

RWC 2019 DISCIPLINARY DECISION



Match	South Africa v Canada		
Player's Union	Canada	Competition	Rugby World Cup, Japan 2019
Date of match	8 October 2019	Match venue	Kobe Misaki Stadium
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE

Player's surname	Larsen	Date of birth	4 April 1994
Forename(s)	Josh		
Referee Name	Luke Pearce	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.20 – Dangerous Play in a ruck or maul	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	Mid-Range Entry Point (6 weeks) reduced to 3 weeks in mitigation (translated to 3 games)		

HEARING DETAILS

Hearing date	10 October 2019	Hearing venue	Atsumi & Sakai Uchisaiwaicho, Chiyoda-ku Tokyo
Chairman/JO	Wang Shao-Ing		
Other Members of Disciplinary Committee	Donal Courtney (Ireland, former international referee) Valeriu Toma (Romania, former international assistant referee)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> (via Skype)	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Aaron Lloyd, Player's Counsel Huw Wiltshire, Canada Performance Manager (via Skype)	Disciplinary Officer and/or other attendees	Ben Rutherford, DDO
List of documents/materials provided to Player in advance of hearing	<ol style="list-style-type: none"> Match Official Reports (including Referee's, Assistant Referees' and TMO Reports) Video clips titled "RC TMO" and "29_RSA_CAN_19. LARSEN_RC" Statement by Thomas Joubert du Toit ("SA1") Statement by Dr Von Hagen on SA1 Directions issued by Disciplinary Committee and responses from Player & DDO Match Summary Sheet Tournament Disciplinary Program High Tackle Sanction Framework 		

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

- The hearing was convened pursuant to RWC 2019 Disciplinary Programme.
- In the 35th minute of the 1st half of the Pool B match between South Africa and Canada, the Player was ordered off for a dangerous shoulder charge into a ruck under Law 9.20.

3. The Match Officials' Reports stated:

Referee Report

"At the breakdown near the goal line, the above player entered without using his arms. It was deemed an illegal shoulder charge. Contact was with the neck and after a TMO check, he was red carded.

The player was remorseful and apologised when leaving the field"

TMO Report

"REFER TO REFEREE REPORT AS WELL.

AS TMO, I REFERRED POTENTIAL FOUL PLAY BY CANADA 19 TO THE REFEREE. WE REVIEWED IT FORMALLY AND IT WAS AGREED THAT CANADA 19 HAD MADE AN ILLEGAL SHOULDER CHARGE TO THE NECK OF A SOUTH AFRICA PLAYER AT THE RUCK NEAR THE GOAL LINE. THE REFEREE ISSUED A RED CARD."

4. The two Assistant Referee Reports had nothing to add beyond their reference to the Referee Report.
5. Two video clips of the incident were also made available to the Player and the Committee. The clip titled "29_RSA_CAN_19. LARSEN_RC" reflected the incident from several angles at different speeds. The clip titled "RC TMO" contained footage of how the Match Officials came to their on-field decision.

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

6. A written statement by Thomas Joubert du Toit ("SA1") read:

"... 2. During the 35th minute of the game I was standing still and bending down at a ruck.

3. While in this position I felt a player running into me making contact with the right side of my head..."

7. The written statement by the South Africa Team Doctor confirmed that SA1, had not sought any medical treatment during the match or after the match.

SUMMARY OF PLAYER'S EVIDENCE

The Player's Written Submissions

8. In his written response to the Directions of the Committee, the Player accepted that he committed an act of Foul Play which merited a Red Card, in that:
- a. his shoulder made contact with SA1's head;
 - b. he had acted recklessly but not intentionally;

- c. he was seeking to move SA1 but had used poor technique. Although he had his right arm out and ready to bind, *“for a reason he cannot explain, he failed to get his left arm out and around to also bind. As a result, his left arm remained “tucked” with the consequence that he inadvertently promoted his shoulder, colliding with the South African player’s shoulder and head”*;
- d. there were no mitigating factors under the High Tackle Sanction Framework (“HTSF”) to reduce the Red Card to a Yellow Card *“even though the South African player was not injured (indeed, he was not even knocked to the ground)”*; and
- e. a Mid-Range Entry Point sanction was an inevitability.

The Player’s Oral Evidence

- 9. In advance of the hearing, the Player had sought and was granted leave by the Judicial Panel Chairman to attend the hearing via video conference due to the team’s travel schedule.
- 10. In addition to his written submissions and further to enquiries by the members of the Committee:
 - a. the Player reiterated his remorse and admitted that he *“saw a player over the ball and the way I’ve approached to clear out the ruck, I entered with force and I made a mistake, using poor technique, by tucking my left arm, and I –yeah, I fully regret that, and it was a clear mistake from me.”*;
 - b. the Player understood that his approach to the ruck was in contravention of the Laws in that he had joined the ruck in front of the hindmost player; and
 - c. when asked about why he had dropped his left shoulder and left knee, the Player maintained that he had no intention of targeting the head of SA1, the ball was slow and he saw SA1’s back; he was trying to remove the threat from the ruck legally but had just gone about it with poor technique.
- 11. Player’s Counsel submitted that at 6:14 in the video titled *“29_RSA_CAN_19.LARSEN_RC”*, the ruck was quite messy and SA1 had gone off his feet after several goes at the ball. Notwithstanding his point of entry, the Player was targeting SA1’s back as it was exposed. Player’s Counsel further submitted the Player would have cleaned SA1 out by rolling SA1 away under the armpits if the Player had used good technique.
- 12. In terms of addressing the Player’s intent, at the end of the hearing, the Player’s Counsel then suggested that the Player was in fact targeting to clear out SA 7 (which he does do eventually in the video) but had inadvertently collided, illegally, with SA1. Given the previous oral and written submissions made by the Player and his counsel had not until this point made any reference to SA 7, the Committee sought clarification from the Player.
- 13. The Player confirmed that he meant to clear out SA 7 whose back was exposed first and whose hands were on the ground. The Player reiterated that he had not intended to hit SA1 *“on the way through”*.

FINDINGS OF FACT

14. The video footage was consistent with the Player's written submissions:
- in the 35th minute of the first half, Canada were in possession less than 5m from the South African try line;
 - SA1 was latched onto SA 7 with his left arm and was attempting to jackal the ball from a tackled Canadian ball carrier with his right hand. The Player was retreating back to an attacking position;



(TX angle)

- as two Canadian players cleared over the Canadian ball carrier on the ground (forming a ruck), SA1 was destabilised and lost his balance, falling onto his right elbow and subsequently, his right knee. At this point, the Player was behind the ruck and had a clear line of sight of SA1;



(TX angle)

- d. as SA1 starts to push off his right hand and get back to his feet, the Player begins to approach the ruck from a 45-degree angle;



(Camera Angle: 24 Spidercam)

- e. the Player drops his left shoulder and his left knee just before he makes contact with SA 1. At the point of contact, the Player's arm is in a "sling" position (or "tucked" in the Player's words). His arm and shoulder then made contact with SA1's neck and head;



(Camera Angle – 22 Yard Left SSM)

- f. the impact of the contact and the follow through by the Player caused SA neck and head to shift downwards (signalled by SA1's back arching upwards) and SA1's upper body is shifted sideways to the left;



(Camera Angle – 22 Yard Left SSM)



(Camera Angle: 24 Spidercam)

- g. the Player continued to drive off his left and right feet and fell on top of the ruck. The Player then grabbed SA 7 under the arms and rolled to the side;



(Camera Angle: 24 Spidercam)

- h. SA1 extracts himself from the ruck and holds the right side of his head briefly before resuming participation in the game.



(Camera Angle: TX)

Dangerous Charging into a ruck/maul

15. The Player was Ordered Off for a breach for Law 9. 20 of the Laws of the Game which reads:

“Law 9.20 - Dangerous play in a ruck or maul.

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...”

16. A shoulder charge in open play and a shoulder charge into a ruck is distinguishable by its target – a ball carrier in open play versus a player who is part of a ruck. However, it is the offender’s actions in shoulder charges which are pertinent. To this end, the HTSF provides terms of reference which are relevant to the assessment of the gravity of the Player’s charge into a ruck (e.g. arm position, degree of danger). Without discounting the differences in the dynamics of a tackle and ruck situation, we find the HTSF structure to be apropos and have used some of its terms in our determination.

17. In our view, the Referee correctly issued the Red Card for the dangerous charge into the ruck for the following reasons:

- a. the Player’s left arm was in a sling position at the point of contact and he failed to bind onto SA1 (shoulder charge, no binding);
- b. the Player’s arm and shoulder made contact with SA1’s head (head contact);
- c. there was pace, force and follow through (high degree of danger – preparation, contact, follow through); and
- d. the Player had a clear line of sight SA1 and had time and space (factors against mitigation).

18. The Player had referred to the HTSF in admitting there were no mitigating factors (in the HTSF) which would have reduced the Foul Play from Red to Yellow – we, like the Player and the Match Officials, could not find any.

19. In his written submissions, the Player had suggested that under the HTSF, a Red Card was the only possible outcome even though SA1 was not injured or knocked to ground. We should state categorically that regardless of the HTSF, the shoulder charge by the Player to SA1’s head merited a Red Card. The effect and injury caused by the shoulder charge would be a factor in the Assessment of Seriousness under the Core Sanctioning Process but not in the consideration on the Ordering Off.

20. Consequently, and for the reasons given above, the Red Card issued by the Referee was upheld.

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 17.19.2(a)-(b) (or equivalent Tournament rule)	
Intentional/deliberate <input type="checkbox"/>	Reckless <input checked="" type="checkbox"/>
State Reasons	
The Committee accepted that the Player had not charged into the ruck with the intent of hurting and/or making contact with SA1’s head. However, he knew or should have known from the angle of his approach to SA1 and by dropping his left shoulder that there was a risk of executing a dangerous shoulder charge into SA1’s head and/or neck.	
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)	
The Player’s arm and shoulder made contact with SA1’s neck and/or head such that SA 1’s upper body shifts substantially (90 degrees). The Player admitted the contact was with force. As there is contact with the head, the mandatory minimum entry point under the Sanctions table in Regulation 17 Appendix 1 is Mid Range.	
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)	
See above.	
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)	
Not applicable.	
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)	
Not applicable.	
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)	
Not applicable.	
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)	
Apart from holding the side of his face briefly after impact, SA1 was able to continue participation in the match without effect and required no treatment subsequently.	
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)	
The Player was ordered off the pitch and Canada played the rest of the game with 14 players.	
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)	
SA1 was vulnerable, he had just recovered his balance and was looking down. He was not in a position to defend himself.	
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)	
The Player participated fully in the shoulder charge into the ruck. The Committee accepted that it was not pre-meditated.	
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)	
The Player completed the shoulder charge into the ruck.	
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)	
Not applicable.	

ASSESSMENT OF SERIOUSNESS CONTINUED					
Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</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 17.19.2(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
Not applicable.

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)
Not applicable.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not applicable.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
Not applicable.

Number of additional weeks:

0

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)
The Player admitted to the act of foul play at the earliest opportunity.	The Player has not been previously cited or received any red cards.
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)
The Player is 25 years of age. He has started his professional rugby career in New Zealand in 2016. He was contracted to Austin Elite in Major League Rugby in North America in 2019 and is contracted to the New England Free Jacks in 2020. He represented Canada in the U20s and has been capped 15 times for Canada.	The Player was polite and respectful of the proceedings
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)
The Referee’s Report stated that the Player was apologetic on field. After the game the Player went to the South African team to offer his apology to the South African player and the team.	NA

Number of weeks deducted:

3

Summary of reason for number of weeks deducted: maximum deduction allowed under Reg 17

SANCTION

21. Just before the hearing, the Player submitted two documents with respect to his playing schedule:
 - a. a letter from Mid-Northern RFC's Club President, stating that the Player "*is planning to represent our club for two 7's tournaments that will take place on November 2nd and November 9th, 2019. These two tournaments are part of the Northland wide regional club 7's tournament and will be hosted in Kaitaia and Whangarei.*"; and
 - b. a letter from the New England Free Jacks setting out the Player's schedule for the Major League Rugby franchise in USA in 2020 which start in February but with some pre-season games to be confirmed.

22. The Player submitted that he was going to New Zealand after Canada's last pool game on 13 October 2019. He would take a week off and intended to train (twice a week for "*a week or two*") and play for Mid-Northern RFC in 7s as part of his pre-season preparations to stay fit in November 2019. After the Christmas break in December 2019, he would return to the USA in January 2020 for the New England Free Jacks pre-season.

23. As it was the Player's first year in Major League Rugby in the North America in 2019, Player's Counsel submitted that the Player would not have normally had any games in the latter part of this year unless he made other arrangements. In 2017 and 2018 for example, he had played in the New Zealand Provincial Championship.

24. In order to establish that the Player was scheduled to play the 7s tournaments, the Committee asked the Player several questions to which the Player supplied the following information:
 - a. with respect to his 7s playing experience, the Player conceded that he had not played 7s for three to four years. He admitted to not having had played a lot of 7s and had only played 7s in a "*couple of tournaments over a couple of years, and more so a couple of years ago*". He was thinking of playing the 7s for pre-season fitness; and
 - b. when asked why he had not played 7s in the last few years, he explained that since he had been selected for Canada, he had made it his priority to be available for their November tours.

25. The Committee declined to consider the two 7s tournaments because it was not satisfied that the Northland 7s would meet the criteria set out in Regulation 17.9.10 which require, amongst other factors, that the matches be played between teams of equivalent level (for example, similar divisions or standards of play) and who play at the same or an equivalent level of the Game to the Player's ordinary level in that :
 - a. the Northland 7s is a local amateur club side competition (it is only open to Northland Clubs based on the *2019-2020 Northern Region Sevens Calendar* available on the Bay of Plenty Rugby Union website). We are not persuaded that the standard of play across the teams would be similar;
 - b. the Player is a professional 15s forward who has played a couple of 7s tournaments over a couple of years, 3 to 4 years ago. Beyond the pre-season fitness benefits to playing 7s for the Player, we are not persuaded the teams in the Northland 7s play at the same or an equivalent level of Game to the Player's ordinary level.

26. In the circumstances, the Committee determined that the Player would be suspended for the following matches:
- a. Canada v Namibia – 13 October 2019 (RWC 2019);
 - b. New England Free Jacks v Rugby United New York – 9 February 2020 (Major League Rugby);
 - c. New England Free Jacks v Utah – 15 February 2020 (Major League Rugby)

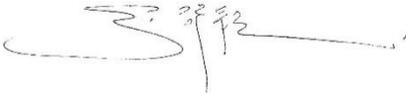
The Player will be free to play on 16 February 2020.

27. The Committee agreed that the Player should be permitted to make an application to the Committee to vary its decision on these matches in the circumstances that the Player is scheduled to play any pre-season games for the New England Free Jacks prior to 9 February 2020.
28. The Player may not play the Game or be involved in any on-field activities anywhere until this suspension has expired (Regulation 17.19.11 (c))

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	3 weeks (translated to 3 games)	Sending off sufficient <input type="checkbox"/>	
Sanction commences	Immediately		
Sanction concludes	Midnight on 15 February 2020. The Player is free resume playing on 16 February 2020.		
Matches/tournaments included in sanction	Canada v Namibia 13 October 2019 (RWC 2019) New England Free Jacks v Rugby United New York 9 February 2020 (Major League Rugby) New England Free Jacks v Utah 15 February 2020 (Major League Rugby)		

Costs	Not applicable.
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Signature (JO or Chairman)		Date	10 October 2019
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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)