

DECISION OF THE INDEPENDENT JUDICIAL COMMITTEE

Hearing held at the offices of Clifford Chance, 10 Upper Bank Street, Canary Wharf, London.
Tuesday 5 April, 2016 at 2.00pm

In respect of

Joe Marler of England (**'the Player'**)

And

World Rugby, arising out of a misconduct complaint asserting a contravention of Regulation 20 (Misconduct/Code of Conduct) namely the use of the words "*Gypsy boy*" and "*back to your caravan*" to Samson Lee of Wales during the RBS Six Nations Championship 2016 match between England v Wales on 12 March 2016 at Twickenham Stadium (**'the Match'**).

Judicial Committee appointed to hear the case (**'the Committee'**):

Terry Willis, Australia (Chairman)

Alan Hudson, Canada

Jean-Noel Couraud, France

The following persons were present at the hearing:

- Mr Joe Marler (**'the Player'**)
- Mr Mark Milliken-Smith QC (on behalf of Mr Marler)
- Ms Vleck- RFU
- Mr Tennant- RFU
- Ms Susan Ahern (World Rugby)
- Mr Ben Rutherford (World Rugby)

Decision of the Committee:

- (i) The Committee confirmed the admission of breach of R20 by the Player as alleged by World Rugby.
- (ii) Pursuant to R20.10.1(c), the Player is suspended from all Rugby up to and including 17 April 2016 (2 matches). Accordingly, the Player is suspended for the European Challenge Cup fixture (London Irish) on 9 April 2016 and the English Premiership fixture (Saracens) on 16 April 2016. Thereafter he is free to resume playing; **and that**
- (iii) Pursuant to R20.10.1(b), the Player is ordered to pay a fine in the form of a donation of £20,000 to a suitable equality foundation or charity.
- (iv) The sum referred to in paragraph (iii) above be paid by the Player within 6 months of the date of these Reasons. Liberty to apply is granted to the Player, if a further period is required to make such payment.
- (v) In respect of paragraph (iii), the parties attempt to agree as to the name of the particular equality foundation or charity within the UK which has an emphasis on dealing with the Traveller community. Liberty is granted to apply in the event that agreement cannot be reached in relation to the particular foundation or community.
- (vi) Liberty is granted to World Rugby to make written submissions in relation to costs within 7 days of the publishing of these Reasons, with a right to the Player to reply within 7 days thereafter. If required, the Committee will determine the question of costs on the papers.

1. INTRODUCTION

- 1.1 The Committee was appointed to consider the misconduct complaint against the Player arising from the match between **England** and **Wales** on 12 March 2016 at Twickenham Stadium during the RBS Six Nations Championship 2016 ('the Match').
- 1.2 World Rugby alleged that the Player committed an act of misconduct in using the words "Gypsy boy" and "back to your caravan" to Samson Lee ('Lee') during the Match.
- 1.3 The applicable regulations relied upon by World Rugby are contained in R20 "Misconduct and Code of Conduct". R20.3 defines 'Misconduct' as:

*"**Misconduct:** shall mean any conduct, behaviour, statements and/or practices on or off the playing enclosure during or in connection with a Match or otherwise, that is unsporting and/or cheating and/or insulting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the Game and/or any of its constituent bodies, World Rugby and/or its appointed personnel or commercial partners and/or Match Officials and/or Judicial Personnel into disrepute".*

- 1.4 World Rugby alleged that:

- (i) Pursuant to R20.3, the statement was "*unsporting and/or...insulting and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the Game into disrepute.*"
- (ii) The statement was in breach of R20.4(c) in that the statement was "*...discriminatory by reason of...race or national or ethnic origin*".
- (iii) The statement was in breach of R20.4(f) inter alia in that it was "*unsporting*" (in breach of clause 1.1 of the Code of Conduct).
- (iv) The statement did not ensure that the spirit of the Laws of the Game were upheld (in breach of clause 1.2 of the Code of Conduct).
- (v) The statement did not promote the reputation of the Game and prevent it from being brought into disrepute (in breach of clause 1.9 of the Code of Conduct).
- (vi) The statement was likely to intimidate, offend, insult, humiliate or discriminate against another Person on the ground of their race, or national or ethnic origin (in breach of clause 1.13 of the Code of Conduct).
- (vii) The statement adversely affected the Game of Rugby (in breach of clause 1.14 of the Code of Conduct).

- 1.5 R20.4 provides a list of the types of conduct, behaviour, statements or practices that may amount to misconduct. The Regulation notes that it is “*not possible to provide a definitive and exhaustive list*”. Within the list, at R20.4(f), there is a reference to “*any breach of Regulation 20 Appendix 1 (Code of Conduct)*”.

2. Pre-Hearing Conference

- 2.1 On Saturday evening 2 April 2016, the Chairman held a telephone conference involving the parties. At that conference, Mr Milliken-Smith QC (‘Milliken-Smith QC’) notified the Chairman that the Player admits breaches of R20 and the misconduct alleged. He confirmed that the Player used the words “*Gypsy boy*” and “*back to your caravan*” to Lee. Accordingly, the hearing was as to sanction only. Pre-Hearing Directions were issued by the Chairman directed to both parties with respect to Written Outline of Argument with respect to sanction only.

THE HEARING

3. The Evidence

- 3.1 Milliken-Smith QC confirmed that the Player admits that he used the words which are the subject of the misconduct complaint. Accordingly, the hearing proceeded on the basis of an assessment of the applicable sanction, if any.
- 3.2 The Committee admitted into evidence documents and exhibits as follows:

The Committee accepted into evidence a large bundle of documents which were indexed and summarised in the document headed ‘List of Exhibits and Documents’ attached to these Reasons. Also admitted into evidence and part of documents of evidence, were the following additional documents:

- (i) Tab 16 of “A” was a statement provided by Rhodri Lewis, Head of Legal Affairs, Welsh Rugby Union (‘WRU’) dated 5 April 2016.
- (ii) Tab 17 of “A” was a copy of the press release from WRU dated 17 March 2016.
- (iii) Tab 18 of “A” was a copy of a Tweet from the Player published on social media on Monday 4 April 2016.
- (iv) Tab 19 of “A” was an ‘Index of a Bundle of Supporting Evidence’, which included character references from Eddie Jones; Conor O’Shea; Steve Borthwick; David Ellis and Nick Easter. The bundle also included some press releases from WRU; social media posts; a statement from the Rugby Players

Association dated 29 March 2016 and a Heat Map Analysis of Social Media Activity.

- 3.3 In the Tweet published by the Player the day before the hearing on social media (Tab 18), he made the following statement:

"I'm not a racist. What I said to Samson was out of order and wrong and I am sorry it was said, we shook hands at the end of the game and looked to move on. Whatever happens to me tomorrow I will accept. I'm sorry to anyone who was offended, saying it was in the 'heat of the moment' isn't an excuse, but one comment, one mistake, does not make me a racist. My wife, kids, family and friends (yes, I do have some friends) know this.

Thanks to the people who have supported me and have understood that I made a mistake and sorry again to the people I offended".

- 3.4 As the Player admitted the alleged misconduct, it was not necessary to review all the evidence during the hearing. The Committee reviewed Exhibit 2 being the 5 isolated camera angles with audio, the broadcast footage and the isolated microphone audio file, prior to determination in this matter.
- 3.5 During the course of argument, the Committee was referred to the various exhibits including press articles, extracts of comments from members of the public and on social media and press releases from the Rugby Football Union ('RFU') and the WRU. Whilst not specifically referred to in these Reasons, all the exhibits and documentation were considered by the Committee in coming to its determination in this matter.
- 3.6 Milliken-Smith QC did not call the Player to give oral evidence at the hearing, but relied upon the Tweet and evidence referred to above. The Committee did not consider it necessary to hear further from the Player. Other than the documentary evidence, the matter proceeded by way of reliance upon the written submissions, expanded upon with oral argument.

4. Sanctioning principles

- 4.1 World Rugby submitted that the on-field act of Misconduct was, when it occurred, covered by both R17 and R20. However, the opportunity for the case to be determined under R17 alone expired when there was no citing by the Six Nations Citing Commissioner or referral by WRU to the Citing Commissioner for consideration, notwithstanding that the incident

was known and discussed on the following day (13 March 2016) by the BBC Commentary Team in advance of the Scotland vs France Match (Exhibit 9).

- 4.2 Therefore, World Rugby submitted that the matter falls firmly within R20 and the range of sanctions that can apply under the sanctioning powers of the Judicial Committee are as per R18.6.1 and R20.10.1. World Rugby asserted that any reference to the approach to sanctioning in R17 is a matter for the Committee to consider *at its discretion* and the Committee *is not bound* to apply it, nor is the Committee bound by the Sanctions Table at Appendix 1 to R17 though each may be of helpful general guidance to the Committee.
- 4.3 All parties agreed that the Committee had a wide discretion to determine the appropriate sanction in all the circumstances.
- 4.4 R20.10.1 provides (relevantly):

“The Judicial Committee and Judicial Officers shall be entitled to impose such sanction as they think fit on the ...person and/or Player...but not limited to, the following:

- (a) A caution, warning as to future conduct, reprimand;*
- (b) A fine and/or compensation orders;*
- (c) A suspension for a specified number of Matches (including all on-field activities) or period of time...”*

- 4.5 Both World Rugby and the Player urged upon the Committee that a useful framework for consideration of the appropriate sanction was to refer in general to the sanctioning process provided in R17 together with Appendix 1. Appendix 1 specifically refers to Law 10.4(m) offences as “*verbal abuse of Players based on Religion, Race, Colour or National or Ethnic Origin, Sexual Orientation or otherwise*”. Within this sanctioning table, there is a reference to Low End- 4 weeks; Mid Range- 8 weeks and Top End- 16+ weeks.
- 4.6 Milliken-Smith QC on behalf of the Player succinctly described the flexibility of penalty options available to the Committee in the sanctioning regime. He argued that, as this matter is a R20 matter, the Committee had open to it an ability to impose varying sanctions in combination. Milliken-Smith QC submitted:

“Whilst it may require some creativity in terms of the flexibility, placing those sanctions together, the key here is whether or not this man needs to be suspended. We respectfully submit that there is, given the circumstances of this particular case, sufficient in terms of sanctioning options open to this Committee, which can send out the right message and properly do justice to the particular facts and circumstances of Mr Marler’s case on and off the field”.

5. Submissions by the Player

- 5.1 Milliken-Smith QC submitted that the Committee should find that the offending was low end (applying R17) but that a suspension from playing would be a *wholly disproportionate* outcome in all the circumstances of this case. No specific submissions were made with respect to the *creativity in terms of the flexibility* that the Committee should embark upon, in order to impose a fair and reasonable sanction, in all the circumstances.
- 5.2 The principle argument on behalf of the Player in support of the low end entry point was that the words used by the Player were directed to Lee “*in the heat of the moment*”. He urged the Committee to determine that, having considered the context in which the Player made the comments and, the views taken by the RFU, Warren Gatland (Welsh coach) and those who examined the matter, that the Player lacked any relevant intent to make a racist comment.
- 5.3 The Committee was referred to the press statements made by the WRU dated 16 March 2016 where the WRU confirmed that it did not condone racism at all, that comments made by the Player were in the nature of ‘*banter*’ and that Lee accepted the Player’s apology on Saturday.
- 5.4 The Player argued that after a “*thorough investigation*” Six Nations Rugby, as tournament organiser, in its press release informed the public that:

“Six Nations Rugby have accepted the explanation provided that the comment was one made in the heat of the moment”.

- 5.5 The concept of “*heat of the moment*” was again reinforced by the Player having regard to the email to Six Nations Rugby on 16 March 2016 from Ian Ritchie, the CEO of Rugby Football Union (‘RFU’) wherein he stated that:

“The RFU does not condone the making of any inappropriate comments and certainly not any that might give the appearance of having racist connotations. However, the RFU accepts that the remarks were made in the heat of a very competitive test match and that they were not intended by Joe Marler to be in any way a racist slur”.

- 5.6 The Player asserted that the comments were made on one occasion and were not part of a course of conduct permeating the Game. It was further submitted that the words were not accompanied by violence or a swear word or other insulting words or phrases which “*might be expected had there been any truly racist intent*”. (Player’s Written Outline of Argument).

- 5.7 It was argued, with respect to the issue of context, that the Player's conduct had no effect on the Match.
- 5.8 In summary, the Player urged upon the Committee that, having regard to the context of the comments, the fact that Lee accepted the apology and the views of the RFU, WRU and Six Nations Rugby that the incident occurred in the heat of the moment without any true racist intent, that the appropriate sanction, before considering potential aggravating and mitigating factors, should be within the lower end entry point.
- 5.9 With respect to potential aggravating factors, the Player argued that there were none. The Player argued that the question of deterrence should be considered in the context of this Player and to his offending. It was argued that there was no intent to cause racial offence and no suggestion that the Player's conduct was symptomatic of a wider or significant problem in the Game.
- 5.10 With respect to mitigating factors, the Player urged upon the Committee to accept that the Player admitted his culpability from the very first opportunity that he could to speak to Lee. It was argued that the apology was made personally to Lee at half time in the Match and that it was made without being prompted by any intervention either from the match officials or from any other party. It was argued that the Committee should accept that the Player deeply regretted what he had said and almost immediately provided an unprompted apology to Lee. Thereafter, he made a public statement very soon after the incident:

"I have accepted from the outset that I made a misguided remark to Samson. It was made in the heat of the moment. I apologised, unprompted, to Samson Lee at half time and this was accepted. As ever, we shook hands and exchanged smiles at the end of the game. I have been warned very clearly by Eddie Jones how comments like this are unacceptable. I will certainly conduct myself differently in the future. I do not condone racism in any form, at any time, and deeply regret the incident and intend to reflect the behaviours expected by an English player going forward. Once again I apologise for the upset my inappropriate remarks have caused".

- 5.11 The Committee was asked to accept that the Player demonstrated remorse and took positive steps in respect to the victim player Lee.
- 5.12 The Committee heard that the Player's disciplinary record involved three matters with respect to striking. These offences were for on-field foul play and occurred in his youth. As at the date of the current disciplinary hearing, he had played 42 Tests for England. He has had a positive disciplinary record since his career for England began in 2012. It was asserted that he was a person of good character and he had no misconduct charges.

- 5.13 The Committee heard that whilst the Player accepts that the root cause of this matter was the Player's remarks to Lee, that the considered decisions of the early investigations, as noted previously in the Reasons, were not the fault of the Player. It was urged upon the Committee, when considering sanction, to take into consideration the enormous personal pressure and abuse experienced by the Player. The Committee was reminded that the Player has had to experience prolonged uncertainty as to his fate, together with all the concomitant and intense media scrutiny.
- 5.14 Despite the written and oral submissions made by World Rugby, the Player chose not to make initial oral submissions to rebut those made by World Rugby with respect to a financial penalty.

6. Submissions by World Rugby

- 6.1 It was urged upon the Committee, after considering the general framework in R17, that a final sanction of not less than 6 weeks combined with a suitable fine (which would be donated to an equality charity), should be considered by the Committee. It was also urged upon the Committee that it should order that the Player undergo a suitable training course on "*inclusivity*", which could be managed via the Player's Union.
- 6.2 In its submissions, World Rugby made specific submissions in relation to the factors it considered important in ascribing these sanctions. In essence, it was argued that, while World Rugby did not assert that Mr Marler is a racist, the Player intended to say the words spoken. In oral argument, Ms Ahern pointed out that the words used were to a *specific player with a specific ethnic background*. Mr Lee is the first Traveller to play international Rugby, a fact of which he is very proud. The nature of the words used were discriminatory and racist in character and *targeted* the ethnicity of Mr Lee.
- 6.3 In response to the argument that the comments occurred in the "*heat of the moment*" or, as Ms Ahern described, "*the heat of battle*", World Rugby argued that these words were: "*...oft (sic) used term to describe any sporting contest- it is wonderful hyperbole especially for commentators, the media and defenders of players who transgress the rules of the sport*".
- 6.4 With respect to the argument that the remarks used by the Player are best characterised as inappropriate *banter*, Ms Ahern argued that the words "*Gypsy boy*" are a reference to the ethnicity of Lee who is from the Traveller community, a protected ethnic minority. In its written submissions, World Rugby argued that:

"Gypsy boy, when those words are held beside the accompanying comment back to your caravan, they conjure up a clear meaning. They say, you do not belong here. That

only needs to be said once to have an adverse impact upon the victim player against whom it is hurled”.

- 6.5 World Rugby submitted that the characterisation of the words used by the Player as *“banter”* is incorrect. The real effect of the words must be considered by the Committee, in the context of the victim player and the wider Game and not the intention of the speaker.
- 6.6 Ms Ahern argues that the words *“Gypsy boy”* together with the phrase *“back to your caravan”* are truly racist. They do not need to be accompanied by supplemental words or swearing to make them *“truly racist”*. It was argued that they do that on their own account.

7. Consideration

- 7.1 The Player relied upon the fact that both the RFU and Six Nations Rugby considered the words were best characterised as *“inappropriate banter”* made in the *“heat of the moment”* and that the Committee should accept that imposing a period of suspension would be *wholly disproportionate* to the level of offending. With limited specificity, the Player requested that the Committee use *“some creativity in terms of the flexibility”* to the sanctioning task at hand.
- 7.2 Misconduct matters bring a unique set of considerations which is the reason why a specific regulation has been promulgated to deal with such conduct. Often there is overlap between misconduct and on-field conduct in breach of Law 10.4(m) which states that: *“A Player must not do anything that is against the spirit of good sportsmanship in the playing enclosure”*. In the sanctioning programme at Appendix 1, there is a separate category dealing with inappropriate comments/remarks made to Players as identified in paragraph [4.5] above.
- 7.3 The Code of Conduct, when considered with Preamble A in R20, imposes a general obligation on all parties to ensure that discipline, control, honesty and mutual respect, which are fundamental to the integrity of the Game, are preserved. Breaches of these values bring into question the fabric and core principles of the Game. The Committee acknowledges that the task of sanctioning must necessarily be facts and situation specific to the Player. However, due regard must be had to the wider community and the Game. It is for these reasons that World Rugby has provided Judicial Committees dealing with misconduct matters with a wide range of sanctions, as provided for in R20.10 and R18.6.1.
- 7.4 The Committee accepts the submission, on behalf of the Player, that it can engage in *“some creativity in terms of the flexibility”*, in order to achieve a sanction that is fair and reasonable both to the Player and the Game.

- 7.5 The imposition of a suspension upon a Player has a direct effect on the Player and his fellow Players and supporters. The imposition of a financial penalty indicates to the Rugby community at large and the public the seriousness of the offending. The intention is to provide a deterrent, not only to the Player but also to others who may contemplate or engage in similar conduct. In certain circumstances, a financial penalty would be appropriate, or a suspension only, or a combination of both.
- 7.6 The Committee was referred to various decisions, including those of the RFU, where racist and discriminatory language was used. The sanctions were varied and included suspensions alone or, suspensions and fines. The Player also referred to the decision of the ARU Integrity Unit that issued a fine only to Jacques Potgieter, but a suspension of three matches together with a financial penalty of £8,300 was imposed on Justin Harrison.
- 7.7 The Committee rejects the argument that the fact that the incident occurred in a Test Match and in the "*heat of the moment*" is significant in this matter. Others may have used the phrase as an explanation for the Player's conduct, but this fact has little "*real*" relevance in the overall sanctioning process. The Player intended to use discriminatory and racially orientated comments. The Committee finds that the words used were specific to Lee, who is the first Traveller to play international Rugby. Regrettably, foul play occurs during the course of a game of Rugby which, by its nature, is sometimes described by enthusiastic coaches and Players as a battle, but by more measured observers as an intense physical exchange. The Committee accepts the argument made by World Rugby that the phrase "*heat of the moment*" is conveniently used by persons who wish to excuse or in some way moderate transgressions, on and off the playing enclosure.
- 7.8 Whilst administrators, coaches and the Player used the word "*banter*" as an explanation for the words used, the Committee determined that the phrase "*Gypsy boy*", when added to the phrase "*back to your caravan*", evokes the meaning suggested by World Rugby that Lee, because of his racial background, does not belong. Of course, Lee does belong. To suggest otherwise is offensive. The Committee did not hear direct evidence from Lee that he specifically interpreted the phrase in this way at the moment it was delivered by the Player. However, in Tab 16 Rhodri Lewis, Head of Legal Affairs WRU provided a statement that confirmed that Lee took offence at what had been said to him. The interpretation suggested by World Rugby is one which a fair minded and objective observer could well accept, considering the context in which the words were used. The Committee accepts the submission made by World Rugby on this issue.
- 7.9 The Committee accepts the submission on behalf of the Player that it was quite unusual for the Player to apologise to Lee at half time. The Committee further accepts that this apology was unprompted. The remarks made by the Player to Lee only became public the following day during a BBC programme during a preview to the Scotland vs France

Test Match and the Player could not have known at half time in the Match that comments were captured during the broadcast feed. The timing and extent of the Player's apology was accepted by the Committee to be most exceptional and compelling. The Player has conducted himself in an impeccable manner from the first possible moment. He has maintained dignity, control and apologised on numerous occasions, the last of which was the Tweet referred to in paragraph [3.3] above, apologising for his comments. It is for these reasons that the Committee has concluded that the period of suspension should be only two Matches.

7.10 The phrase "*back to your caravan*", when used in conjunction with "*Gypsy boy*", conjures up discrimination which is deplorable and totally unacceptable. The Committee considers that a financial fine reflecting the seriousness of the offensive words is warranted. It should not be *de minimis*. It must impact not only on the Player but also on those contemplating the use of racist remarks to achieve a sporting advantage.

7.11 Having regard to these findings, the Committee considers that a fine in the form of a donation in the sum of £20,000 is appropriate in all the circumstances. As the Traveller community is an ethnic minority, the Committee considers that it is appropriate that the donation be made to an equality foundation or charity that has an emphasis in dealing with the Traveller community in the UK.

7.12 The Committee accepts the submissions made by the Player and outlined in paragraph [5.13] above. The Committee heard that he has been reminded of this incident on numerous occasions until the determination made by this Committee. The Committee does not intend to order that the Player undergo a suitable training course on inclusivity. The Player has had to endure media scrutiny and a full disciplinary hearing. The Committee considers that this will have had the desired effect sought by World Rugby with respect to the Player being required to undergo a suitable training course. The Committee accordingly rejects the submission made by World Rugby in this regard.

7.13 With respect to the financial penalty, the Player made an application on two grounds, namely:

1. That part of the fine should be suspended, and/or
2. That the Player be granted a period of 6 months to make the payment.

7.14 The fine imposed of £20,000 was on the basis that the Player is otherwise of good character and will not offend again. If the Committee determined, which it didn't, that there was a prospect of the Player becoming involved in similar future activity, the fine would have been higher, with an amount suspended to deal with this potential eventuality. In certain circumstances, a suspended sentence can be a useful sanctioning tool. However,

having regard to the fact that this was the Player's first misconduct matter; the Player's status in the Game; his good character and the nature of the remarks used, the Committee determined that, in all the circumstances, suspending any portion of the fine was not appropriate. The Committee accordingly refused the application in 7.13(1) above. The Committee however granted the Player 6 months to make the payment. Further, it granted liberty for an extension of time for payment if considered necessary.

- 7.15 The Committee invited the parties to nominate a suitable equality foundation or charity and requested that an agreement be reached between the parties as to the identity of such foundation and/or charity. Liberty was granted for the Committee to be approached to make further orders, if an agreement cannot be reached.

8. Costs

- 8.1 The Committee invited submissions in relation to costs. Whilst not concluding its decision with respect to the issue, the Committee was not inclined to order costs in this case. It was not the Player's choice to have this matter proceed in a protracted manner as it has. However, the Committee orders that if World Rugby wishes to make an application for costs, further submissions must be made within 7 days of the date of the publishing of these Reasons and the Player shall have a further 7 days in which to respond. Otherwise, the Committee makes no order as to costs.

9. Disposition

- 9.1 The Committee confirms the admission of a breach of R20 by the Player as alleged by World Rugby.
- 9.2 Pursuant to R20.10.1(c), the Player is suspended from all Rugby up to and including 17 April 2016 (2 matches). Accordingly, the Player is suspended from the European Challenge Cup fixture (London Irish) on 9 April 2016 and the English Premiership fixture (Saracens) on 16 April 2016. Thereafter he is free to resume playing.
- 9.3 Pursuant to R20.10.1(b), the Player is ordered to pay a fine in the form of a donation of £20,000 to a suitable equality foundation or charity.
- 9.4 The sum referred to in [9.3] above is to be paid by the Player within 6 months of the date of these Reasons. Liberty to apply is granted to the Player, if a further period is required to make such payment.
- 9.5 The parties attempt to agree as to the name of the particular equality foundation or charity within the UK, which has an emphasis on dealing with the Traveller community. Liberty is granted to apply in the event that agreement cannot be reached in relation to the particular foundation or community.

10. *Right of appeal*

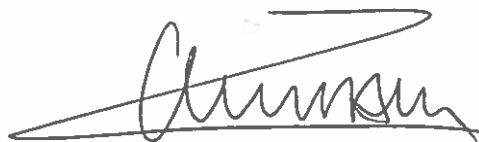
10.1 The Player is reminded of his right of appeal.

A handwritten signature in black ink, appearing to read 'T. Willis', with a large circular flourish on the left and a diagonal stroke on the right.

Terry Willis
Chairman
11 April 2016

A handwritten signature in black ink, appearing to read 'A. Hudson', with a large circular flourish on the left and a horizontal stroke on the right.

Alan Hudson

A handwritten signature in black ink, appearing to read 'J. Couraud', with a large, sweeping horizontal flourish on the left and a vertical stroke on the right.

Jean-Noel Couraud

IN THE MATTER OF WORLD RUGBY REGULATION 20 (MISCONDUCT / CODE OF CONDUCT)
AND JOE MARLER

BROUGHT BY: World Rugby

AGAINST: Joe Marler, England Player Number 1 (the “Player”)

EVENT: England v Wales, 12 March 2016, Twickenham Stadium, RBS Six Nations Championship 2016 (the “Match”)

LIST OF EXHIBITS AND DOCUMENTATION

- Exhibit 1 SNRL Disciplinary Regulations 2015 and 2016
- Exhibit 2 Five isolated camera angles with clean audio, the broadcast footage and the isolated referee microphone audio file
- Exhibit 3 *Commission of Racial Equality v Dutton*, Court of Appeal (1988) Times Law Reports, 29 July 1988
- Exhibit 4 Extracts of comments from members of the public on social media
- Exhibit 5 SNRL press release dated 16 March 2016
- Exhibit 6 SNRL Investigation File
- Exhibit 7 Statement from match Referee, Craig Joubert
- Exhibit 8 Social Media report
- Exhibit 9 Video of extract BBC coverage 6 Nations on 13 March 2016
- Tab 10 Press Articles referenced at Footnotes 11 and 15
- Tab 11 World Rugby Regulation 20 Misconduct
- Tab 12 Reports referenced at Footnote 13
- Tab 13 Judicial Committee Directions
- Tab 14 Regulation 18, Appendix 1
- Tab 15 Case decisions referenced at Footnote 15 of World Rugby Outline Submissions on Sanction