

## DISCIPLINARY DECISION

Match	Advance Fire & Plumbing Buccaneers v Queensgate Pigs Trotters RFC
Player's team	Queensgate Pigs Trotters RFC
Match venue	Rugby Club, South Sound
Date of match	27 February 2021
Rules to apply	World Rugby Regulations

PARTICULARS OF MISCONDUCT	
Player	Joseph Westin
Referee	Alasdair Robertson
Disciplinary Officer	James Austin-Smith
Misconduct set out in Complaint	<ol style="list-style-type: none"><li>1. Acting in an abusive, insulting, intimidating or offensive manner towards the Referee contrary to Reg. 18.4(b)</li><li>2. Making comments that attack, disparage or denigrate a Match Official contrary to Reg. 18(4)(i)</li><li>3. Making criticism of the manner in which a Match Official handled a Match contrary to Reg. 18(4)(e) and Appendix 1 Reg. 1.5</li><li>4. Abuse of a Match Official contrary to Reg. 18(4)(e) and Appendix 1 Re. 1.10</li></ol>

### SUMMARY OF ESSENTIAL ELEMENTS OF MISCONDUCT

The Misconduct Complaint details the alleged misconduct as follows:

*"The incident took place on Saturday 27 February 2021 immediately following the Advance Fire & Plumbing Buccaneers v Queensgate Pigs Trotters match.*

*The Referee Alasdair Robertson describes the Player approaching him in an angry and aggressive manner and stating: "I have enough of you lot, you are useless and like Joe Biden think you are elected". At this point, Shane Aquart moved forward to ensure that the Player could not get any closer to the Referee and sheparded him away.*

*The Referee described himself as "stunned and taken aback". He asked the Player: "If that is how you feel why don't you take up refereeing?" to which the Player responded: "We should get the players to do it they would do a better job". Following this exchange the Referee describes the Player being ushered away by Shane Aquart.*

The Referee formed the opinion that what had taken place, in particular the manner in which the Player had approached and spoken to him, could constitute abuse of a Referee and as a result reported the matter to the CRFU Director of Rugby and VP Operations.”

#### OTHER EVIDENCE AND DOCUMENTS PROVIDED TO JUDICIAL OFFICER

1. Email statement of Referee Alasdair Robertson
2. Email exchange between the Disciplinary Officer and Shane Aquart
3. Email statement of Chris Jackson
4. Email exchange between the Disciplinary Officer and the Player
5. Contemporaneous note of Referee’s evidence taken by CRFU VP Operations, Rhian Minty
6. Contemporaneous audio recorded of initial statement by Chris Jackson
7. CCTV video of incident
8. CRFU Disciplinary Committee Notice – Regulation 17.19.1 – Referees and Match Officials (21 January 2021)
9. CRFU President’s message to teams and players, 24 February 2021

The Player has confirmed that he accepts that his behaviour falls within the definition of misconduct (see further below) in his email as follows:

*“Thank you for the explanation of "misconduct" and the procedures that will be followed. I have had a chance to review the CCTV footage (which I agree should be shared with Rowena) and it is clear, as I said in my statement, that I did not make any aggressive move towards Alisdair and did not need to be held back by anyone, as other witness statements suggested. The whole interaction took around 10 seconds. However, I accept that under the extremely broad definition of "misconduct" that what I said to Alisdair could fall within that definition. So I'd suggest there's no need for a hearing on the matter, further taking up everyone's time. I'll accept whatever sanction Rowena decides is appropriate.*

*I will say that I am extremely disappointed that this has come to a judicial process in this way. It used to be that we would have settled angry outbreaks between club members with an apology and a beer/handshake. I do not have Alisdair's contact info, and had already planned to apologise the next time I saw him in person, but that's between me and him. I have known Alisdair for 15-20 years, and have always respected him.”*

#### APPLICABLE LAWS / REGULATIONS

1. This matter has been referred to me in accordance with Reg. 18.7.10. I have confirmed that the Player received the evidence and documents referred to above in accordance with Reg. 18.8.2.
2. The Disciplinary Officer has cited examples of misconduct within Reg. 18.4 which may apply to the conduct complained of. To be clear, the act complained of does not have to fall within one of the categories set out in 18.4, it simply has to be conduct which falls within the broad definition of Misconduct set out in Reg. 18.3 (emphasis added):

**18.3** *For the purposes of these Regulations Relating to the Game, “**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. Misconduct shall only exclude Foul Play during a Match which has been the subject of consideration and a finding under the regime prescribed for Ordering Off and/or Citing in Regulation 17.

3. Pursuant to Reg 18.12.1, a judicial officer may amend the offence for which the Player has been charged, unless having regard to the circumstances of the case, such amendment cannot be made without causing injustice. Accordingly, I informed the Player and the Disciplinary Officer that the misconduct had to fall within the definition of Reg 18.3 and not necessarily fall within one of the examples in Reg. 18.4. It was upon the provision of the definition of Misconduct that the Player admitted the offence.
4. In relation to sanctions, Reg. 18.10 sets out that the Judicial Officer may impose any such sanction as they think fit.

#### **DECISION ON SANCTION**

1. At the beginning of the season in Cayman, on 21 January 2021, a notice was sent out by CRFU regarding Reg.17.19.1 which addresses a “*marked increase in incidents of Foul Play involving abuse and disrespect directed at Referees and Match Officials in Cayman*”. The notice indicates as its closing statement, in bold, that “*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*”. Whilst Reg 17 refers to abuse or disrespect which occurs on the field of play, as opposed to after a match, the spirit of the message was fundamentally to remind players that referee abuse would not be tolerated.
2. Further, on 24 February 2021, a letter was sent to all teams and players from the President of CRFU on behalf of the CRFU Executive noting an incident of referee abuse and reminding players that the club and World Rugby has a zero tolerance policy towards (amongst other things) referee abuse. This was note was three days before the incident complained of.
3. I am advised that the Player has played locally and internationally. He has represented the Cayman Islands at 15s.
4. I understand that the CRFU has only recently started to record all yellow and red cards but the referees have been contacted to confirm their recollection of cards handed out. The response from a variety of referees appears to confirm that the Player has a history of referee abuse which has been consistent for a period of time with a number of yellow cards being issued and warnings for referee abuse.
5. In deciding the sanction, I have taken into account the following:

##### Aggravating factors

- a. The CRFU has made it clear that referee abuse will not be tolerated
- b. The last notice from the CRFU went out just three days before the misconduct
- c. The Player has played to a senior level for a long period of time

- d. The Player has a history of Referee abuse and yellow cards

Mitigating factors

- e. The Player has admitted the offence and avoided the need for a hearing
  - f. The Player has confirmed that he will apologise to the Referee
6. My original decision did not reflect the fact that the Player had continued to play since the incident occurred and the fact that the 15s season is coming to an end with a 7s season commencing thereafter. I am therefore going to revise the sanctions to take these factors into account. Accordingly:
- (i) The Player is sanctioned from playing rugby in the next **four** games in which the Player would normally participate i.e. until such time as the Player was suspended, the Player would otherwise have been scheduled to play in the game. For the avoidance of doubt such games would include any of the rest of the domestic season games, the North v South game and the start of the 7s season if appropriate (for the sake of clarity, for the purposes of this decision, a 7s game shall count as a game);
  - (ii) Within a reasonable time period to be stipulated by the CRFU Executive taking into account the requirements of the CRFU, the Player must volunteer at the club for a total of 18 hours, to assist with such tasks as the CRFU executive shall decide. I shall leave the tasks to the discretion of the CRFU but would suggest that helping coach the juniors or women's teams, or club maintenance would be appropriate; and
  - (iii) As soon as there is a referee training program at the CRFU which the Player can reasonably attend, he shall attend such a program. Failure to attend such a program without a reasonable excuse, shall incur a further 4 game ban for the next 4 games in which the Player would normally participate i.e. until such time as the Player was suspended, the Player would otherwise have been scheduled to play in the Match, from the time of the course running at which the Player did not attend.

Rowena Lawrence  
Judicial Officer  
Revised 19 March 2021  
Issued 24 March 2021