

DISCIPLINARY DECISION



Match	Chile vs Jamaica		
Competition	World Rugby HSBC Sevens Series/Canada Sevens		
Date of match	September 19, 2021	Match venue	BC Place Vancouver B.C.
Rules to apply	Regulation 17 World Rugby Handbook and HSBC World Rugby Sevens Series 2021 Tournament Disciplinary Program		

PARTICULARS OF OFFENCE

Player's surname	Bascunan	Date of birth	December 26, 2001
Forename(s)	Juan		
Player's Union	Chile		
Referee Name	Breakspear	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.20 (a) Dangerous play in a ruck or maul – A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	3 weeks/matches (6 matches reduced to 3 matches as a result of mitigating factors)		

HEARING DETAILS

Hearing date	September 19, 2021	Hearing venue	BC Place Vancouver B.C.
Chairman/JO	Alan Hudson		
Other Members of Disciplinary Committee			
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Edmundo Olfos – Chile Coach	Disciplinary Officer and/or other attendees	Jennifer Gray World Rugby
List of documents/materials provided to Player in advance of hearing	Citing Commissioner Report Incident Video Clips		

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

The Citing Commissioner Report states:

"Red (Chile) 11 is in possession of the ball and is tackled by Green (Jamaica)12. Green 12 wrapped both arms around the shoulders and slid up around the neck of Red 11 and was brought to the ground.

Red 6 enters the tackle from the left rear at speed with his right arm tucked and his shoulder makes direct contact with Green 12 on the right side of his head; no wrap from Red 6 left or right arm. Red 6 pushes with force against Green 12 off the ruck and time is stopped by the referee. A high tackle penalty is awarded to Red against the high tackle performed before the ruck by Green 12 on Red 11. Red 6

actions are contrary to law 9.20(a) – a player must not charge into a ruck. Red 6 arrives at speed and makes head contact.”

The referee advised the Disciplinary Officer, Ms. Gray, that from his view point the subject clear out by the Player involved shoulder to shoulder contact and no sanction was therefore invoked.

The video footage presented showed 2 angles. The first camera angle entitled “2tight” did not clearly show the incident. The 2nd camera angle from an in-goal camera behind the Player and the ruck in question, clearly showed the incident. The tackle by the Victim Player noted in the Citing Commissioner report is depicted as is the arrival at the ensuing ruck by the Player. The Player enters the ruck from the left rear with speed and an obvious intention to clear out the Victim Player. He does not wrap either arm on any player and drives forward with his right elbow and arm, making direct contact with the Victim Player’s head. The force of the contact is significant as the Victim Player is knocked backward about 3 feet landing on his back.

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

The Jamaica team reports that Jamaica 12 – the Victim Player – sustained no injury as a result of the incident in question.

SUMMARY OF PLAYER’S EVIDENCE

The Player accepted the essential details and allegations in the Citing Commissioner Report. The Player’s evidence is that he was attempting a clean out of the Victim Player at the ruck in order to secure possession of the ball. It was accepted that there was no wrapping action by the Player and that the Player’s actions resulted in direct contact from the Player’s right arm to the head of the Victim Player with what the Player thought was medium force. It was agreed by and on behalf of the Player that this did not constitute a good cleanout and that the actions of the Player were reckless in the circumstances.

FINDINGS OF FACT

The actions of the Player in this situation were dangerous and reckless. He attempted a cleanout of the victim player without binding either arm on any player in the ruck contrary to Law 9.20(a) and led into contact with the Victim Player with his right elbow and arm striking the Victim Player in the head with force. In reference to World Rugby’s Head Contact Process which offers guidance on the approach to be taken regarding contact with the head in situations including dangerous cleanouts, there was contact with the Victim Player’s head which was avoidable and reckless and therefore constituted foul play, and the contact was direct and of significant force as the Victim Player was moved backward landing on his back. Finally, there were no mitigating factors as the Player had a clear line of sight as he entered the ruck and there was no sudden or significant movement on the part of the Victim Player, and the Player did not attempt to adjust his angle of attack at any point.

The Citing Commissioner Report is upheld.

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 <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
The Player entered the ruck with the intention of securing the ball but initiated contact in a manner that was avoidable and where the Player knew or ought to have known that there was a significant risk of committing an act of foul play.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
The contact in this situation was the Player's arm and elbow areas striking the head of the Victim Payer.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
None
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
None
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 Victim Player was not injured in the incident and required no medical attention on the field.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
None
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
The Victim Player was in a vulnerable position in the ruck and did not anticipate the illegal actions of the Player.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
The Player fully participated and there was no premeditation
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
The conduct was completed.
Other features of player's conduct – R 17.18.1(l) (or equivalent Tournament rule)
None

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 checked="" type="checkbox"/>	6	<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 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/good character – R 17.19.1(b) (or equivalent Tournament rule)
The Player acknowledged his culpability at the commencement of the hearing and was frank in his admission of wrongdoing throughout the hearing.	The Player has no disciplinary record. His coach spoke very highly of him describing him as an “honourable” player.
Youth and 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 young at 19 years of age and this is his first tournament playing for the Chile senior team.	The Player was thoughtful, candid, and helpful throughout 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 was disappointed in himself for his actions leading to the citing and did express clear remorse for those actions.	None

Number of weeks/matches deducted:

3

Summary of reason for number of weeks/matches deducted:

This is a young player playing in his 1st senior tournament for his country, who has a clear disciplinary record, is well aware of his wrongdoing here and was fully prepared to admit this, and who conducted himself admirably throughout the hearing. In the circumstances, the Player is entitled to a 50% reduction in his period of sanction giving a final sanction of 3 weeks/matches

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 disciplinary record.
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 weeks/matches	Sending off sufficient <input type="checkbox"/>
Sanction commences	At the conclusion of the hearing	
Sanction concludes	Following the 2 nd match that Chile plays at the World Rugby HSBC 7s Series in Edmonton on Saturday September 25, 2021.	
Matches/tournaments included in sanction	The last match that Chile plays in the WR HSBC 7s in Vancouver on September 19, 2021 and the 1st 2 matches that Chile will play in Edmonton at the WR HSBC 7s on Saturday September 25, 2021.	

Costs	No Order as to costs
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Signature (JO or Chairman)	Alan Hudson	Date	September 20, 2021
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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)

[Standard Appeal Directions to appear on this page]