

DISCIPLINARY DECISION



Match	Scotland v Fiji		
Player's Union	Fiji	Competition	Autumn Internationals
Date of match	10 th November 2018	Match venue	Murrayfield Scotland
Rules to apply	2018 Autumn Internationals Disciplinary Rules		

PARTICULARS OF OFFENCE

Player's surname	Vasiteri	Date of birth	27 th May 1989
Forename(s)	Eroni		
Referee Name	Andrew Brace	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	9.13 A player must not tackle an opponent early, late or dangerously.	SELECT:	Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	No Sanction		

HEARING DETAILS

Hearing date	13 th November 2018	Hearing venue	Sofitel Hotel Heathrow
Chairman/JO	Charles Cuthbert		
Other Members of Disciplinary Committee	Donal Courtney -former Ireland international referee Mike Rafter-former England 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)	Geoff Webster -General Manager of Rugby for Fiji RU	Disciplinary Officer and/or other attendees	Jon Davis-Disciplinary Officer Belinda Armstrong-Disciplinary Administrator Rebecca Morgan-RFU Disciplinary Officer (as observer)
List of documents/materials provided to Player in advance of hearing	Citing Commissioner's report Broadcast footage of the incident and footage of the various angles obtained by the CC post match Statements from Finn Russell (S10), the Referee, AR1 and AR2 and the TMO. Medical report from Dr James Robson, SRU Team Doctor Disciplinary & Anti-Doping rules		

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

The Citing Commissioner's report states as follows:-

"S10 Finn Russell receives the ball from S9 after multiple phases by Scotland. S10 takes the ball to the line attempting to draw players onto him. Fiji back replacement no. 23 (Eroni Vasiteri) is committed by S10 and steps in to make the tackle. F23 steps inside plants his feet and lowers his body height to set for the tackle. Leading with the left shoulder in forwards and upwards

trajectory. Contact is made directly to the head of S10 in the chin area with force. S10 does not lower his body height entering contact. S10's head is clearly rocked backwards from the impact. There is an effort to wrap the arms but this is secondary to the contact. S10 is grounded by the contact and gingerly gets to his feet.

After brief treatment he plays on. The incident was referred very briefly to the TMO but dismissed as penalty only

Analysis of all available angles shows a shoulder with direct contact to the head with force, passing the red card test and therefore I cite the player with a breach of law 9.13."

The DVD evidence produced in citing the offence shows the incident from various angles at various speeds. The Committee agreed that the footage evidenced the event as the Citing Commissioner had set out in his report save that the Committee was not convinced that the Player made contact directly to the head of S10 in the chin area or at all with the head of S10. The television broadcast footage shown to the Committee shows S10 pointing to his neck whilst being tended to by the Scotland physiotherapist

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

The Committee was read the medical report produced by Dr James Robson, the Scotland team doctor:-
"Finn Russell was attended to at the time of the incident by physiotherapist Ally Little. Finn was deemed fit to continue, and indeed as you are aware finished the game.

Finn reported mild discomfort around the front of his neck on Sunday morning with no obvious concerns from myself on examination. Today (Monday), he reports verbally of a mildly stiff neck, but indicates that he should be able to train later."

S10 also produced a statement saying:-

"I just remember getting tackled and being hit in the lower neck area. I can't remember if I was going down before contact or not but there was no contact to my head."

The Referee reported by email that:-

"Following an advantage played against Fiji for a breakdown infringement, Fiji No.23 made a tackle on Scotland No.10 that I initially deemed was ok as I didn't see a high tackle and saw both arms clearly grasped around the Scottish player's back by pulling him down on the back of his jersey. When I communicated this tackle to be "Fine" during live play, Karl Dickson (AR2) flagged the tackle at a penalty kick threshold and I penalised this. As I relayed this back to the Fiji captain a replay was shown on the screen and TMO Ben Skeen confirmed the penalty kick only."

AR2 reported by email that:-

"The tackle made by Fiji 23 was made about 15m away from me. I viewed the incident from side on and saw almost a 2 arm wrap tackle which looked high on one look, but didn't know where contact was made. I communicated to Andrew as not sure if he had seen the tackle that it was a high tackle. On my one view I communicated that it would be PK which was confirmed by the TMO."

AR1 reported by email:-*"As the referee, Andrew Brace, gave a penalty for a high tackle I turned to the screen to look again. As I saw the second replay I questioned Andrew and Ben (TMO) as to whether we need to review the challenge. This was dismissed as a penalty only"*

The TMO stated by email:-

“During the above match I observed a potential dangerous tackle by Fiji #23, which was communicated to the match referee, Andrew Brace, via Assistant Referee Karl Dickson, as being a high tackle offence at a penalty kick threshold. The two angles initially shown on the live broadcast were the angles that I reviewed (with a technician in the broadcast truck providing them to me twice in slow mo). The first angle from an alleviated camera on the sideline play was coming towards indicated a high tackle, but with an obstructed view of where the contact of Fijian #23’s left shoulder occurred on the ball carrier. Likewise the second angle from the Scottish dead-ball line was inconclusive as to where the contact was made between the defender’s left shoulder and the ball carrier’s head. Therefore I stated to the referee “PK only” due to the lack of a definite angle.

After the ball is kicked to touch one further angle becomes available, which again is suggestive of potential contact to the ball carrier’s chin, but not definite in my opinion. Therefore no formal referral occurred. No other angles were made available to me during the fixture.”

SUMMARY OF PLAYER’S EVIDENCE

The Player explained his actions to the Committee whilst the footage was played and watched by all. He was drifting across when he saw S10 with the ball. He thought S10 wanted to pass so he “tucked” in on him aiming on his chest. He tried to wrap S10 up as soon as he made contact -he was aiming to hold him up but S10 started going down he tried to grasp the ball in the ruck. As soon as S10 hit the ground, he rolled away from the Player who was then cleared out by other Scotland players.

He said that he was aiming for S10’s chest and did hit him in the chest-his left bicep and shoulder moved up S10’s chest as he went to ground. He did not feel that his shoulder had made contact with S10’s chin and/or head.

Mr Webster then addressed the Committee. He believed that the Citing Commissioner’s report was not accurate in that there was no footage showing contact with the head and referred the Committee to S10’s own statement. He also believed that it was not a dangerous tackle and not therefore foul play. This was a collision between one player coming forward with force meeting another player going forward with force-“there was only one way S10’s head could go even if there was no contact with his head”.

The Committee adjourned to consider the evidence.

FINDINGS OF FACT

The threshold for foul play was met- the Committee decided that, on the evidence presented, the tackle was dangerous play contrary to Law 9.13.

The threshold for a red card was not met. The Player started his tackle high aiming for the chest of S10 and there was always a risk of contact with the head area as a result. However the Committee did not agree that there was head contact in this particular instance. The Player considered there was no such contact and he had been supported in this belief by S10’s statement and the footage.

DECISION

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

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)

Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input 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 World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

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 – R 17.19.4(a) (or equivalent Tournament rule)
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)

Number of additional weeks:

Disciplinary Decision

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)

Number of weeks deducted:

Summary of reason for 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 – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	[insert]	Sending off sufficient <input type="checkbox"/>
Sanction commences		
Sanction concludes		
Matches/tournaments included in sanction		

Costs

Signature (JO or Chairman)		Date	14 th November 2018
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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 17.22.2(a) (or equivalent Tournament rule)