

CRFU 2021 DISCIPLINARY DECISION



Match	Advance Fire Buccaneers v John Doak Tradeview Markets Iguanas		
Player's Union	Cayman RFU	Competition	Alex Alexander Cup
Date of match	16 January 2021	Match venue	South Sound Pitch
Rules to apply	Regulation 17 World Rugby and CRFU Procedures and Powers of Disciplinary Committees		

PARTICULARS OF OFFENCE			
Player's surname	Van Der Merwe	Date of birth	30 June 1984
Forename(s)	Gerhard		
Referee Name	Ben Cullen	Plea	<input checked="" type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Breach of Laws 9.27 and 9.28 of the Laws of the Game.	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>
		If "Other" selected, please specify:	
Summary of Sanction	<p>Six weeks commencing on 16 January 2021.</p> <p>The Player will be suspended for the following matches:</p> <ul style="list-style-type: none"> • Advance Fire Buccaneers v Queensgate Pigs Trotters, 30 January 2021 • Advance Fire Buccaneers v Fidelity Cayman Storm, 13 February 2021 • Advance Fire Buccaneers v Queensgate Pigs Trotters, 27 February 2021 • Advance Fire Buccaneers v Advance v John Doak Tradeview Markets Iguanas, 13 March 2021 • TBC, 27 March 2021 • TBC, 10 April 2021 <p>The period of suspension will conclude on 11 April 2021 at midnight and the Player is free to resume playing on 11 April 2021.</p>		

DISCIPLINARY PROCEEDINGS	
Decision Date	21 January 2021
Chairman	James Austin-Smith
Other Members of Disciplinary Committee	Brad Cowdroy Christopher Kennedy
Player's representative	Peter Sherwood, counsel

List of documents/materials provided to Player in advance of decision

- The Match Referee's Report;
- a copy of or link to Regulation 17 (Discipline – Foul Play)
- a copy of or link to Appendix 1 to Regulation 17 (World Rugby Sanctions for Foul Play); and
- a copy of the CRFU Procedures and Powers of Disciplinary Committees.

SUMMARY OF ESSENTIAL ELEMENTS OF THE MATCH OFFICIAL REPORTS

1. The Referee, Ben Cullen, issued the Player with a red card in the 30th minute of the second half of a match played between Advance Fire Buccaneers and John Doak Tradeview Markets Iguanas on Saturday, 16 January 2021 at the South Sound Pitch for a breach of Laws 9.27 and 9.28 of the Laws of the Game.

"9.27. A player must not do anything that is against the spirit of good sportsmanship.

9.28. Players must respect the authority of the referee. They must not dispute the referee's decisions..."

2. The Referee, stated in his report that:

"At approximate 30mins into the 2nd half, after a decision to disallow a try for an incomplete lineout (not travelling 5m) against Buccaneers, the Number 3 verbally abused me.

He looked directly at me and told me to "fuck off" whilst pointing at me, this was repeated. I heard this very clearly and have no doubt it was pointed towards me. I asked the A/R (Nick Fox) if he could confirm the language used, he was unable to confirm.

I stopped the match and spoke to the captain and the Number 3, I explained his behaviour towards a match official was unacceptable and had no place on a rugby field and deserved a red card. Just before leaving the field #3 took a few aggressive steps towards and needed to be restrained by the team captain, I was walking away at time and decided [not] to react.

However, the incident was intimidating."

The Assistant Referees did not participate in the decision making process other than to confirm that they had not heard the incident more clearly than the Referee.

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

1. Video footage of the incident has been provided to the Committee. The video footage is from a single camera positioned in line with the halfway line approximately 50 metres from the incident. The footage is of good quality but only fully shows the incident up to the point that the red card was issued. It is however, possible to see the Player walking back towards the Referee after the red card was issued, gesticulating towards him before being intercepted by his captain and walking off. There is no audio of the exchange between the Player and the Referee.
2. The Committee watched the video footage multiple times. The Committee considers that the following can be observed:
 - i. the player walking away whilst the Referee is explaining his decision before issuing the red card;
 - ii. the Player advancing back towards the Referee from out of camera shot after the red card had been issued;
 - iii. the Player gesticulating towards the Referee;
 - iv. the Buccaneers' Captain physically interposing himself between the Player and the Referee and pushing

- v. the Player away twice;
- v. the Player subsequently walking away shaking his head and gesticulating.

3. David Stringer, Buccaneers' captain provided the following written statement:

"My recollection of events after the incident were the following:
I approached referee who spoke to me about the incident and indicated he was going to issue a red card. Gehard was not part of the conversation. The referee issued the red card, I turned around and pushed Gehard towards the touchline out of frustration and to ensure no verbal argument ensued."

4. Ben Blair, the Buccaneers' No.8 provided the following written statement:

"After a penalty had been called from the lineout I heard Gehard say "Fuck You," in reference to the decision given. After which the referee asked what was said. Only after this was asked more than once did Gehard repeat what he had earlier stated. This was not a separate item but a reply to a specific question from the referee."

5. Chris Carroll, the Buccaneers' Head Coach provided the following written statement:

"My name is Chris Carroll and I am Head Coach of Buccaneers RFC. I was stood next to the touch judge when a try was disallowed for the ball not travelling over the 5m line. I saw and heard Gerhard Van Der Merwe react. He was clearly frustrated and said something like "fuck off" to the referee. The referee did not initially hear what was said and asked the linesman if he had heard. The linesman said he had not heard. In response to the referee's question, Gerhard - still clearly frustrated - repeated what he said and then retreated. The referee beckoned him and the match captain, David Stringer, forward. The referee said something to Stringer I could not hear, and Gerhard retreated again as if for a penalty. When he saw the red card, he took a couple of steps forward and appeared like he was going to argue with the referee. He was not particularly close to the referee, and Stringer was between him and the referee at all times, so I was not overly concerned except that I thought he might say something to make the situation worse. I could not hear what Gerhard said at this point, as people are shouting for him to get off the pitch. Stringer pushes him and Gerhard left. After the game he told me he had been stupid and was sorry. I feel partly responsible for this because I had put Gerhard and the other forwards under a lot of pressure with lineouts. I had made a massive deal out of us not winning enough lineouts, and I had personally upset Gerhard after our last game on this issue, and I know he went into this game not in his most positive mind-frame. This is the first red card of my coaching career and I also offer my apologies for it - there is always more that we could have done."

6. The Player also provided a number of character statements from Buccaneers team members.

SUMMARY OF THE PLAYER'S SUBMISSIONS AND EVIDENCE

1) The Player provided the following written statement:

"I was Buccaneers hooker against Iguanas in a close game. In the second half we had an important lineout near the Iguanas try line. I threw the ball low and straight to the front lifter (Joe Brown). Joe caught it and scored a try. The try was disallowed for the ball not travelling 5m. I saw the call was correct but in my frustration I reacted badly. I used profane language which was disrespectful to the referee. It was in the heat of the moment. I walked away to try to calm down. I expected to be told off so did not go far. I was called back and was surprised to receive a red card, and I re-acted again. I do not remember exactly what I said, but I do remember that I was not calm or respectful, and was moved away by my captain (David Stringer). I am extremely regretful of my actions, which let down myself and my team. It was not acceptable and I knew this straightaway. Once I had time to calm down, I offered my apologies to the referee and other people who I knew I had let down.

The profanity here was for me something I regret a lot and would also like to explain that it was not because of the single event that I lost my composure. I was at the end of my patience from many other moments this season. The disallowed try unfortunately sent me over an edge. It was a straw that broke the camel's back moment. It was very unfortunate and I am very sorry.

To explain my state of mind, I am this season coming back to rugby after an 8 year break because of injury, in a very different type of league and in a new rugby culture. There are many adjustments for me in this and it can be frustrating. There have been many rule changes, especially in the scrum, which I am getting use to, but also at times I have felt I did not see consistency in decisions, so I have been very confused and upset many times in games so far without losing my temper. For example, in this game, I felt there were early drives from Iguanas and that in their lineout they had got away with a short throw earlier. I do not say this as an excuse, only I wish to explain that I did not react just because this try was disallowed, but because my feelings were that I was being held to a different standard than my opponent, so was feeling picked on. I did not react the way I did just because of this call alone, or even this game alone, I had frustration already built up. I was already very frustrated from previous games and situations, and I had worked hard with Joe and my team for this opportunity, including many difficult conversations and training sessions, and I apologise that it became too much for me at this moment. I regret that I could not contain my frustration anymore when this lineout did not work in this important moment for the team. Then also, when I received the red card, I felt again that there were other players that had not received a red card for worse and I again felt hurt by this because I took it personally. I hope that this explains my state of mind because I do not want people to think that I was so angry just at the line-out decision alone, because the decision was not wrong and you can see from the video it was right. I also do not use the frustrations that I felt as an excuse for my behaviour, I only explain to show I am human and had many more emotions than just disappointment from not scoring a try or getting a red card. I give my sincere apologies and regret the incident, and will in future always try to channel my frustrations and not let them build up.”

2) During the course of the hearing:

- a) the Player confirmed the admissions contained in his written statement;
- b) the Player stated that he had apologised the Referee shortly after the match had concluded;
- c) the Player’s counsel confirmed that the Player accepted that the incident warranted a red card;
- d) the Player’s counsel submitted that the Player’s actions were disrespectful to the Referee but did not amount to the more serious charges of verbally abusing him or threatening him.

FINDINGS OF FACT

Based on the Player’s own admissions in his written and verbal evidence the Committee finds that the charge of disrespecting the authority of the Referee is proved.

The Player’s counsel addressed the allegation of verbally abusing the Referee. It was submitted that repeatedly telling the Referee “Fuck off” did not amount to verbally abusing *him* and was merely disrespecting *his authority*.

Counsel drew the Committee’s attention to a number of decisions of the RFU. Most reliance was placed on the RFU disciplinary panel judgment in Sinckler, dated 12 January 2021. It was argued that the words used by the Player amounted to no more than disrespect of the Referee’s authority. In Sinckler the allegation was that the Player had shouted “Are you fucking serious?”. Whilst the expletive used in the instant case was the same the similarities end there. Sinckler was disputing a Referee’s *decision* using foul language – the expletive served to emphasise the strength of feeling. In this case the Player made no reference to the Referee’s decision – the expletive was deliberately aimed directly *at the Referee personally*. It was repeated and accompanied by gesticulating. After he had been ordered off the Player gesticulated further at the Referee, and by his own admission: “I reacted again. I do not remember exactly what I said, but I do remember that I was not calm or respectful”.

Notwithstanding the articulate and comprehensive submissions made on his behalf by the Player’s counsel the Committee is unable to accept counsel’s submissions that this did not amount to verbal abuse. The Committee has little difficulty in concluding that the Player’s actions amounted to verbally abusing the Referee.

These actions were, by definition, also contrary to the spirit of good sportsmanship, and accordingly the Committee also found this charge proved.

The most serious charge the Player faced was that of using threatening actions or words to the Referee. This charge was based upon his actions after having been ordered off. The video shows the Player advancing back towards the

Referee, gesticulating again and, by his own admission, not acting calmly. The Player's captain interposed himself between the Player and the Referee and twice shoved him backwards before the Player turned to walk away. The Referee stated in his report that the event was "intimidating".

The Player did not address this allegation specifically in his written evidence but it was clear that he did not accept it. His counsel, at the invitation of the Committee, did address the point. Counsel quite rightly did not seek to dispute the Referee's statement that he was intimidated by what took place, but this left him with the challenging problem of how this intimidation had been caused, unless by the threatening words or actions of the Player.

In submissions counsel pointed out that the Player only took two steps towards the Referee and remained some distance from him at all times during the actions which gave rise to this allegation. He noted the statement of the Player's captain, that he only pushed the Player out of his own frustration and to ensure there was no further verbal argument, and by implication, not because he was having to restrain the Player. Counsel noted that had the Player chosen to continue towards the Referee the captain's actions would have been unlikely to have prevented that.

This allegation gave the Committee the greatest difficulty, however, in the end, and after very careful consideration of the evidence and counsel's submissions, the Committee found that it was not proved.

DECISION

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

The Player was not found to have used threatening words or behaviour towards the Referee. The Player was found to have contravened both Law 9.27 and 9.28 by verbally abusing the Referee. The Committee considers that the act of Foul Play is best categorised as a breach of law 9.28. Clearly, the disputing a Referee's decision and using foul language towards a Match Official is also contrary to the spirit of good sportsmanship but the Committee does not regard it as appropriate to consider this as attracting separate sanctions. The Committee will apply the sanctioning process as for an act of Foul Play by verbally abusing a Match Official.

Having concluded that Law 9.28 was breached, it is necessary for the Committee to consider what further sanction, if any, should be imposed. The Committee considers that it is appropriate to impose further sanction.

When imposing sanctions, all Disciplinary Committees or Judicial Officers dealing with an Ordering Off and/or citing shall apply World Rugby's sanctions for Foul Play set out in Appendix 1 (save where Appendix 3 applies) and do so in accordance with Regulations 17.17 to 17.21.

Breach of Law 9.28 by abusing a Match Official is one of the specific offences identified in Appendix 1, which provides as follows:

"9.28 A player must not verbally abuse a Match Official. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation."

Low end: 6 weeks	Mid range: 12 weeks	Top end: 18+ weeks	Max: 52 weeks
------------------	---------------------	--------------------	---------------

Disciplinary Committees or Judicial Officers are required to undertake an assessment of the seriousness of the Player's conduct that constitutes the offending and categorise that conduct as being at the lower end, mid range or top end of the scale of seriousness in order to identify the appropriate entry point for consideration of a particular incident(s) of Foul Play where such incident(s) is expressly covered in Appendix 1 (Reg. 17.17.1).

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
The Player's actions were intentional and repeated.
Gravity of player's actions – R 17.18.1(c) (or equivalent Tournament rule)
The Player told the Referee to "Fuck off" whilst gesticulating at him. When asked what he had said the Player again gesticulated at the Referee and told him "Fuck off". The Referee issued a red card, following which the Player did not leave the field but reacted again in a way that he accepted was not calm or respectful. The Player took two steps towards the Referee and was then pushed away by his team captain before he left the field. The Player apologised to the Referee after the match.
Nature of actions – R 17.18.1(d) (or equivalent Tournament rule)
Verbal abuse of the Referee.
Existence of provocation – R 17.18.1(e) (or equivalent Tournament rule)
There was no provocation.
Whether player retaliated – R 17.18.1(f) (or equivalent Tournament rule)
Not applicable
Self-defence – R 17.18.1(g) (or equivalent Tournament rule)
Not Applicable.
Effect on victim – R 17.18.1(h) (or equivalent Tournament rule)
The Referee stated that the incident was "intimidating".
Effect on match – R 17.18.1(i) (or equivalent Tournament rule)
The Player's actions did not have any effect on the match, save that his team was reduced to 14 men.
Vulnerability of victim – R 17.18.1(j) (or equivalent Tournament rule)
The victim was the Referee. The Committee considers referees inherently more vulnerable than other participants, not having the support of team members on the pitch.
Level of participation/premeditation – R 17.18.1(k) (or equivalent Tournament rule)
The Player's actions were clearly the result of a loss of control rather than premeditated.
Conduct completed/attempted – R 17.18.1(l) (or equivalent Tournament rule)
The Player's conduct was completed.
Other features of player's conduct – R 17.18.1(m) (or equivalent Tournament rule)
None.

Entry point			
<u>Top end*</u> <input type="checkbox"/>	<u>Mid-range</u> <input checked="" type="checkbox"/>	<u>12 Weeks</u>	<u>Low-end</u> <input type="checkbox"/>

*If Top End, the JO or Committee 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.

Reasons for selecting Entry Point above Top End
Not Applicable

Counsel for the Player was correct to point out that there were far more serious ways in which the Player could have verbally abused the Referee, including by offering the Committee some examples. The Committee was taken through previous RFU judicial decisions and it was submitted that this offending warranted a low-end starting point.

In reliance on the statement of Ben Blair it was argued that the verbal abuse was only repeated because the Referee asked the Player “What did you say?”. It was submitted that the second act of verbal abuse should therefore be disregarded. The Committee does not regard that as a persuasive argument. It may be thought that when the Referee asked the Player what he had said that would have been an opportunity for the Player, recognising the seriousness of his actions, to apologise. The Committee does not agree that it was an invitation for the Player to tell the Referee to “Fuck off” a further time.

The Committee invited counsel to address its concerns about the vulnerability of the Referee when verbally abused, as opposed to another player who is on the pitch with 14 team members. It was submitted that the special status of the Referee was built into the sanction guidelines – which had a higher starting point - such as this should not attract any further assessment of seriousness compared to an allegation of abusing another player. The Committee does not agree, and notes that the sanction guidelines for verbally abusing “anyone” under Law 9.12 in fact have the same guideline brackets as those for abusing a Referee under Law 9.28. That the Referee was the victim is a factor in the assessment of the seriousness of the Foul Play.

Whilst accepting counsel’s submissions that:

- there was no premeditation - the actions were a spontaneous loss of control (Reg.17.18.1(k));
- there was no impact on the match (Reg.17.18.1(i)); and
- the actions could have been more grave (Reg.17.18.1(c)),

the Committee concluded that this was a mid-range offence.

The Committee found that the offending was deliberate (Reg.17.18.1(a)) (although clearly done in the heat of the moment) and the Player’s actions were completed (Reg.17.18.1(l)). There was no provocation (Reg.17.18.1(e)) and he was clearly not acting in self-defence (Reg.17.18.1(g)).

Most importantly the Committee noted that the Players actions had the effect of intimidating the Referee (Reg.17.18.1(h)). The Committee does regard the Referee as in a unique position on the field such that an act of verbal abuse towards him is more serious than if it were directed towards another player.

Finally, the Committee notes that the offending was repeated, even after the Referee had spoken to the Player and even after he had been ordered from the pitch. Instead of leaving the pitch immediately, it was not until the Player was pushed away by his captain that he desisted in his engagement with the Referee which, by his own admission, was a further reaction and “neither calm nor respectful”.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 17.19.1(a) (or equivalent Tournament rule)
The Committee is informed that the Player has no previous record of being issued a red or yellow card.
Need for deterrence – R 17.19.1(b) (or equivalent Tournament rule)
The Committee considers that there is a need to deter players from engaging in Foul Play, particularly Foul Play that is the result of a loss of control or discipline on the part of the players and demonstrates a lack of respect for the Laws of the game and the authority of the Referee. That a further incident occurred after the Referee had ordered the Player off was an aggravating feature.
Any other off-field aggravating factors – R 17.19.1(c) (or equivalent Tournament rule)
The Player is an experienced and senior player. As such, he should ensure that his conduct is sets an appropriate example.

Number of additional weeks: **Nil**

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of culpability and timing – R 17.20.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.20.1(b) (or equivalent Tournament rule)
The Player admitted that his conduct amounted to Foul Play by disrespecting the authority of the Referee. However, the player denied that his actions amounted to verbal abuse.	The Player has a previously unblemished disciplinary record.
Youth and inexperience of player – R 17.20.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.20.1(d) (or equivalent Tournament rule)
The Player is an experienced and senior player. Character references refer to playing as a professional in South Africa and Australia.	The Player conducted himself appropriately prior to and at the hearing.
Remorse and conduct to victim – R 17.20.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.21.1(f) (or equivalent Tournament rule)
Whilst the Player blamed his reaction on frustration as a result of “being held to a different standard than my opponent, so [I] was feeling picked on” the Player recognised that his conduct was unacceptable. The Player’s written statement demonstrated what the Committee has no doubt was clear and genuine remorse.	The Committee received a number of character references from the Player’s team and management.

Number of weeks deducted: **Six**

Summary of reason for number of weeks added or deducted:

Notwithstanding the presence of some aggravating features the Committee was of the view that these were vastly outweighed by the Player’s exemplary previous record, the excellent character references received (including in particular his involvement in assisting youth players), his early acceptance of his actions and his obvious and genuine remorse.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING Reg. 17.12.5(f)

Total sanction	6 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	16 January 2021	
Sanction concludes	11 April 2021	

Matches/tournaments included in sanction	<p>6 weeks commencing on 16 January 2021.</p> <p>The Player will be suspended for the following matches:</p> <ul style="list-style-type: none"> • Advance Fire Buccaneers v Queensgate Pigs Trotters, 30 January 2021 • Advance Fire Buccaneers v Fidelity Cayman Storm, 13 February 2021 • Advance Fire Buccaneers v Queensgate Pigs Trotters, 27 February 2021 • Advance Fire Buccaneers Advance v John Doak Tradeview Markets Iguanas 13 March 2021 • TBC, 27 March 2021 • TBC, 10 April 2021 <p>The period of suspension will conclude on 11 April 2021 at midnight and the Player is free to resume playing on 11 April 2021.</p>
Costs	None

Chairman	James Austin-Smith	Date	25 January 2021
-----------------	--------------------	-------------	-----------------

Appeals

YOU HAVE 48 HOURS FROM NOTIFICATION OF THIS DECISION TO LODGE AN APPEAL BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH REGULATION 17.24.2(a).

Any Notice of Appeal should be sent by email to rhianminty@gmail.com.

In accordance with Regulation 17.24.5, a deposit of CI\$250 must be paid to CRFU within 3 days of filing the Notice of Appeal. In the event of the required deposit not being paid within the required timeframe, the appeal shall be deemed to be abandoned. The deposit shall be refundable in the event that the appeal is successful.

IMPORTANT NOTICE - Regulation 17.19.1 – Referees and Match Officials

The Committee is aware that there has been a marked increase in incidents of Foul Play involving abuse and disrespect directed at Referees and Match Officials in Cayman. The Committee understands that the situation was sufficiently serious to necessitate a meeting to address the issue with teams' management and coaches at the start of the season.

It is therefore with great regret that, notwithstanding this explicit highlighting of the issue, the Committee found itself dealing with an incident involving disrespect and abuse of a Match Official.

Self-evidently Referees and Match Officials are vital to the game. They give their time for free to enable 30 or 40 other people to enjoy their game. They are deserving of our gratitude and support – not of being required to suffer disrespect and abuse at the hands of those whose sport they have facilitated.

To quote from World Rugby's Playing Charter:

“Rugby owes much of its appeal to the fact that it is played both to the letter and within the spirit of the laws. The responsibility for ensuring that this happens lies not with one individual - it involves coaches, captains, players and referees ... Rugby has fully embraced the professional era, but has retained the ethos and traditions of the recreational game. In an age in which many traditional sporting qualities are being diluted or even challenged, rugby is rightly proud of its ability to retain high standards of sportsmanship, ethical behaviour and fair play.”

These are not just lofty ideals – they are the essence of the game. Nowhere are they more important than in Players' interactions with the Match Officials.

Under Regulation 17.19.1(b) in deciding the appropriate sanction for Foul Play the Disciplinary Committee are required to consider:

“the need for a deterrent to combat a pattern of offending in the Game where the teams participating in the Match or Tournament have been put on notice that such a need exists”

Players, coaches and management engaged in rugby at all levels in Cayman should regard this decision as putting them on notice (in as much as they were not already) that there is a pattern of offending with regard to Referees which the Committee deems it necessary to deter. **If a Player (or anyone else) comes before the Disciplinary Committee in the future for an act of Foul Play involving or directed at a Referee or Match Official, they should expect to receive an additional period of suspension, above the applicable entry point, to reflect this aggravating feature and the need for deterrence.**

Note – claim for reduction in sanction due to limited number of games in Cayman season

In a number of recent cases Players' representatives have submitted that any sanction should be reduced to take account of the shorter season and the fewer games played in the Cayman Islands. The Committee does not have this discretion. For the assistance of Players and management the Committee restates the applicable principles:

Regulation 17.4 provides that:

"All Unions, Associations and their recognised Tournament Organisers have an obligation to put in place and implement disciplinary regulations within their jurisdictions and in respect of their tournaments and Matches that incorporate fully the Core Principles. The Core Principles shall apply to all Unions, Associations and Tournament Organisers within their respective jurisdictions (and at all levels)."
(emphasis added)

The Core Principles, which are specified in Regulation 17.3, include the following:

"17.3.1 The principles set out below shall be the **"Core Principles"** that shall be mandatorily applied in disciplinary regulations at all levels of the Game:

(a) **The sanctions applicable to Foul Play shall be the same throughout the Game. Therefore, all Unions, Associations and Tournament Organisers shall adopt the World Rugby Sanctions for Offences within the Playing Enclosure (Appendix 1) and ensure that they are applied to competitions within their territory (the "Principle of Universality").** Where a Union adopts the World Rugby Disciplinary Guidelines for the Underage Game (Appendix 3), then the sanctions applicable to Foul Play Adjusted for Underage Rugby shall apply.

(b) In accordance with the applicable sanction table (that is, Appendix 1 or Appendix 3 as appropriate), suspensions shall ordinarily be imposed for a number of weeks in which the relevant Player would otherwise have been scheduled to play a Match that meets the criteria set out in Regulation 17.21.3. All Matches are equal, that is, regardless of the level of competition provided they meet the criteria in Regulation 17.21.3. A Player suspended from playing the Game shall be suspended from participating in any Match at any level during the period of the Player's suspension.

(c) **The core sanctioning process set out in Regulations 17.17 to 17.20 shall be applied to all disciplinary cases involving Foul Play at all levels of the Game** (save for any approved variations where expedited disciplinary processes as set out in Regulation 17.25 are being utilised)."
(emphasis added)