of Fact

1. This was a hotly contested local derby in which emotions had run high.
2. Other incidents prior to after this incident amply demonstrate that, in some instances, tempers had been lost and judgments affected.
3. Immediately before this incident, a yellow card had caused tension between the teams.
4. As the Player stated immediately after he scored a try he called his nearest opponent a "fucking faggot"
5. Although this was a plainly homophobic remark, there was no evidence that the Player had any knowledge of the sexuality of the recipient. This was reckless use of the phrase.

Decision

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

This was an offence of Conduct Prejudicial To The Interests Of The Union And The Game, Contrary To RFU Rule 5.12 but as a framework to our decision making we have set out our reasoning as per the template 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 intended to say what he said but this was a reckless use of the phrase as opposed to a deliberate targeting.

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

It was wholly inexcusable. Any match, local derby or not, is not an excuse for a free for all where Rugby's Core Values including that of Respect are left on the Club House Notice Board. They are an integral part of the game.

Nature of actions - Reg 19.11.8(d)

As above

Existence of provocation - Reg 19.11.8(e)

None

Whether player retaliated - Reg 19.11.8(f)

No

Self-defence - Reg 19.11.8(g)

N/A

Effect on victim - Reg 19.11.8(h)

Upset caused but he gracefully accepted an apology

Effect on match - Reg 19.11.8(i)

None at that stage (although later events changed that)

Vulnerability of victim - Reg 19.11.8(j)

We note that the victim was gay. He was entitled to play without being the subject of any such language, reckless or not. His graceful acceptance of the apology contrasted with the aggressive nature of the language used.

Level of participation/premeditation - Reg 19.11.8(k)

Full.

Conduct completed/attempted - Reg 19.11.8(l)

Complete

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

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 type="checkbox"/>		<input checked="" type="checkbox"/>	10	<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:

It is important to note that our finding that this was a homophobic phrase inevitably meant that this case did not fall at the lower end of abuse cases. However, it was not issued in a deliberately targeted way, which would, if found, have elevated it to the higher end

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

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

No

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

No

Number of additional weeks: 0

Relevant Off-Field Mitgating Factors	
Acknowledgement of guilt and timing - Reg 19.11.11(a)	Player's disciplinary record/good character - Reg 19.11.11(b)
Yes	Excellent
Youth and inexperience of player - Reg 19.11.11(c)	Conduct prior to and at hearing - Reg 19.11.11(d)
N/A	Excellent
Remorse and timing of Remorse - Reg 19.11.11(e)	Other off-field mitigation - Reg 19.11.11(f)
Full and Immediate	Personal mitigation taken into account

Number of weeks deducted: 5

Summary of reason for number of weeks deducted:

There was no reason to withhold full credit

Games for meaningful sanctions:

These were discussed at the hearing. The Player was entitled to have taken into account 2 games in which he had already been suspended.

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	5 weeks	Sending off sufficient	
Sanction commences	07.09.2021		
Sanctions concludes	11.10.2021		
Free to play	12.10.2021		
Final date to lodge appeal	15.02.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£125		

Signature (JO or Chairman)	Ian Unsworth QC	Date	17.12.2022
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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