

DISCIPLINARY DECISION



Match	Saints at Rams		
Competition	MDEV Regular Season		
Date of match	June 15, 2024	Match venue	CRP 2
Rules to apply	Regulation 17 World Rugby Handbook;		

PARTICULARS OF OFFENCE			
Player's surname	Kotlewski	Date of birth	
Forename(s)	Jason		
Player's Club	Calgary Rams		
Referee Name	Daniel Wahba	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Offence	9.29 Accumulation of Temporary Suspensions	SELECT: <input type="checkbox"/> Red Card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other If "Other" selected, please specify: Accumulation of Temporary suspensions (2 Yellow Cards in a match)	
Summary of Sanction			

HEARING DETAILS			
Hearing date	June 19, 2024	Hearing venue	Calgary, Alberta by Teams
Chairman/DO	John McDonald		
Other Members of Disciplinary Committee			
Appearance Player	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Appearance Club	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Player's Representative(s)	Player was self-represented		
List of documents/materials provided to Player in advance of hearing	Sending off report		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

I received the match officials sending off report:

At the 15th minute mark of the first half, at a ruck Jason tackled a player without the ball. The ball was away from the ruck and Jason picked the player up and tackled him which resulted in a yellow card being issued to the player.

Following this incident the player returned to the field and shortly after a team warning to both teams was issued as there were incidents occurring away from the ball. Shortly after the team warning was issued the Saints were in possession of the ball at their in goal line and kicked away to gain ground. The ball was away and Jason made contact with the kicker late, while the kicker was in the air and made no attempt to wrap. This resulted in a second yellow card being issued to the player as per law 9.29 a red card was subsequently issued. The player left the pitch and the game proceeded without delay and no further major incident occurred

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

It does not appear from the available evidence that the Victim players were significantly injured as a result of the Alleged Conduct.

SUMMARY OF PLAYER'S EVIDENCE

The player gave evidence on his own behalf.

1st Incident - Player gave evidence that he had made the same tackle previously and had not been penalized before, although there may have been a penalty advantage at that time. States he was unaware the ball had left the ruck.

2nd Incident – Player states it was a matter of timing and made light contact with the kicker.

The Calgary Rams gave the following information on the Player's behalf.

The Calgary Rams were represented by their VP Men it is the clubs view that the offending was relatively minor in nature.

FINDINGS OF FACT

I have reviewed the Match Official's Report, and the Players/Club's representations,

As with all administrative tribunals the burden of proof standard is the Balance of Probabilities, that means that based on the preponderance of evidence, I must be more convinced that a thing happened than did not, sometimes referred to as the 50% plus 1 test.

I must also be alive to law 6, the Referee is the sole judge of fact and law during a match.

In difference to the match official who was arguably closer to the break down and in reference to law 6, I must accept the referee's version of events as reported in absence of any concrete (video or photographic evidence to the contrary) especially in cases where there is little to no disagreement from the Club or the Player.

I must first make findings with respect to the Laws engaged by the Temporary Suspensions. In my view the first incident is contrary to Law 9.14 A Player must Not tackle an opponent who is not in possession of the ball.

The second incident is contrary to law 9.25 a player must not intentionally charge or obstruct an opponent who has just kicked the ball.

Based on the testimony of the Player and Club I am satisfied on the balance that the Player did in fact Tackle an opponent who was not in possession of the ball, the ball had left the ruck, and as a result the ruck was no longer formed. I am not convinced however that the player was aware that the ball had moved out of the ruck.

I am satisfied on the balance by his own admission that the Player did in fact make contact with the kicker contrary to Law 9.25, I am also satisfied that the contact was minor in nature.

DECISION

Relevant Laws:

The player was cited under law 9.29 which states:

Law 9.29 When a player is being cautioned and suspended for 10 minutes, The referee will show that player a yellow card. If that player later commits another yellow-card offence, the player must be sent off.

Breach admitted

Proven

Not Proven

Other disposal (please state)

SANCTIONING PROCESS
ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)	
<input type="checkbox"/> Intentional	<input checked="" type="checkbox"/> Reckless
State Reasons	
<p>1st Incident – The players were engaged in a ruck that had ceased to be a ruck as a result of the ball leaving the ruck, the players were already engaged and the player was reckless as to whether the ruck remained formed.</p> <p>2nd Incident – The Player admits that he made contact with the kicker, such contact was light in nature.</p> <p>Both actions were reckless and not intentional.</p>	
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)	
Both acts are acts of foul play.	
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)	
N/A	
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)	
N/A	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
N/A	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
The victim players appeared to be uninjured.	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
As the offence occurred at the late in the First Half, the Calgary Rams played short for at least 50 minutes.	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
<p>A Player not in possession of the ball is especially vulnerable in a tackle, A player in possession of the ball is aware that they will most likely be tackled.</p> <p>A player when kicking is in an especially vulnerable position as they are often in the air.</p>	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
There is no evidence to suggest premeditation.	
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)	
Completed	
Other features of player's conduct – R 17.18.1(l) (or equivalent Tournament rule)	
N/A	

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks/Matches</u>	<u>Mid-range</u>	<u>Weeks/Matches</u>	<u>Low-end</u>	<u>Weeks/Matches</u>
<input type="checkbox"/>		<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 this assessment, the JO/Committee should consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End

<p>In the case of sending off as a result of an accumulation of temporary suspensions, I am instructed by World rugby regulation 17 appendix 4 where it holds there isn't deliberately no guidance within the world rugby sanctions tables to assist a judicial officer or judicial committee to determine the appropriate sanction in relation to accumulated temporary suspensions. As a result I am given wide judicial discretion as a result of the multiple permutations that could emerge.</p>

<p>The judicial officer is required to apply a sanction for the offence of persistent offending, not for the substantive offences relating to each temporary suspension. Ordinarily, the appropriate entry point for persistent offending within a single match is a suspension of one to 2 weeks. Sanctioning in these circumstances should be determined by reference to the methodology in regulations 17.17 through 17.21 and in particular to the application of mitigating and aggravating features.</p>
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<p>The judicial officer may decide that sending off was sufficient in the following circumstances:</p>
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| <ul style="list-style-type: none">a. where either of the temporary suspensions was applied as a result of a mistaken identityb. that exceptional circumstances exist which would warrant no further sanctions being imposed.c. any of the temporary suspensions were awarded for so called technical offences including a team not following a warning. |
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<p>That is not the case here, Otherwise put I am of the view that the conduct is deserving of sanction and that a sanction of sending off sufficient is not warranted under the circumstances.</p>
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<p>I am of the view that there are no circumstances present that would see an increase in the entry point of 1 to 2 weeks. As a result I elect to enter at a 1 weeks expressed as matches.</p>
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RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record – R 17.19.1(b) (or equivalent Tournament rule)
The player accepted responsibility for his conduct at the earliest opportunity	The player has no disciplinary record to speak of.
Youth and/or inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – – R 17.19.1(d) (or equivalent Tournament rule)
The player is not particularly inexperienced.	The Players conduct was exemplary during the hearing.
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
N/A	N/A

Number of weeks /matches deducted: 0

Summary of reason for number of weeks/matches deducted:
 Given the player’s conduct, lack of disciplinary record and the severity of the offending I would ordinarily apply a mitigation of factor of 50% the highest amount of mitigation available to me. In this case as the entry point is 1 week I am unable to mitigate any further.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
The player has no history as an offender of the game.
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
N/A
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/A

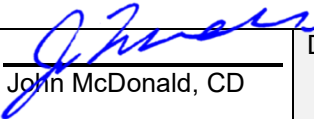
Number of additional weeks/matches: 0

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	1 week expressed as matches	<input type="checkbox"/> Sending off sufficient
Sanction commences	June 19, 2024	
Sanction concludes	June 23, 2024	
Matches/tournaments included in sanction	June 21, 2024 Holy Goats v Knights	

Costs	N/A
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Signature (DO or Chairman)	 John McDonald, CD	Date	June 19, 2024
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NOTE: Should the Player or the club wish to appeal this sanction they may do so in accordance with the Rugby Alberta Appeals Policy found here https://sportlomo-userupload.s3.amazonaws.com/uploaded/galleries/14156_uploaded/c526b66af28f017556c1381ab492ecb88f4f9bb1.pdf

Within 10 days of the date of this decision.