

DISCIPLINARY DECISION



Match	Calgary Canucks v Edmonton Leprechaun-Tigers		
Competition	Alberta Cup		
Date of match	June 17, 2023	Match venue	Calgary Rugby Park
Rules to apply	Regulation 18 World Rugby Handbook Rugby Alberta Code of Conduct		

PARTICULARS OF OFFENCE			
Player's surname	Pratt	Date of birth	
Forename(s)	Nathan		
Player's Club	Calgary Canucks		
Referee Name	Mozac Sampson	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Offence	Rugby Alberta Code of Conduct s.3 Respect is the heart of our sport and the Rugby Community should have a sense of upholding this core value. All individuals have a responsibility to: Maintain and enhance the dignity and self-esteem of individuals by treating individuals fairly and respectfully regardless of ... ethnic or racial origin...	SELECT: <input type="checkbox"/> Red Card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	
Reasons for Decision	<p>I am alive to the fact that the Rugby Alberta Code of Conduct specifically incorporates the World Rugby Guidelines with respect to discipline. For the purposes of this hearing, those guidelines are found in Regulation 18 - Misconduct. I therefore have wide discretion and deference in my decision. Regulation 18 provides at s.18.10.1 a number of possible sanctions, including suspension and such other sanction as may be appropriate. In that respect I would look to the sanction chart provided at appendix 1 to Regulation 17 for guidance.</p> <p>I am convinced, by the players admissions, and the statements of Moe Ismail and Maria Sampson that Mr. Pratt did in fact call Mr. Ismail a terrorist and that such a statement violates s.3 of the Rugby Alberta Code of Conduct.</p> <p>I am of the view that a combination of available sanctions under regulation 18 are warranted in this case. In respect of a suspension, I look to Regulation 17 for guidance. The most appropriate law to compare this offence to is Law 9.12, a player must not verbally abuse anyone. Appendix 1 to Regulation provides the Low entry point of 6 weeks/matches, with a top end of 18+ weeks/matches and a mid point of 12 weeks.</p>		

HEARING DETAILS			
Hearing date	June 23, 2023	Location	Calgary, Alberta by way of MS 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)	Paul Reid – Calgary Canucks	Disciplinary Officer and/or other attendees	
List of documents/materials provided to Player in advance of hearing	Email of complaint – President of the Leprechaun-Tigers Email Statement – Mozac Samson – Match Official Email Statement – Maria Samson – Spectator Complaint – Moe Ismail – Player – Leprechaun-Tigers		

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

It is alleged that Mr. Pratt "The reason for me reaching out is to comment on the behaviour of one of their supporters on the sidelines during the game. I understand that he is also the captain of their 2nd grade side (can confirm, but he was known to some in attendance). During the course of play around the 60th minute, the ball went into touch on the SE corner of the field and we were getting set up for our lineout throw in, when he started his "heckling" of our hooker who is of Arabic background.

The summary of the comments were calling our hooker a terrorist, which caught his attention, and he replied because that's not ok and it bothered him. The reply from the spectator was "That shouldn't bother you unless you're a terrorist". The touch judge and others were there to hear the interaction but didn't comment. The play went on and our player was visibly bothered by it, which is understandable."

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

The Statement provided by Maria Sampson is perhaps the most helpful as it corroborates both the President of the Lep-Tigers and the Victim's statements. Essentially it is corroborated by Ms. Sampson and Mr. Ismail that Mr. Pratt did in fact call Mr. Ismail a Terrorist

SUMMARY OF PLAYER'S EVIDENCE

The player accepts the allegation as laid out, expresses remorse, and has taken some remedial training which will be discussed in greater detail below.

FINDINGS OF FACT AND SANCTION

I make the following findings of fact based on the statements submitted and Mr. Pratt's own admissions

Mr. Pratt did call Moe Ismail a terrorist.

I find the calling of a person of Middle Eastern and South Asian descent a terrorist to be directly related to their ethnic or racial origin contrary to the Code of Conduct, and World Rugby Regulation 17 and is deserving of sanction.

DECISION

<input checked="" type="checkbox"/> Breach admitted	<input type="checkbox"/> Proven <input type="checkbox"/> Not Proven <input type="checkbox"/> Other disposal (please state)
---	--

SANCTIONING PROCESS

As this hearing is conducted under the Authority of World Rugby Regulation 18 an assessment under Regulation 17 is unnecessary. However could be of some assistance. That said the closest possible law infraction could be 9.12 A player shall not verbally abuse anyone, which carries with it a minimum entry point of 6 weeks. I am however not convinced that under the circumstances a 6-week entry point is warranted under the circumstances.

Under Regulation 18 I have a wide discretion and difference to make sanctions which could include suspension, exclusion orders, fine etc. I may also look to similar decision in similar circumstances and I look specifically to the case of Joe Marler, a professional rugby player. Mr. Marler made inappropriate comments to Jake Heenan. Marler was banned for a total of 6 games, the last 4 of which were suspended and would only be in force should Mr. Marler reoffend in the 22-23 season.

I am not prepared to enter any for of suspended sanction however I enter the sanctioning process at 4 matches, that said the process is not yet complete, and the principles of procedural fairness obligate me to consider all relevant aggravating and mitigating factors.

Mr. Pratt has no history as an offender of the game, this is a fact that I do not find especially mitigating, nor aggravating. In the case that Mr. Pratt had a history then I would have found the presence of same to be aggravating, however that is not the case here.

Mr. Pratt expressed remorse, and accepted responsibility for his actions early, while this is an administrative tribunal, I can, and I do look to certain parallels in the criminal justice procedures in Canada, it has been long held that an early acceptance of responsibility, and expressions of genuine remorse must be considered especially mitigating.

Mr. Pratt, and the Calgary Canucks provided certificates of completion for Respect in Sport, and The Respectful Athlete I find Mr. Pratt's proactive undertaking of these courses as mitigating.

I further acknowledge that Mr. Pratt wishes to apologize to Mr. Ismail at an appropriate time and the clubs will arrange that internally.

I am however of the view that some element of general deterrence is required in this case, and as such will issue an Exclusion Order.

Mr. Reid, in advocating for Mr. Pratt as the club's representative, made submissions with respect to Mr. Marler's sanction and the relative shortage of the Rugby season in Canada and Alberta specifically. I gave my reasons for sanction orally but it is important to reduce them to writing at this time. We are advised that there may be no variation of sanctions based on geographical location, I will note however that that the Sanction ostensibly received by Mr. Marler is somewhat longer than that of Mr. Pratt.

As a result, and when all of the aggravating and mitigating factors have been evaluated, Mr. Pratt shall be sanctioned as follows.

2 Matches, at either the MREC or MDEV level so long as the matches do not occur on the same weekend as he is likely to roster on both game sheets in any given weekend. The sanction shall start to run on June 23, 2023, and shall conclude after the Canucks Match on July 14, 2023, Mr. Pratt is eligible for play again on July 15, 2023.

The sanction above applies to all game day activities and events and league play sanctioned by Rugby Canada, and Alberta Rugby, but does not apply to club practices, nor unsanctioned third-party events.

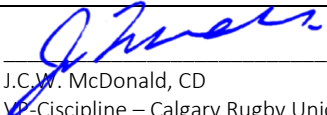
Further Mr. Pratt is excluded from entering the grounds leased by the Calgary Rugby Union for a period of two weeks which will run from the passing of Sanction on June 23, 2023, and shall conclude at midnight on June 7, 2023

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	2 Weeks/Games	<input type="checkbox"/> Sending off sufficient
Sanction commences	June 23, 2023	
Sanction concludes	July 14, 2023	
Matches/tournaments included in sanction	MDEV/MREC Includes 2 week exclusion order	

Costs	
-------	--

Signature (Do or Chairman)	 _____ J.C.W. McDonald, CD VP-Discipline – Calgary Rugby Union	Date	June 23, 2023
-------------------------------	--	------	---------------

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.