

# DISCIPLINARY DECISION



Match	Calgary Hornets RFC vs Lethbridge Rugby Club		
Competition	Calgary Rugby Union – Development Division		
Date of match	August 19, 2023	Match venue	Calgary Rugby Park – Field 3
Rules to apply	World Rugby Regulation 17: Discipline – Foul Play		

PARTICULARS OF OFFENCE			
Player's surname	Bown	Date of birth	
Forename(s)	Rick		
Player's Union	Calgary Hornets RFC		
Referee Name	Mozac Samson	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Offence	Breach 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.	SELECT: <input checked="" type="checkbox"/> Red Card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	
Summary of Sanction	3 matches/weeks		

HEARING DETAILS			
Hearing date	August 24, 2023	Hearing venue	Calgary, Alberta – Via Remote Video Conference Software
Chairman/JO	Martin Rejman		
Other Members of Disciplinary Committee	N/A		
Appearance Player	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Appearance Union	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Player's Representative(s)	Ryan McKeown	Disciplinary Officer and/or other attendees	No
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> <li>Referee Send Off Report</li> <li>Mr. Bown's Verbal Statements</li> </ul>		

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

**Referee's Send Off Report:**  
*Issued a Red Card during the Hornets and Lethbridge Game.*

*Red Card Issued to: Second Row for Lethbridge- Wearing jersey number 60%*

*Time of incident: 39min in the second half.*

*Description of incident. At around the 10m inside the hornets half, the player in question picked up the Hornets scrum half tipped him past the horizontal and his head and neck made contact with the ground. The tackler knew right away that what they had done was wrong and warranted a Red Card.*

*Paul was present to witness the situation and agreed with the sanction.*

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

no medical treatment was provided, there appears to be no injury to the victim

#### SUMMARY OF PLAYER'S EVIDENCE

During the virtual disciplinary hearing, Mr. Bown submitted that:

- This is his first red card in 16 years playing men's rugby
- The Hornets player (ball carrier) ran into another Lethbridge player who held him
- Upon Mr. Bown arriving to tackle, HO player presented only one leg available to tackle, so he lifted the one leg
- Upon completion of the tackle when everyone hit the ground, Mr. Bown realized it was a harder tackle than usually
- The match official (MO) immediately sanctioned and informed Mr. Bown of the danger of the tackle, was sent off with red card
- Mr. Bown walked away without arguing and accepted the sanction
- Mr. Bown did not realize the tackle danger until he was notified getting up and being sanctioned

#### FINDINGS OF FACT

After considering all of the evidence before me, and applying relevant weight to the evidence as per my discretion, I find that an act of foul play contrary to Law 9.18 occurred, and that this act of foul play met the red card threshold.

#### 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)
<input type="checkbox"/> Intentional <input checked="" type="checkbox"/> Reckless
State Reasons
<p>The player submitted he did not intend to tackle in such a manner. He was not aware that the tackled was in a manner that the victim was driven head/shoulders first into the ground.</p> <p>The JO accepts that the offending was not intentional, and that the incident to be a reckless act of foul play by the Player.</p>
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Lifting tackle
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
None found.
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
No evidence of retaliation has been presented.
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)
No injury.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
Unknown, but was approximately in the last 11 minutes of the game.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
The victim player was in a vulnerable position.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
No evidence of premeditation was submitted. The incident was not considered to be premeditated.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Conduct was complete.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
None

**Pursuant to the World Rugby Regulation 17 – Appendix 1: World Rugby Sanctions for Foul Play:**

*Any act of foul play which results in contact with the head and/or the neck shall result in at least a mid-range sanction.*

## 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"/>	<u>6</u>

\*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
N/A

## 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 was not aware that the impugned tackled drove the player head/neck/shoulders first. He accepted the finding.	Mr. Bown stated this is his first red card in his 16 year rugby career.
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)
This consideration does not appear relevant in the circumstances.	Mr. Bown has been very cooperative and understanding.
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)
Mr. Bown presented as remorseful, he apologized to the player when the game ended.	Hornet’s captain submitted that “In this case I really don’t think it was malicious. Letter of the law red, but I don’t think their player was excessive.”

Number of weeks /matches deducted:    **3**

Summary of reason for number of weeks/matches deducted:
Full mitigation, of 50% plainly justified.

**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)
Mr. Bown admitted to a few yellow cards during his 16 years playing rugby. No history of red cards. Mr. Bown is not considered to be an offender of the Laws 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)
None.

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	3 Games	<input type="checkbox"/> Sending off sufficient
Sanction commences	July 16, 2023	
Sanction concludes	At the conclusion of 3 matches, whatever this date occurs on.	
Matches/tournaments included in sanction	3 matches: <ul style="list-style-type: none"> <li>• Lethbridge v Calgary Rams (August 26, 2023)</li> <li>• Lethbridge v Calgary Canucks (September 9, 2023)</li> <li>• 3<sup>rd</sup> match date unknown</li> </ul>	

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

Signature (JO or Chairman)	<i>Martin Rejman</i>	Date	August 26, 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](#)

Within 10 days of the date of this decision.