

## DISCIPLINARY DECISION



Match	Belgium v Canada		
Competition	Autumn International		
Date of match	13-11-2021	Match venue	Brussels Stadium
Rules to apply	Regulation 17 World Rugby Handbook		

### PARTICULARS OF OFFENCE

Player's surname	Michael	Date of birth	16-03-1998
Forename(s)	Smith		
Player's Union	Canada		
Referee Name	Andrea Piardi	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Dangerous cleanout in a ruck	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>
		If "Other" selected, please specify:	
Summary of Sanction	3 weeks (the disciplinary committee agree that one week of the sanction may be replaced by a «Coaching Intervention» that complies with the World Rugby Head Contact Process Coaching Intervention Programme.		

### HEARING DETAILS

Hearing date	17-11-2021	Hearing venue:	Remote Hearing
Chairman/JO	Marcello d'Orey (Portugal)		
Other Members of Disciplinary Committee	Olly Kohn (Wales) – former international player Mike Ross (Ireland) – former international player		
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)	Dustin Hopkins (Managing Director of Rugby Canada)	Disciplinary Officer and/or other attendees	Brian Hammond and Joyce Hayes
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> <li>• Match Official Report(s) (Referee &amp; TMO) – AR reports also provided for completeness</li> <li>• Medical report (Dr Laurent Simar, Belgium)</li> <li>• Various Clips of the incident</li> <li>• Team sheets</li> <li>• World Rugby Regulation 17</li> <li>• Link to the World Rugby's Head Contact Process</li> <li>• Player's response to the standing directions</li> </ul>		

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

With the clock at 17 minutes in the First Half, Canada n.7 charged with the shoulder directly in the face of an opponent team player (Belgium n.4). The images of the incident were clear and show the contact made between the shoulder and the face, and that the Canadian player tucked his right arm before the contact. The contact with the head was not hard or violent and the player speed was low.

Canada n.7 should have realised that there was a possibility of making contact with the head of Belgium n. 4 that was in a vulnerable position. In this case, contact was made between the shoulder of Canada n.7 and the face of Belgium n. 4. This Sees Canada n.7 in breach of law 9.20 (a) «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.»

Based on the facts this act of foul play reaches the red card threshold.

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

The doctor report stated that there was no injury to the Belgium player and that he resumed playing immediately.

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

The Player was invited to explain his actions and he did so by reference to the video footage shown. The essence of his explanation was as follows:

- He saw Belgium n. 4 in a ruck, preventing the ball to be available through foul play.
- The referee had already said and signaled that the Belgian player had committed a foul.
- The Belgian player was below him, in a very low position.
- He decided to clean the Belgian player from the ruck.
- He used a bad technique to do so.
- And miscalculated where his shoulder would hit.
- And in doing that, he accepted that his shoulder hit the Belgian player in the face.
- He was sorry and remorseful for that
- He apologized to the Belgian player after the game.
- He knows that his technique was poor and that he was also unlucky to hit the player in the face.
- It was never his intention to do so.

In answering questions from the panel the Player made the following further comments:

- He accepts that it may look like he tucked his right arm before the hit on the Belgian player.
- He never intended to make contact with the face of the Belgian player.
- The contact was not very hard or violent and he was not running or even walking and believed that it should not be considered that he charged into the Belgian player.

Mr. Brian Hammond then made his submissions by reference to the criteria set out in Regulation 17 to support his view that the Mid Entry classification was appropriate in this case. In terms of mitigation, he suggested the Player was entitled to the maximum 50% allowable. This was because the player was young, had an unblemished disciplinary record and his conduct prior to and in the hearing.

He also stated that World Rugby has introduced a centralised Head Contact Process Coaching Intervention Programme as a positive measure to further encourage changes in player behaviour to reduce head contact and head injuries.

The Head Contact Process Coaching Intervention Programme is only available in cases of foul play involving the World Rugby Head Contact Process.

Players may apply under the Head Contact Process Coaching Intervention Programme to substitute the final week/match of a suspension with a Coaching Intervention that targets the specific technical issue that contributed to the act of foul play.

Access to the Head Contact Process Coaching Intervention Programme is discretionary and depends on approval from the Disciplinary Panel. In the event of a malicious act of foul play for example, a Panel may determine that it would not be appropriate to grant access but generally, Panels are encouraged to grant the player access to facilitate this positive measure.

The Player and Mr. Dustin Hopkins accepted that they would be willing to apply for that programme, if the Disciplinary Committee approved it.

#### **FINDINGS OF FACT**

There was no objection to the composition of the Panel. No preliminary points arose.

The Player accepted that he was the Player involved in the alleged foul play.

There was little dispute as to the facts as displayed in the video recording as described by the TMO and the referee in their reports.

Save for the use of the word charge, as the player believes that he didn't charge, as he was very close to the ruck, and didn't run to it or didn't even take any steps to get to the ruck.

The Player asserted that the contact was accidental.

In any event it was submitted that the player accepted that there was a foul play, and that it was a red card incident.

Therefore, the Disciplinary Committee was required to consider what further action should be taken as a result of the player being shown the red card in respect of a contravention of law 9.20 (a).

The Disciplinary Committee found, on the balance of probabilities, that:

1. The Player had not intended to make contact with the face of Belgium n. 4.
2. The Player knew or should have known that there was a significant risk of committing an act of foul play which had the potential to cause serious injury by trying to ruck in the way in which he did (as seen in the video evidence and described above).
3. The player's shoulder made clear contact with Belgium n. 4's face.
4. Although the act was not violent, it was a rugby action that was poorly executed.

5. The Belgian player was vulnerable, and the act could have caused a serious injury, and was not more dangerous, because the player was not in full speed and the hit to the face was not very violent.
6. There was no injury to the Belgian player.

### 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

#### 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
There was no evidence that the player targeted the face of the Belgian player. This action was reckless and it carried the very clear risk that contact would be made with the head or neck of the Belgian player. Whilst the panel accepted the player had not intended to make contact with the Belgian player’s face, he had acted in a highly dangerous manner in relation to the risk of injury and in relation to potential to cause injury.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Dangerous cleanout in a ruck.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
No provocation
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
The Player didn’t retaliate
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)
There was no injury, and the player didn’t need any treatment.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
No effect
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
The Belgian player was in a vulnerable position.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
No premeditation found
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
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 guilt in his responses to the standing directions in advance of the hearing and further acknowledged same in the course of the hearing.	The player had never been sent off before.
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 and it was only his fifth game for the national team.	good
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 apologised to the player after the game.	None.

Number of weeks/matches deducted: 3

The player accepted that he had committed an act of foul play which warranted a red card and did not seek to challenge this, he apologised to the Belgian player immediately after the match and indicated that he had no intention to cause an injury and conducted himself in an exemplary manner at the hearing. The player had a clean disciplinary record.

The disciplinary committee approve the access to the coaching intervention programme as it is applicable to situations such as the one in this case, and the player and Union have indicated that they accept and want to do that. In the event of the player receiving a confirmation of completion from World Rugby’s coaching intervention programme, the final specified match of the player’s suspension (to be played on the 20<sup>th</sup> February 2022) will be substituted by the successful Coaching Intervention, without the need to reconvene this panel.

**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)
None
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
None
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
None

Number of additional weeks/matches: None

## 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	Sending off sufficient <input type="checkbox"/>
Sanction commences	At the conclusion of the hearing	
Sanction concludes	Midnight on Sunday 20 February 2022 (or midnight on Saturday 12 February 2022 if the Player successfully completes the Head Contact Process Coaching Intervention)	
Matches/tournaments included in sanction	6 February 2022 - San Diego Legion v Utah Warriors (MLR)  12 February 2022 - San Diego Legion v Dallas Jackals (MLR)  20 February 2022 - San Diego Legion v Seattle Seawolves (MLR)	

Costs	None
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Signature (JO or Chairman)		Date	18-11-2021
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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)