

WORLD RUGBY DECISION



Match	France v Japan		
Player's Union	Japan	Competition	WRWC 2017
Date of match	9 August 2017	Match venue	Billings Park, UCD
Rules to apply	WRWC 2017 Tournament Disciplinary Program		

PARTICULARS OF OFFENCE

Player's surname	Tomita	Date of birth	02/08/1991
Forename(s)	Makiko		
Referee Name	Graham Cooper (ARU)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 10.4(e) – Dangerous tackling	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>
		If "Other" selected, please specify:	

HEARING DETAILS

Hearing date	10 August 2017	Hearing venue	UCD Campus, Dublin
Chairman/JO	Roger Morris (WRU)		
Other Members of Disciplinary Committee	Rebecca Essex (former England international and Women's Rugby World Cup winner) Oliver Kohn (former Wales, Bristol and Harlequins player)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

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

The player admitted she committed the foul for which she had been penalised and accepted that her ordering off (Red Card) was appropriate in the circumstances.

The purpose of the hearing therefore was to consider the evidence with a view to deciding what further sanction if any should be imposed.

The Referee's report read as follows:

"Dangerous tackle. 12 Japan made direct contact to the head of the French player. The contact was with force. Red Card was issued."

There was no comment the player wished to make in relation to the referee's report.

The Hearing then considered the video recording of the relevant incident.

The video showed France in possession of the ball in the central area of the pitch. France moved the ball to the left and it was passed to F22 who was confronted by the Player. The Player tackled F22 from the front.

In commenting on the tackle, the Player accepted that the point of contact was across the shoulders and that the Player's own shoulder then rose up to make firm contact with the head of F22.

The Player said that her intention was to perform a legitimate "ball" tackle but that the French player had dipped immediately before contact so that the Player tackled her too high. It was not an intentional act.

The chair explained that the function of the Committee was to assess the seriousness of the foul play by reference to the criteria set in the relevant regulations and to determine which of the three set entry points was the correct starting point for deciding the appropriate sanction. He then explained the process of considering aggravating and mitigating off field factors so as to make a final decision about the level of sanction to be imposed. He asked the Player and her manager to tell the Committee something of the Player's career, discipline record and character.

The Player had never before received a yellow card let alone a red card and had never therefore appeared before a Disciplinary Committee. She is 26 years of age and has played rugby since she was at high school. She spent a year in Australia to learn the game and had returned with the ambition of getting into the Japan seven aside team for the Olympic games in Rio. She was appointed vice captain of that team but unfortunately in the first minute of the first match was so badly injured that she did not play in the rest of the Tournament. Her ambition was then to join the full Japanese team and to play in the World Cup.

Her manager said that she was a role model and that she had fully accepted her responsibility for the tackle she had made. Both she and the team were aware from the outset of the Tournament that contact with the head was to be refereed vigorously.

Her playing schedule apart from the suspension she was now facing involved four more matches in the World Cup.

PAGE 2

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

Mr Rutherford and Ms. Nolan confirmed that F22 had not been injured as a consequence of the tackle

FINDINGS OF FACT

The Committee retired to consider matters in private.

The Committee reviewed the video evidence and determined as follows.

The Player had set out with the intention of executing a legitimate front-on tackle with the aim of wrapping up the opposition player and the ball. In the event her execution of the tackle was faulty and she made contact with F22 along the line of her shoulders and neck so that the Player's shoulder then rose further to make firm and significant contact to the head of F22.

The Committee accepted that the action was the consequence of a reckless rather than a deliberate action and noted there was no injury or other adverse consequence suffered by the opponent.

The Committee then followed the process set out by the regulations so as to assess the seriousness of the offending. The Committee noted that they were bound to assess a foul contrary to law 10.4(e) as being of at least mid-range seriousness if the foul involved contact with the opponent's head.

In all the circumstances, for the reasons set out below, the Committee adjudged the Player's offending as mid-range.

DECISION

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

Page 3

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – TDP 12.10.1(a)(i)-(ii)	
Intentional/deliberate <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>	
State Reasons	
The Committee accepted the Player's version of events, namely that her intention was to perform a legitimate tackle which unfortunately and recklessly went wrong.	
Gravity of player's actions – TDP 12.10.1(a)(iii)	Nature of actions – TDP 12.10.1(a)(iv)
The gravity of the Player's actions and the nature of those actions were that she performed a strong and determined tackle which had it been lower and therefore legitimate would have been viewed as a powerful performance of her role.	
Existence of provocation – TDP 12.10.1(a)(v)	Whether player retaliated – TDP 12.10.1(a)(vi)
There was no provocation, retaliation or self-defence to consider.	
Self-defence – TDP 12.10.1(a)(vii)	Effect on victim – TDP 12.10.1(a)(viii)
	There was no adverse effect on the victim.
Effect on match – TDP 12.10.1(a)(ix)	Vulnerability of victim – TDP 12.10.1(a)(x)
The effect on the match was simply that the Player was removed from the field for the remainder of it.	The victim was no more vulnerable than any ball carrier confronted by a strong tackle might be if that tackle was high.

Level of participation/premeditation – TDP 12.10.1(a)(xi)	Conduct completed/attempted – TDP 12.10.1(a)(xii)
	The Player fully participated in her actions and those actions were completed and not merely an attempt.
Other features of player’s conduct – TDP 12.10.1(a)(xiii)	
There were no other features of the offending that needed to be taken into account.	

PAGE 4 ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	6	<u>Weeks</u>	<u>Low-end</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>			<input type="checkbox"/>

*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 the provisions within the Tournament Rules at 12.10.1(a)(i), 12.10.1(a)(viii), and 12.10.1(a)(ix).

Reasons for selecting Entry Point above Top End

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – TDP 12.10.2(a)(i)
Need for deterrence – TDP 12.10.2(a)(ii)
Any other off-field aggravating factors – TDP 12.10.2(a)(iii)
The Committee considered there were no aggravating circumstances that should add to the period of suspension to be imposed.

Number of additional weeks:

Acknowledgement of guilt and timing – TDP 12.10.3(a)(i)	Player's disciplinary record/good character – TDP 12.10.3(a)(ii)
Youth and inexperience of player – TDP 12.10.3(a)(iii)	Conduct prior to and at hearing – TDP 12.10.3(a)(iv)
Remorse and timing of remorse – TDP 12.10.3(a)(v)	Other off-field mitigation – TDP 12.10.3(a)(vi)
	<p>In considering mitigating circumstances the Committee noted the Player's previously unblemished disciplinary record; the fact that she had accepted her culpability swiftly and openly; the good character attested to by her manager; the respectful manner in which she had approached the disciplinary process and her clear remorse and concern for the welfare of the other player.</p> <p>The Committee was satisfied that she is entitled to the maximum discount allowable of 50%.</p>

Number of weeks deducted:

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – TDP 12.4(e)(vi)

The mid-range starting point for the relevant offence is a period of suspension, if expressed in weeks, of 6 weeks. Accordingly, again expressed in weeks, that period of suspension would be reduced to 3 weeks.

In terms of the current Tournament that means a suspension of 3 matches which therefore means the Player would be free to play again after Japan had played its next 3 matches in the Tournament.

The hearing was reconvened and the Committee's decision was related to the Player and the other parties.

Finally, the chair reminded the parties that the regulations and tournament rules provide a right of appeal against the decisions of Disciplinary Committees.

Total sanction	3 matches	Sending off sufficient <input type="checkbox"/>
Sanction commences	10 August 2017	

Sanction concludes	Midnight 22 August 2017
Matches/tournaments included in sanction	3 matches

Costs	N/A
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Signature (JO or Chairman)	Roger Morris _____	Date	11 August 2017 _____
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE RELEVANT BODY – TDP 12.13(a)