

DISCIPLINARY DECISION



Match	Saints at Titans		
Competition	SW1 Regular Season		
Date of match	July 3, 2024	Match venue	Red Deer
Rules to apply	Regulation 17 World Rugby Regulations; Regulation 18 World Rugby Regulations; and Rugby Alberta Code of Conduct		

PARTICULARS OF OFFENCE			
Player's surname	Brunner	Date of birth	
Forename(s)	Leah		
Player's Club	Red Deer Titans		
Referee Name	Chad Deetjens	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Offence	9.28 A Player must not verbally abuse a Match Official.	SELECT: <input checked="" type="checkbox"/> Red Card <input type="checkbox"/> Citing <input 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	July 9, 2024	Hearing venue	Red Deer, 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 Match Official Abuse Form Referee's Email Players Written Submissions		

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

I received the match officials sending off report:

I have two cards to report. At the 28-minute mark of the second half. The player from red deer Leah Brunner was tackled went to ground and then used her foot to the push/kick the tackler a way from her. The contact was to the chest of the Calgary player. Degree of danger was relatively low. I stopped play and issued her a yellow card. At that point she called me a piece of shit. Then I issued a red card to her. Her response to me was gladly.

I will no longer officiate any games in Red Deer or for any Red Deer teams. For me this is the second time and last time I will be belittled At the Red Deer Titans.

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

From the Match Official's Own evidence he refuses to officiate in any match in which the Red Deer Titans play.

SUMMARY OF PLAYER'S EVIDENCE

The player gave evidence on her own behalf in writing.

Though I would like to make my case to avoid suspension, I would like to preface my statement with an apology. I absolutely acted in an unsportsmanlike manner after I received my yellow card and made a remark that was unkind and not on par with the player I am. I can't deny this and I recognize that it reflects poorly on myself, my club and the image of rugby in Alberta. I am deeply sorry for my actions.

The first thing I would like to mention is my point of view of the game and the yellow-red card transition. Our July 3rd game was a tough one and I felt that there were a lot of confusing calls. We have a young, inexperienced team and we were being consistently handicapped by offside penalties, I was acting captain at the time and had been conversing with the ref throughout the game looking for clarification on the #'s of the offending players to try to start to help our team get onside as it was difficult for me to see where the infractions were. I believe I was likely annoying the ref however in SW1, playing 10s via play on rules I was just looking for help/clarification to stop our team from committing the constant offside violations. The ref was unwilling to provide offender #'s, I quit asking for clarification as I didn't want to create an issue.

I also felt that there was 0 focus on safety issue penalties (ex multiple missed high tackles by both teams) and instead there was a very high focus on other penalties. There were many collapsed scrums that I felt could have been caused by the refs incredibly delayed "set" call, after "bind" sometimes as much as 10 seconds would elapse causing fatigue in the scrum and then upon "set" it would quickly collapse. We were playing 5 man scrums so there was no aid to the 2nd row and I felt this was a huge safety issue that was overlooked by the ref with the delayed "set" call. My point from all this is that I was certainly very frustrated come my infraction time.

Right before the yellow card, the ball was in the saints possession, they had dropped it and it was a loose ball, I ran forward to kick the ball (before reading the game report I thought this was what caused my yellow) however a saints player grabbed it so I immediately changed course and tackled her, this all happened very quickly. (In the report I was listed as the offensive player and it says that I proceeded to kick the player who had tackled me while on the ground. That was absolutely not my experience of what was going on in open play prior to my yellow card.)

As soon as I got up from completing the tackle I was then yellow carded for "kicking".. I was extremely confused as I did not believe I had kicked someone, accident or otherwise and asked for further explanation however none was provided to me. I asked again what the yellow card was for and was just told "deliberate kicking". At this time I was beginning to exit the field but had certainly not gone far before making my unsportsmanlike remark. I do believe delivery is somewhat important, I was not directly facing the ref however I did say "what a piece of shit" as I began to walk off. I did not lower my voice at all so while I was not facing the ref I knew he heard me. I did not mean this as a personal attack on the ref, it was something extremely rude and stupid, said out of pure frustration from the game. I completely understood why offense was taken to my statement and once I was Red Carded I immediately exited the field.

I am not sure if you are able to look at a player's information from the last few years but if you are you would see that I have not been yellow carded in years and have never been red carded ever before. This is not the kind of player I am or strive to be. After the game I went to find out which player I had allegedly kicked to make sure if I had made nontackle contact with her that I was aware (as I do not believe I did) and apologized and though the "impacted" player told me I had not kicked or made nontackle contact with her I still apologized to her and the Saint's team as a whole, I was unable to apologize to the ref at this time as he left immediately after the game without coming in for a handshake.

I had an issue with the ref (Chad) in 2018, not as a player but as a coach for a high school team that was brand new and playing in their very first game (the HS had just opened that year). My team was tiny, so so inexperienced and very low in numbers, I made note of this to the ref prior to the game. The other team absolutely walloped my team and was winning 100-0 or something crazy like that. Regardless, Chad penalized my young team over and over again for minor penalties to the point that they were essentially walking backwards down the field, no assistance or explanation given. In my opinion that was a very insensitive thing to do in a high school match that was so one sided. Instead of helping both teams learn and slowing the game down to promote rugby as a whole for young athletes my team was penalized in their first game ever as if it was a Prem game. After the game I told Chad something like "why are you reffing high school sports if you don't believe in helping and teaching young athletes who obviously need help.. Your reffing today was very poor".. This was obviously ill received and I know Chad has an issue with me because of it. I have had many uncomfortable experiences with him at titans in the years between then and now and have always felt that he was "after me" in any game I played in that he was reffing. I believe that my yellow card was given on July 3rd for biased reasons, particularly because I had been asking for help/clarification with all the penalties and he was annoyed/frustrated with me.

Regardless, I got a red card because of MY poor behavior and unkind words, I just wanted to provide some context. I hope that anyone who reads this can see that what I did was out of frustration and a lapse in judgment, not something I did because it's who I am, how I play or how I treat match officials. I will happily send a written apology to the ref or anything else I can do to mend this situation. I hope you will consider not suspending me however I will of course respect any/all decisions and will make sure you never have to hear from me again in this scenario. I am truly sorry.
The Player gave oral evidence on her own behalf at the hearing:

The Red Deer Titans gave the following information on the Player's behalf.

Erika Green, the President of the Red Deer Titans expressed concern that the MO may have made his decision out of bias and flowing from a previous interaction with the club which he references in his report.

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. And World Rugby Regulation 17.15.3, where the player does not accept that the act(s) of foul play which is the subject of the disciplinary hearing warranted the Player being ordered off, the burden of proof rests on the Player to show that the referee was wrong.

In difference to the match official who was arguably closer to the break down and in reference to law 6, and Regulation 17.15.3, 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 find as fact that at or about the 28 minute mark of the second half of the game, after having been shown a yellow card Leah Brunner said to Chad Deetjens, a Match Official, "what a piece of shit" the language used based on a plain and ordinary reading can only bring the conclusion that the statement was addressed directly at the match official.

With respect to the Player's submissions that the Yellow card was the catalyst which created the conduct for which the Match Official complains I specifically find that whether a yellow card was issued or not is not relevant. The player reacted to a yellow card and while that may be correlated it is not causative in my mind.

In my view anytime a Player refers to a Match Official as a "piece of shit" they have verbally abused a match official.

DECISION

Relevant Laws:

The player was sent off under law 9.28 which states:

Law 9.28 A Player must not Verbally Abuse a Match Official. I am convinced, on a balance of probabilities, that Leah Brunner Verbally Abused Chad Deetjens, a Match Official. And such conduct is worthy of sanction.

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 checked="" type="checkbox"/> Intentional <input type="checkbox"/> Reckless
State Reasons
The statement was made out of frustration, or anger, in any event it was not a reckless act of foul play.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
The Player said the words “what a piece of shit”
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 Match Official by his own statement will not referee matches involving the Red Deer Titans, the true victim in this case is the Players own club, and Rugby in general.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
As the Offence occurred at the 28 minute mark, the Titans, already short played the remainder of the game with one less player. The end result however was in the Titans Favour 40-23.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
The Victim was not physically vulnerable
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 checked="" type="checkbox"/>	6

*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
While the language itself is offensive and inappropriate, I consider this instance to be on the low end of offending. World Rugby Regulation provides a minimum low end entry point of 6 weeks, I elect to enter at 6 weeks.

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 her conduct at the earliest opportunity	The player has no disciplinary record to speak of which is neither mitigating, nor aggravating.
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 an experienced player who has made appearances at national level fixtures.	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)
The player states in writing that this type of conduct is inappropriate and not in keeping with the values of Rugby	N/A

Number of weeks /matches deducted: 2

<p>Summary of reason for number of weeks/matches deducted:</p> <p>The maximum mitigation available to me is 50% of the entry point sanction. I am not convinced however that the maximum mitigation is warranted in the circumstances. While the player’s conduct, admission, lack of disciplinary record and remorse are evident, much of her verbal and written submissions seek to suggest that she only behaved the way that she did because she received a yellow card that, in her view, was not warranted. I would apply a mitigation of factor of approximately 30% or 2 weeks.</p>

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

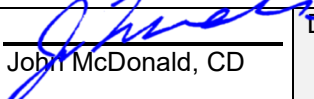
Number of additional weeks/matches: 0

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	4 weeks expressed as matches	<input type="checkbox"/> Sending off sufficient
Sanction commences	July 9, 2024	
Sanction concludes	May 30, 2025 or sooner	
Matches/tournaments included in sanction	July 19, 2024 v Calgary Hornets July 27, 2024 v LRC August 10, 2024 v Calgary Canucks And either the first post-season match, or if no post season for the Titans, the first regular season match of 2025.	

Costs	N/A
-------	-----

Signature (DO or Chairman)	 John McDonald, CD	Date	July 9, 2024
-------------------------------	--	------	--------------

NOTE: Should the Player or the club wish to appeal this sanction they may do so in accordance World Rugby Regulation 17 within 48 hours of receipt of this decision by sending a notice of appeal together with the fee to the CRU.