



Decision Date: June 13, 2024

Hearing Date: June 12, 2024

IN THE MATTER OF an allegation of Match Official Abuse in the Men's Development Competition Match on June 8, 2024, between the Calgary Saints and The Foothills Lions against Chris Leech, Men's Head Coach of the Calgary Saints.

WRITTEN REASONS FOR DECISION

BEFORE:

J. McDonald Vice President Discipline, Calgary Rugby Union (sitting alone)

[1] This is a hearing of an instance of alleged match official abuse by a team official, Chris Leech, of the Calgary Saints Rugby Football Club, where he stand accused of telling Kimberly Spiller, a Match Official, the she is "terrible" and that she is "the worst".

[2] Upon notice to Mr. Leech, a hearing was commenced by Microsoft Teams on June 12, 2024.

ISSUES:

[3] Did Chris Leach tell Kimberly Spiller, a Match Official, that she is "Terrible"?

[4] Did Chris Leach tell Kimberly Spiller, a Match Official, that she is "the worst"?

[5] if Chris Leach did tell Kimberly Spiller, a Match Official, that she is "terrible" or that she is "the worst" or a combination thereof is such conduct contrary to World Rugby Regulation 18?

[6] if Chris Leech if Chris Leach did tell Kimberly Spiller, a Match Official, that she is "terrible" or that she is "the worst" or a combination thereof, is such conduct contrary to the Rugby Alberta Code of Conduct?

[7] if Chris Leach did tell Kimberly Spiller, a Match Official, that she is "terrible" or that she is "the worst" or a combination thereof, and such conduct is contrary to either World Rugby Regulation 18, or the Rugby Alberta Code of Conduct, or both, what is an appropriate sanction.

EVIDENCE OF THE MATCH OFFICIAL:

[9] The Match Official submitted a Match Official Abuse Report in standard form with respect to the match.

[10] Upon the conclusion of the Saints vs Lions game, after the handshakes, the coach for the Saints came onto the field and said to the referee, "I just want to have a word with you. You are terrible. You are the worst. Absolutely terrible!"

[11] The referee upon hearing him say he would like to have a word, said, "through the captain, please." The coach continued shouting, "You're terrible! You're terrible."

[12] The referee said, through the captain about 5 times as she walked to the sidelines (and away from the coach).

[13] The coach continued screaming, "You're the worst! You wont even come talk to me! You're terrible!"

[14] The referee did not engage with the coach, had a drink of water, and was about to walk to the change rooms when the coaches from the opposite side came to shake her hand. She shook their hands and responded to a question they had about the game.

[15] After a brief discussion, she began walking to the change room.

[16] Chris was waiting for her to walk by, and had the captain beside him. He began again shouting that she was 'terrible'. Adding, "so you will talk to their coaches and not to me?!"

[17] Chris said, "I haven't had you before, but the reports from this week (obviously a reference to the hearing) [it was confirmed by the match official that she was referring to the hearing reported as 2024 CRU 04] all said that you were the worst! They were right! You're awful and should never be a referee! I hope you don't keep refereeing! You are awful! Clearly, you had it out for the Saints, there was no balance in the penalties called at all! You obviously wanted the Saints to lose! You're terrible!!"

[18] At this stage, the referee addressed the captain who was standing there. She asked him, "Did I know the score of the game? When you asked me in the second half, I told you I knew the penalty count, not the score. I colour dots for that. I don't care who wins the games, I referee."

[19] The captain acknowledged that I did not know the score. He seemed rather uncomfortable having to stand there beside his coach after a loss.

[20] After some more 'terrible's' and "I hope I don't see you again"s thrown in, the coach went to the change room and the referee continued to walk to the refs room.

EVIDENCE OF THE COACH AND CLUB:

EVIDENCE OF THE COACH:

[14] Chris Leech provided a written statement:

[15] I have been coaching and playing rugby for 40 years. In all that time this is my first disciplinary action as a coach or Player.

[16] After 3 weekends of watching a referee completely out referee us of the game we welcomed a new opportunity to have a new referee.

[17] My first encounter with the Ref on June 8th was very unwelcoming and probably the coldest of introductions I have experienced in my time in Calgary. Usually they are very friendly and I have an opportunity to speak to them about how they like certain elements of the game to flow or how they like to Referee that aspect. I have always prided myself on being a coach that respects the Referee. My record would highlight this.

[18] The referee called for the front rows. My first alarm bells were during this talk. Usually a referee outlines the laws of the scrum and certain elements needed. I have never heard a referee lecture a front row on how to scrummage and what they wanted to see. The information of being on the balls of their feet was interesting and some things outlined were frankly dangerous. . The most interesting aspect of the brief was the term "Monkey". The ref stated that she wanted to see them in a Monkey pose. I am not sure in today's game and the fact we have a player of colour in the front row, that the word Mokey should be used. I found this highly inappropriate! This was followed by another lecture to our scrum half. It was not a great introduction but I recommitted my usual pre match talk of respect to the Ref.

[19] I then saw my AT, Mo. I have never seen Mo angry or even flustered but she approached me with anger. I have attached her encounter with the Ref. The referee making us move just before kick off was another power play and one that could have been easily avoided so late. This was now clearly a challenging day ahead and it did not disappoint.

[20] During the game the players frustrations were becoming evident due too the laws being applied and the attitude towards them. During the game the referee called one of my players stupid twice. This was not welcomed and highlighted the disdain the Referee had for my team. This moment then resulted in a 3 minute lecture from the Referee that was completely unwarranted. I wonder what the consequences of a player calling the Referee Stupid would be?

[21] There are multiple other moments in the game I could highlight but I am not sure that it would benefit anyone.

[22] At the end of the game after the tunnels and hand shakes I asked the referee respectfully if I could ask a question, the reply was go through the captain. I asked again as the caprin was not available and felt it would be strange having someone stood next to me to ask the question. THe referee then walked over to their coach and spent 5 minutes talking with him(without a Captain!.. This was the final insult in an already challenging day from someone who clearly feels they demand respect without actually earning it.

[22] My reasoning for asking to speak to the Referee was to firstly apologise for the behaviour of one player and to hopefully gain an insight into how to best prepare the team should we have the same referee again.

[23] I would hope that Jack the ref assessor and Adam Stampher would back up my claim that I am respectful. I have a very good relationship with both when we have time to discuss the challenges and always open to discuss certain elements.

[24] Mr. Leech elected to give further oral evidence in support of his written statement.

[25] Mr. Leech stated at the beginning of the hearing that he had not read the Match Official Abuse Report Form, and that he in fact specifically told the VP Men of the Calgary Saints that he was not interested in receiving it.

[26] Under questioning Mr. Leech admitted to using the word “terrible” he otherwise issued a blanket denial of the Match Official’s oral evidence.

[27] Mr. Leech’s testimony was largely directed at the conduct of the match. And the Match Official’s conduct during the match, having not actually reviewed the complaint he issued a blanket statement. His written evidence did not address the complaint, and is largely unhelpful.

[28] Mr. Leech’s oral testimony begins as a blanket denial of ever having said anything the likes of which are complained of, later in his oral testimony he admits to saying that he did say that the match official was “terrible” or words to that effect. Mr. Leech’s evidence was contradictory, his written evidence was largely irrelevant.

EVIDENCE OF THE ATHLETIC THERAPIST

[29] Monet Dupas, an Athletic Therapist under contract to the Calgary Saints provided a written statement.

[30] My first interaction with Kim was during our team warmup. As I had never worked a field with her before, I went to introduce myself as the head athletic therapist for saints. Kim was short with me, did not introduce herself, and was clearly not looking to communicate any further with me until I asked for her name. As an athletic therapist I had concerns that the referee, whom I would typically communicate often and work with, had no interest in my position on the field.

[31] As we were taking field, Kim then came over and told us we had to move to the other side of the field. I understand wanting us on the same side as the opponents of that day, however she waiting until we were taking the field to tell us when she had multiple opportunities prior. I then had to split my attention between the field and setting up my station once again.

[32] Throughout the game there was an instance where I had to run on field for an athlete. The athlete was on the ground, holding his head, and was in proximity to play as well as in view of the referee. Even when I went on the field, the referee would not call the play until opponents from both our and the other team decided to stop play while shouting "ref injury! Injury! Ref there's an injury!". Only at this time was the play stopped.

[33] As an athletic therapist I did not feel that my athletes, did nor the athletes from the other team, were being protected on field with safe play based on the referees missed and delayed calls. My concern is that the Athletic Therapist and referee are a team that work together for player and game safety, however based on the attitude and display of behaviour from the referee, it made that relationship quite difficult to uphold. I understand that as a woman in sport there may be times where respect has to be demanded when male counterparts automatically receive it, and that may require firm decisions and changes to behaviour. However, as a woman in sport myself I believe there are much more effective ways to navigate that issue and gain respect from fellow coaches and athletes than what I experienced with the referee during Saturday's game.

[34] Ms. Dupas' evidence does not address the allegation in any form, it would appear on it's face that Ms. Dupas either did not witness the incident as alleged by the match official, or she was unaware of the nature of the complaint. In the sum her evidence while cogent is not helpful in determining the facts.

ANALYSIS

Burden of Proof

[35] The Supreme Court of Canada has settled the question of the appropriate burden of proof in matters before administrative tribunals, is the standard proof on a balance of probabilities, sometimes referred to as more likely than not, or fifty percent plus one.

Did Chris Leech tell Kimberly Spiller, a Match Official she was "terrible" or "worst" or both or a combination thereof?

[36] Mr. Leech admitted in his testimony that he did tell Kimberly Spiller she was "terrible" he issues a blanket denial to saying anything else. Based on his admission I am not required to consider the question further.

[37] Mr. Leech's evidence was inconsistent, did not address the core complaint, and seemed to be an attack with respect to the conduct of the match official in the match. He flippant in his written evidence, and seemed to focus on the entire match rather than what occurred after the match. He offered no remorse, nor insight into his conduct.

If Chris Leach did tell Kimberly Spiller, a Match Official, that she is "terrible" or that she is "the worst" or a combination thereof is such conduct contrary to World Rugby Regulation 18, or the Rugby Alberta Code of Conduct?

[38] World Rugby Regulation 18.3 states "For the purposes of these Regulations Relating to the Game, "Misconduct" shall mean any conduct, behaviour, statements and/or practices on or off the playing enclosure during or in connection with a Match or otherwise, that is unsporting and/or cheating and/or insulting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the Game and/or any of its constituent bodies, World Rugby and/or its appointed personnel or commercial partners and/or Match Officials and/or judicial personnel into disrepute. Misconduct shall only exclude Foul Play during a

Match which has been the subject of consideration and a finding under the regime prescribed for Ordering Off and/or Citing in Regulation 17.”

[39] World Rugby Regulation 18.4(b) give an example of conduct which could be construed as Misconduct “acting in an abusive, insulting, intimidating or offensive manner towards referees, assistant referees, Citing Commissioners, members of Disciplinary Tribunals or other officials or any person associated with the Host Union, the Rugby Body or the Unions participating in the Match or spectators.”

[40] The Rugby Alberta Code of Conduct holds at s.2 “Coaches will at all times display respect towards opponents and **officials**, [emphasis added] both in victory and defeat, setting an example and educating players on the values of Rugby”

[41] The Calgary Rugby Union, and conversely RFU, and Scottish Rugby define Verbal Abuse of a match official as “this occurs where the offender uses foul or **offensive** [emphasis added] language in comments aimed directly at a match official.

[42] I am convinced, by the Coaches admission, and the reliable evidence of the match official that Chris Leech did tell Kimberly Spiller that she is terrible, that the language is offensive, and/or insulting, and was directed at a match official, that such actions constitute Match Official Abuse and are contrary to both the Rugby Alberta Code of Conduct, and World Rugby Regulation 18.

SANCTION

Assessment of Seriousness:

[43] The words were spoken, and done so with intent, he intentionally directed verbal abuse at a match official.

[44] The principal victim in cases of match official abuse is the game itself. Conduct of this kind, particularly from a leader in the rugby community undermines the games values. Single acts as well as the cumulative effect of abuse deters individual Match Officials from participating in the game, and deters those who observe the abuse from deciding to pick up the whistle and start refereeing. In the matter at hand, the match official is considering her future in the game.

Mitigation

[45] The Coach denied the misconduct, admitting to it only near the conclusion of the hearing, intentionally did not review the complaint prior to the hearing, and responded in writing by attacking the match official’ s pre-game management. This militates away from mitigation.

[46] The Coach has no disciplinary history in this union, or any other that I could find.

[47] The Coach did not demonstrate any remorse, and in fact his evidence tended to attempt to justify his admitted statement as a result of the actions of the match official before and during the match.

[48] As a result of the above analysis the only mitigation I can find is an absence of a disciplinary record.

[49] This is a World Rugby Regulation 18, and Alberta Rugby Code of Conduct breach and the sanction is at large. I am guided by World Rugby Regulation 17 Appendix 1 in relation to breaches of Law 9. In my judgment the Coach’s conduct would sit broadly at the low end had it been a Law 9 charge.

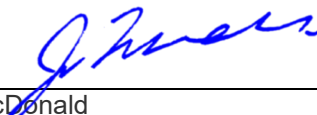
[50] There are no relevant off-field aggravating factors.

[51] World Rugby Regulation 18.10 list available sanctions for Misconduct, after a careful review of the evidence, the Regulations, and Code of Conduct, I am of the view that a suspension for a specified number of matches is appropriate under the circumstances.

[52] in *World Rugby v Erasmus and South Africa Rugby Union* the panel held at para 126 “we agree with WR that there is no good reason why the same conduct should attract a lesser sanction where it is committed off-field.

[53] The panel reviewed a number of previous decisions, the sanctions ranged from match day suspensions to fines in excess of \$120,000.00 CAD. All of these reported sanctions are available.

[54] Having already determined this type of offending to be on the low-end, Mr. Leech is suspended from all match day activities for a period of four (4) weeks, this suspension applies to any fixture of any team within the club on those days. For greater clarity, match day activities includes as a coach, player, spectator, or match official. The suspension shall run from June 9, 2024 and shall terminate on July 14, 2024 inclusive.



J. McDonald
Vice President – Discipline
Calgary Rugby Union.

In the event the Coach, or the Calgary Saints wish to Appeal this decision, they have 10 days from that date of this decisions to lodge their notice of appeal, complete with filing fee, with the Calgary Rugby Union. The Coach and club can find the Appeal procedures on the CRU Webpage, and the Alberta Rugby Webpage.