## RUGBY FOOTBALL UNION.

#### DISCIPLINARY HEARING.

At: Hilton Hotel, Newbury North.

**On:** Wednesday, 24<sup>th</sup> March 2010.

#### JUDGMENT.

Player: Chris Rowland. Club: Newbury.

**Match:** Cinderford v Newbury.

**Venue:** Cinderford. **Date of match**: 13<sup>th</sup> March 2010.

Panel: Robert Horner (Chairman), Mike Curling and Jonathan Dance.

Secretary: Liam McTiernan.

Attending: The Player.

Andrew Widdop (Newbury RFC 1st XV Manager).

## Charge and Plea.

The Player admitted that he had struck an opponent contrary to Law 10 (4)(a).

## Preliminaries.

- 1. The Chairman introduced the Panel and specifically advised that Mr Dance was the member on the RFU Council for Berkshire RFU to whom Newbury are affiliated. The Player did not have any objection to the composition of the Panel.
- 2: The Panel considered:
  - 2.1: The Referee's report
  - 2.2: DVD footage of the incident as supplied by the Club.
  - 2.3: Oral testimony of the Player.
  - 2.4: Submission of Andrew Widdop.

## The Prosecution Case.

3. The report of the Referee read: "A scrum was formed in front of the main stand, 5 metres from the touch line. On engagement the Newbury tighthead prop failed to bind correctly and I blew my whistle to penalise him. At this point the scrum became unstable, initially on the Newbury tighthead and Cinderford loosehead side, but then it collapsed on the other side. At this point I clearly saw the Newbury loosehead (Chris Rowland) go to ground on top of the Cinderford tighthead and punch him in the head. Although a skirmish of players on the ground broke out I saw no further punches thrown and the players separated. The Cinderford tighthead left the field, with a bleeding head wound. He did not return to the game and I understand required stitches. Chris Rowland apologised to me for his actions after the game and, I understand, also apologised to the This report of the incident, in the 38th minute of Cinderford tighthead." the first half, was confirmed by the DVD footage. It had been confirmed by the Commercial Manager of Cinderford in an email to the Secretary that the Cinderford tighthead had received 6 stitches in a head wound.

### The Defence Case.

- 4. The Player stated that he had observed his opposing prop, Andy Deacon, placing a finger in his hooker's eye as the scrummage collapsed. He then struck Andy Deacon once and after that wrestled with him on the ground. Up to that point, it had been a typical Forest of Dean game, with a number of off the ball incidents, during which he had twice been struck. He had then seen the gouge on his hooker and had struck out. It was an uncharacteristic act on his part and he had apologised after the game both to the referee and his opponent. He was employed by Newbury RFC as a Community Rugby Coach, and spent his working week coaching children around Berkshire.
- 5. In reply to questions, the Player stated that he was not aware whether or not his hooker had received any treatment for his alleged eye-gouge. He confirmed that he had played against Andy Deacon before but did not know whether it was his punch which had caused Deacon's injury.

# Mitigation.

6. Andrew Widdop stated that, in accordance with Club policy, the Player had been banned from playing immediately. The Club had held a

Disciplinary hearing into the matter two days previously on 22<sup>nd</sup> March at which the player was banned from playing for four weeks from the date of the match. He confirmed that, at the Club hearing, the hooker had confirmed the eye gouge which he had suffered from the opposing tighthead. He then advised the Panel that the Player had been with Newbury RFC this season and that, until this incident, his behaviour had been fine. He stated that the Player accepted that his red card had cost his side and deeply regretted this. He urged the Panel to take his good character, and his excellent work as a CRC, into account.

7. Unusually, and unfortunately, the Secretary did not have any details of the Player's past record. The Player admitted to having been sent off some 4 or 5 years ago for fighting. A Panel member was able to provide details of a 10 week ban imposed by Somerset RFU for fighting in 2007, and of a previous dismissal in September 2006 when the sending off was deemed sufficient. The Player assured the Panel that he had not been subject to Disciplinary process while playing at Stourbridge during the past two seasons.

## Sanction.

- 8. The Player having pleaded guilty to the charge, the Panel undertook an assessment of the facts in accordance with RFU Disciplinary Regulation 8.2.5 and determined that:
- 8.1: the offending was intentional.
- 8.2: the offence was committed with a clenched fist.
- 8.3: there was no evidence of the Player himself being provoked physically or verbally. He had reacted to the alleged eye-gouge on his hooker and admitted joining someone else's quarrel.
- 8.4: the Panel accepted that the offence had caused the injury which removed the struck player from the game and required 6 stitches.
- 8.5: as reported by the referee, a skirmish followed the offence. At the time of the offence, Newbury were leading 3-0 but lost the match 29-13.
- 8.6: there was no evidence that the struck player was able to defend himself.
- 8.7: there was not any evidence of premeditation.
- 8.8: the offence was completed.
- 9. In the light of these determinations, the Panel determined that the offence was at mid-range in the scale of seriousness; accordingly the Entry Point for the purpose of sentencing was suspension from playing for a period of five weeks.

- 10. The Panel next considered whether there were any aggravating features as specified in Disciplinary Regulation 8.2.7 which would warrant an uplift from the Entry Point:
- 10.1: there was not a lack of remorse on the part of the Player, who had apologised both to the player whom he had struck and to the referee immediately after the match.
- 10.2: the Player was serial offender against the Laws of the Game in that he had been sent off twice in the past four years.
- 10.3: the Panel did not consider that a deterrent was necessary to combat a pattern of offending
- 10.4: there were not any other aggravating factors which would justify an uplift in the Entry Point.
- 11. As a result of these findings, the Panel decided that an uplift of two weeks was appropriate, resulting in a period of suspension from playing of 7 weeks
- 12. It remained for the Panel to consider what, if any, mitigating factors might properly be applicable under Disciplinary Regulation 8.2.8 and the following conclusions were reached:
- 12.1: the Player had expressed his regret immediately after the match and had pleaded guilty to the charge against him.
- 12.2: the Player had a record of previous offending.
- 12.3: the Player was very experienced.
- 12.4: the Player's conduct before the Panel was exemplary.
- 12.5: the Panel accepted that the Player did feel remorse for what he had done and had conveyed this to his opponent whom he had struck.
- 12.6: The Panel was prepared to give credit to the Player for the reportedly good work which he was doing in the community as a Community Rugby Coach.
- 13. The Panel, having determined an Entry Point of 5 weeks suspension, increased this to 7 weeks under Disciplinary Regulation 8.2.7. The Panel noted its findings on the mitigating factors and determined that, as a result, having materially added to the entry point because of the Player's past record, a discount in the region of 40% was appropriate in the circumstances of this case to achieve a 3 week deduction.

### Sentence.

The Player is suspended from playing for 4 weeks from 14<sup>th</sup> March 2010, the date from which his Club's suspension took effect, until 10<sup>th</sup> April 2010 inclusive.

# Appeal.

The Player has a right of appeal, exercisable in accordance with the provisions of RFU Disciplinary Regulation 11.

# Costs.

11. Costs of £150.00 are awarded against the Player/Club.

Robert Horner.

Robert Horner. Chairman. 26<sup>th</sup> March 2010.