

# DISCIPLINARY DECISION



Match	Calgary Hornets v Bow Valley		
Competition	Calgary Rugby Union – Development Division		
Date of match	June 1, 2024	Match venue	CRP 1
Rules to apply	World Rugby: Law of the Game World Rugby: Regulation 17 – Discipline Foul Play		

PARTICULARS OF OFFENCE			
Player's surname	McClaren	Date of birth	
Forename(s)	Harain		
Player's Union	Calgary Hornets RFC		
Referee Name	Lee Jefferies	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not Admitted
Offence	Accumulation of Temporary Suspensions (2 yellow cards) [Law 9.29]  1 <sup>st</sup> Yellow – foul play – Dangerous Tackle [Law 9.13]  2 <sup>nd</sup> Yellow – foul play – Dangerous Tackle [Law 9.13]	SELECT: <input type="checkbox"/> Red Card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other If "Other" selected, please specify: Two temporary Suspensions in a single match.	
Summary of Sanction	4 weeks expressed as matches		

HEARING DETAILS			
Hearing date	June 5, 2024	Hearing venue	Calgary, Alberta
Chairman/JO	Clinton Slogrove		
Other Members of Disciplinary Committee	N/A		
Appearance Player	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Appearance Union	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Player's Representative(s)	Shevonne Witter – Men's VP Lauren Johnson – Secretary	Disciplinary Officer and/or other attendees	NA
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> <li>Referee Send-Off Report dated June 3, 2024 (unsigned)</li> <li>Video of first Temporary Suspension offence (IMG_0)</li> <li>Video of second Temporary Suspension offence (RPreplay_Final1717640069)</li> </ul>		

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

The Send-Off Report only briefly mentions the first Temporary Suspension stating that Hornets #13

“had received a yellow card for dangerous tackle in first minute of first half”.

The Send-Off Report details the second Temporary Suspension incident in more detail stating that the second incident occurred in the 53 minute. A ruck formed in the Bow Valley (BV) end. The ball was retained by BV and passed out to the stand off. Hornets #13 tackled BV #10 receiving the pass from BV #9. Contact was at/above shoulder height with force in violation of Law 9.13. Hornets player did not lower his height in tackle to avoid high contact. Bow Valley #10 received medical treatment and was unable to continue due to shoulder injury.

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

Two Videos were provided to me for review.

The first video (File Name: IMG\_0) shows the tackle which resulted in the first Temporary Suspension. The video show BV #15 receiving the ball, fending off Hornets #12 and then being tackled by Hornets #13. BV #15 places the ball prior to the Referee blowing the whistle on the penalty. The tackle was adjudged by the Referee on the pitch as a dangerous tackle in violation of Law 9.13. In my view, this tackle was not only dangerous pursuant to Law 9.13, but was also a violation of Law 9.18. BV #15's feet clearly break the horizontal and his head, neck and back make contact with the ground. BV #15 is not injured in tackle and is able to place the ball prior to the whistle for the dangerous tackle.

The second video (File Name: RPReplay\_Final1717640069) briefly shows BV #10 receive the ball from BV #9, Hornets #13 lines up for the tackle on BV #10 who drops to brace for the hit while passing the ball before the camera pans with the play and the completion of the tackle is out of view of the camera.

#### **SUMMARY OF PLAYER'S EVIDENCE**

Mr. McClaren, confirmed that he has been playing rugby for over 5 years. He was of the view neither tackles merited Temporary Suspensions.

In relation to the tackle resulting in the first Temporary Suspension, he stated that the Referee said it was a high tackle but “I picked him, but I put him down, I didn't slam him put him down.”

On the tackle resulting in the second Temporary Suspension he stated that he went in and lowered for the tackle, the #10 also lowered and that's why it seems to be a high tackle.

Mr Witten, in support of Mr. McClaren stated, of the tackle resulting in the first Temporary Suspension that “it was a dump and if you watched the clip, which we do have and I could send over to you as well, the player, the 15 who was tackled lands no problem and puts the ball, places it with no issue.”

#### **FINDINGS OF FACT**

Having reviewed the Send-Off Report and the two videos provided to me, as well as having heard the evidence of Mr. McClaren (the Player) and Mr. Witten, I accept as fact that:

- 1) In regards to the tackle resulting in the first Temporary Suspension at about the first minute of the first half, the Player made a dangerous tackle on BV #15.
- 2) In regards to the tackle resulting in the second Temporary Suspension: at about the 13<sup>th</sup> minute of the second half, The Player lines up BV #10, drops his body-position below the shoulder line of BV #10 to make a clean legal tackle, however, BV #10 then drops his body position in an attempt to brace for the tackle. While only the initial moment of impact of the hit was captured in the video (which at least started out as a legal tackle) the Send-Off Report adjudged that the tackle was at the level of the shoulder and above safe level. A second yellow card was issued to the Player for this infringement. Absent any evidence to the contrary the Send-Off Report is adopted as fact.

### DECISION

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)

Intentional

Reckless

State Reasons

I find no evidence of intent.

Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)

The tackle resulting in first Temporary Suspension: the Player dangerously and recklessly tackled BV #15 causing direct contact of the head and neck with the ground. This tackle was serious and dangerous. The fact that BV #15 was able to place the ball and was not otherwise injured is of little consequence. The Player, however, was adjudged to have made a dangerous tackle. Bearing in mind what is stated above regarding the review of the video footage, the Player is adjudged to have violated Law 9.13.

Tackle resulting in second Temporary Suspension: the Player recklessly (but without malicious intent) tackled BV #10 in a dangerous manner in violation of Law 9.13.

Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)

No existence of provocation.

Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)

No evidence of retaliation.

Self-defence – R 17.18.1(f) (or equivalent Tournament rule)

No evidence of self-defence.
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
BV #10 was unable to continue participation in the match following the infraction leading to the second Temporary Suspension.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
The Red Card had little effect on the match with the Hornets scoring a further 14 points after the Permanent Suspension. It is not clear what impact removing the BV #10 from the game had on the ultimate outcome of the match
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
Both BV #15 and BV #10 were the ball carries at the time of the respective tackles and so were not vulnerable.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
The Player effected both tackles alone. Neither tackle appeared premeditated in the sense that there was an intention to breach the laws or otherwise injure the opponents.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Both tackles were completed.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
No other features were identified.

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point (Pursuant to World Rugby Regulation 17, APPENDIX 1 - WORLD RUGBY SANCTIONS FOR FOUL PLAY)					
<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"/>	Click Here For #	<input checked="" type="checkbox"/>	<u>6</u>	<input type="checkbox"/>	Click Here For #

\*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
In my view, the tackle which resulted in the first Temporary Suspension was a violation of Law 9.18 “A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.” The Player makes good contact with BV #15, wraps his arms in a textbook fashion, but proceeds to lift BV #15 off the ground, raising BV #15’s legs and feet past the horizontal and well above his head driving (albeit without malicious intent) BV #15 to the ground where both his neck and head make contact with the ground first. While this was not carried out in a malicious manner, it was reckless and had

potential to seriously injure the opponent. The Referee on the field adjudged this to be a dangerous tackle, but not meriting a Permanent Suspension. In my view, this was largely influenced by it being the first minute of the game. The Player, however, was not able to address the more severe charge [9.18] at the hearing.

**Accordingly, I have adjudged the entry point on the violation at the mid-point of the lesser of the two possible offenses [9.13 as opposed to 9.18] 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 did not admit either infraction.	The Player has a clean disciplinary record.
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 a young or inexperienced player, having been playing for “five or so years”. This provides no mitigating factors.	The Player’s conduct was calm, honest, and respectful.
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)
While calm and respectful, the Player showed no remorse for the two incidences and defended his actions in both.	None.

Number of weeks /matches deducted: 2

Summary of reason for number of weeks/matches deducted:

While the Player showed no acknowledgment for the seriousness of the first tackle, his demeanour during the hearing portrayed that of an individual who did not intend to tackle dangerously or otherwise injure an opponent. His clean record merits mitigation.

#### 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)

Player has a clean disciplinary history.

Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)

There is the need for deterrence in respect to these tackles. Since the Player was not charged with a violation of Law 9.18, I will not escalate the sanction above the entry point.
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
None applicable.

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/Games	<input type="checkbox"/> Sending off sufficient
Sanction commences	June 10, 2024	
Sanction concludes	After 4 matches for which the Player is eligible and able to play. Approximately July 21, 2024	
Matches/tournaments included in sanction	June 15, 2024 v Banff (MDEV) June 22, 2024 v Saints (MDEV) July 13, 2024 v LT(AC) July 20, 2024 v Saracens (MDEV) The Player is not eligible to play at any level of the Game during the suspension period.	

Costs	NA
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Signature (JO or Chairman)	<i>Clinton Slogrove</i>	Date	June 10, 2024
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**NOTE:** YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.24.2(a) (or equivalent Tournament rule) (see Page 6)

[Standard Appeal Directions to appear on this page]