# **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

**VENUE: Holiday Inn, Bloomsbury, London** 

**DATE: 12 April 2011** 

Player: Armand ROUX Club: Dorking RFC

**Match:** Staines v Dorking

Venue: Staines Date of match: 5 March 2011

**Panel:** Jeremy Summers (Chairman) Mike Cordell and Simon Wakefield ("the Panel")

Secretariat: Liam McTiernan and Rebecca Morgan

In Attendance:

For Staines:

Hugh Pallet – Hon Secretary Nsa "Junior" Harrison – 1<sup>st</sup> XV player

For Dorking:

Armand Roux ("the Player")
Jim Evans – Director of Rugby

### **DECISION**

1. The Player was found guilty, on his own admission, of an act contrary to good sportsmanship contrary to Law 10.4 (m) in that he had racially abused an opponent. For the reasons detailed below he was suspended for a period of 3 weeks. Having already served a suspension of 2 weeks imposed by his club, the Player is further suspended from 12 to 19 April 2011 inclusive.

## PRELIMINARY ISSUES

2. No objection was taken to the composition of the Panel. The parties confirmed receipt of all papers and no preliminary issues arose.

#### CITING

- 3. The Panel convened to consider a citing by Staines RFC dated 17 March 2011 in consequence of which the Player was charged with a single offence of an act contrary to good sportsmanship, the particulars being that he had racially abused an opponent by calling him a "kaffir".
- 4. The Panel considered:

- i. The Citing Letter.
- ii. Oral evidence from Mr Harrison.
- iii. Submissions on behalf of Staines by Mr Pallet.
- iv. Oral evidence from the Player.
- v. A Dorking RFC Disciplinary Sub Committee Report dated 17 March 2011.
- vi. Submissions on behalf of the Player by Mr Evans
- 5. The citing letter indicated that the incident concerned had occurred in approximately the 70<sup>th</sup> minute of the game and referred to an e-mail sent by Mr Harrison at 14.54 on 7 March 2011 in the following terms:

"During the Staines v Dorking game on Saturday 05 March 2011, I had an altercation with the opposition hooker at the end of a ruck. At which point the opposition 5 decided to get involved. We had an exchange of words about the outcome of the game to which he vented his frustration by calling me a kaffir."

- 6. Mr Roux confirmed that he did not challenge the content of the citing letter. In turn Mr Harrison helpfully confirmed that the Player's conduct that formed the basis of the complaint consisted only of the use of the one offending word, without any other aggravating words or further intimidation, spoken in a single isolated incident.
- 7. In light of the Player's admission Mr Pallet did not wish to address the Panel further as regards the actual incident. He however noted that neither the Player nor Dorking had received a formal apology which he considered might have assisted the situation generally.
- 8. He had also been provided with a copy of the Dorking Disciplinary Report before the Panel. Whilst accepting that there had been some "altercations" during the game, Staines did not accept the detail ascribed to such incidents as set out on the Dorking report.

#### **MITIGATION**

- 9. The Player gave evidence. He accepted without hesitation that he had acted wholly inappropriately and in a way that has no place in the game. He expressed what the Panel accepted was genuine regret and although indicating he had been provoked by verbal attacks during the game, did not seek to excuse his conduct.
- 10. He is 30 years old and has played for Dorking for the past 6 years. He grew up in South Africa and has played for Western Province. Coming from South Africa he well appreciates the blight of racism and has played with and now coaches, many ethnic players. In his 24 years of playing he has never previously appeared before a disciplinary panel and asserted that the incident was a one off although still highly regrettable.
- 11. He is the captain of Dorking and is regularly targeted accordingly as a legitimate part of games. In his view however the attention directed to him in this game went beyond the norm. He had reacted to that attention which he should not have done. This was though borne out of frustration and not any malice.
- 12. Mr Evans did not wish to expand upon the matters referred to in the Dorking report, but explained that the club had considered the matter to be a low end offence. On that basis the club had suspended the Player for 4 weeks, 2 of which were

suspended for 12 months to be triggered should a similar incident occurring within that time.<sup>1</sup>

## **SANCTION**

- 13. The Panel carefully considered all the matters before it. It was satisfied on the balance of probabilities that the abuse had been intentional. However the Panel found the Player to be a credible witness, and taking into account his demeanour and record, also considered that it was more likely than not that there had been some form of prior provocation.
- 14. Abuse of an opponent, in any form, but particularly racial abuse is abhorrent conduct. It has no place in the game of rugby and offends against the RFU's Core Values, which specifically highlights the need to respect opponents. The use of the word "kaffir" is particularly deplorable given the great strides that South Africa, and its rugby community, has taken since 1995.
- 15. The offending though was contained in a single word uttered in an isolated incident. It was not added to in any way and there was no evidence that it had been accompanied by any initimidatory behavior.
- 16. In those circumstances, and having considered the factors set out at RFU Regulation 19.8.2.5, the Panel determined that the offending should properly be categorised as being at the LOW END of the scale of seriousness.
- 17. The low end entry point for offending of this nature is a suspension of 4 weeks.
- 18. The Panel considered that none of the aggravating features prescribed by RFU Regulation 19.8.2.7 were present.
- 19. Having regard to the Player's plea, record and genuine remorse, a discount of 1 week was given by way of credit for mitigation.
- 20. The Player was accordingly suspended for a period of 3 weeks. 2 weeks having already been served, the Player is further suspended from 12 to 19 April inclusive. He is free to play again on 20 April 2011.

# COSTS

21. The citing having been upheld the deposit is to be refunded to Staines. The Player or Dorking is ordered to pay the citing of fee of £125 within 21 days

#### APPEAL

22. The Player is advised of his right of appeal as provided for under RFU Regulation 19.

# **NOTE**

23. Whilst not making any findings another than those set above in relation to the Player, it appeared to the Panel likely that the conduct of other players had fallen below the

<sup>&</sup>lt;sup>1</sup> Mr Evans asked that the Player's case be advanced in the absence of Staines, which the Panel did not feel was acceptable.

standard reasonably to be expected of them. Both clubs are accordingly directed and required to take positive steps to remind their playing personnel of the RFU's Core Values, and in particular the need to respect opponents (and officials).

24. The Player, noting his status as captain of his club, is further directed personally to address the mini and junior sections of Dorking RFC as soon may be practicable, to impress upon them the need to respect and uphold the RFU's Core Values.

Jeremy Qummers
Chairman
13 April 2011