

DISCIPLINARY DECISION



Match	Lethbridge Rugby Club v Calgary Canucks		
Competition	MDEV		
Date of match	June 23, 2023	Match venue	Calgary Rugby Park
Rules to apply	Regulation 17 World Rugby Handbook; and HSBC World Rugby Sevens Series 2022 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE			
Player's surname	Wennekers	Date of birth	
Forename(s)	Elias		
Player's Club	Calgary Canucks		
Referee Name	Conan Cooper	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not Admitted
Offence	9.12 A player must not physically abuse anyone 9.12 A player must not verbally abuse anyone 9.14 A player must not tackle an opponent who is not in possession of the ball 9.20 A player must not make contact with an opponent above the line of the shoulders.	SELECT: <input type="checkbox"/> Red Card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	
Summary of Sanction	No Sanction		

HEARING DETAILS			
Hearing date	June 23, 2023	Hearing venue	Calgary Alberta (via teams)
Chairman/DO	John McDonald		
Other Members of Disciplinary Committee			
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)	Paul Reid		
List of documents/materials provided to Player in advance of hearing	Copy of Citing Report Video footage from the match https://youtu.be/pu5cxtSQblk		

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

The Lethbridge Rugby Club Alleges that Mr. Wennekers contravened the referenced laws in the following ways: at 1:00:13 after the ball is played by LRC at the base of the Ruck, Canucks 23 tackles a Lethbridge Player high who is not in possession of the ball.

At this point Lethbridge 23 punches Canucks #23

At 1:00:18 both players exchange punches

After this it is alleged by Lethbridge #23 that Canucks #23 utters a racial slur (the N-word) at which point L23 charges him and both players exchange punches again.

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

The video clearly shows the complete exchange between the players at or around to 1:00:00 mark of the match. The video shows the C23 entered a ruck at or about the time the ball leaves the ruck, he is engaged with LRC7 who then pulls him through the ruck and throws him to the ground. He is punched and retaliates with punches of his own.

SUMMARY OF PLAYER'S EVIDENCE

The player himself, and through his club representative state that at no time did he tackle anyone above the line of the shoulders, that he was properly in contact in a ruck with LRC7, and that LRC 7 threw him to the ground at which point he was the victim of a punch from L23, which he freely admits he retaliated in self-defence. It is C23 evidence that after incident one had defused, and he was approaching the Match Official in anticipation of being sent off L23 charged him and struck him in the head igniting the second melee. C23 vehemently denies that he used any racial slurs.

FINDINGS OF FACT

World Rugby Regulation 17.16.4 holds that "In citing cases involving Matches in which no Citing Commissioner was appointed and team citing applies, the Disciplinary Committee or Judicial Officer must establish:

- (i) that the incident was undetected by the referee and/or assistant referees, and
- (ii) the alleged Foul Play was sufficiently serious to warrant an Ordering Off.

If the Disciplinary Committee or Judicial Officer does not consider the alleged Foul Play of sufficient seriousness to have warranted an Ordering Off they shall dismiss the citing complaint. If the Disciplinary Committee or Judicial Officer considers the alleged Foul Play of sufficient seriousness to have warranted an Ordering Off, the Disciplinary Committee or Judicial Officer shall move to the next stage of the hearing to determine the sanction (if any) to be imposed on the Player in accordance with Regulations 17.17 to 17.21.

I am not convinced on the balance, after review of the video footage, and taking into account all of the player statements that Mr. Wennekers high tackled anyone. I note that the contact occurred at the ruck, in plain view of the referee, I cannot conclude on the balance that the Match Official did not see that contact and as a result I cannot interfere with the match officials on field decision not to punish the matter on the field.

I am convinced on the balance, that as the ruck was breaking up Mr. Wennekers was brought to the ground by L7, and was subsequently struck in the head, without provocation and without warning by L23, and that he struck back in self-defense and retaliation, or a combination of the above. I am satisfied that the Referee could not have seen the first punch and the retaliation defense, as the ball had moved by this point, I am however not convinced that this would have met the "Red Card Test" however Mr. Wennekers may have seen a yellow card and as a result I cannot uphold the citing with respect to that incident.

Having regard to the allegation the C23 used the N-word which caused the second melee. I note from the video that the players were separated by at least 10 meters. I further note that the match official was between the players and that at least 25 players were in the immediate vicinity. Neither the Match Official, nor any other player reports hearing the N-word, I am convinced on the balance that had that actually occurred there would be significant, and visible outrage, such is absent from the video and I cannot uphold that claim.

This leads me to my final finding of fact. Mr. Wenneker's reaction to the second punch was not self-defense but was in fact retaliatory, it was in fact behind the view of the referee, and not detectable by the match official, however I am not convinced that when the recipient of an otherwise unprovoked attack that a match official would send the player off. I cannot uphold the citing under those circumstances.

DECISION

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

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)
<input type="checkbox"/> Intentional <input type="checkbox"/> Reckless
State Reasons
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)

Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)

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"/>	Click Here For #	<input type="checkbox"/>	Click Here For #	<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

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)
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)
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)

Number of weeks /matches deducted: [Click Here For #](#)

Summary of reason for number of weeks/matches deducted:

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)
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)

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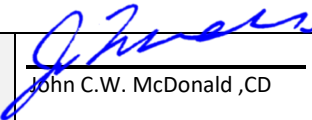
Number of additional weeks/matches: [Click Here For #](#)

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	0 Weeks/Games	<input type="checkbox"/> Sending off sufficient
Sanction commences	Click to enter a date.	
Sanction concludes	Click to enter a date.	
Matches/tournaments included in sanction		

Costs	
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Signature (DO or Chairman)	 <hr style="border: 0; border-top: 1px solid black; margin: 0;"/> John C.W. McDonald ,CD	Date	June 23, 2023
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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.