

EPCR SHORT JUDGMENT FORM

Match	ULSTER RUGBY	Vs	ASM CLERMONT AUVERGNE
Club's Country	NORTHERN IRELAND	Competition	HEINEKEN CHAMPIONS CUP
Date of match	22.11.2019	Match venue	KINGSPAN STADIUM BELFAST
Rules to apply	EPCR Disciplinary Rules 2019/20		

PARTICULARS OF OFFENCE

Player's surname	ADDISON	Date of birth	
Forename(s)	WILL	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	ULSTER RUGBY		
SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other (specify) <input type="checkbox"/>			
Offence	9.13 Dangerous Tackling		
Summary of Sanction	Suspension 4 weeks (matches)		

HEARING DETAILS

Hearing date	27.11.2019	Hearing venue	Bird & Bird, London
Chairman/JO	Antony Davies	Panel member 1	Val Toma
Panel member 2	Marcello d'Orey	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):

Other attendees:

Jonny Petrie (Chief Executive, Ulster Rugby)

Maria Gyorcsos (EPCR Governance and Regulation Executive)

List of documents/materials provided to player in advance of hearing:

1. Notice of hearing issued in e-mail format to the Player and the Disciplinary Officer
2. Citing report from John Byett, Citing Commissioner
3. Statement from J.P. Doyle, Match Referee ("Referee")
3. Statement from Anthony Woodthorpe ("AR1")
4. Statement from Simon McConnell ("AR2")
5. Statement from Trevor Fisher ("TMO")
6. Statement from Paul Jedrasiak (ASM Clermont Auvergne Player) and translation
7. Statement from Dr. Remi Gaulmin (ASM Clermont Auvergne Team Doctor)
8. EPCR Disciplinary Rules for Season 2019/20 ("Rules")
9. Player's response to standing directions
10. Disciplinary Officer's directions statement appending previously decided cases of Flannery and Leo
11. World Rugby decision making framework for high tackles
12. Video clips and match footage via a Google drive link

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

Law 9.13 states :

"A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders, even if the tackle starts below the line of the shoulders."

The report from the Citing Commissioner related to an incident which occurred in the 31st minute of the first half, when the score was Ulster Rugby 10 ASM Clermont Auvergne 0 and was in the following terms:

"From a flowing move by Clermont, the ball was passed to the Clermont number 4, Paul Jedrasiak (CL4). He was in the process of receiving and passing the ball when he was met head on by Ulster 15, Will Addison (UL15). Addison's head makes contact with the head/neck of CL4, who had kept the same height upon receiving the pass. UL15 wrapped his arms round CL4 in the contact and CL4 went down injured. There was a verbal review between the Referee and the TMO where it was deemed the tackler was dipping and the tackle was fine. CL4 left the field, had a HIA test, which he failed, and did not return to the game. Using the World Rugby framework, there is foul play. It is a high tackle to the ball carrier's head/neck. The degree of danger is high and therefore a red card would have been warranted. There are no mitigating factors as tackler and ball carrier are in open space the tackler had clear line of sight before contact. Therefore, the Player is cited under Law 9.13, dangerous tackling."

The report went on to disclose the Referee being approximately 15 metres from the incident and thereafter a discussion between the Match Officials. CL4 required medical attention on the field and was led off the field and did not return.

The statement from the Match Referee, J.P. Doyle, was in the following terms

"As per the video footage, the match was stopped for a knock on after the tackle. There was a dialogue between myself, the TMO, Fisher, and we were in agreement that the Player (U15 Addison) had made an attempt at a legal tackle at a legal height and the resulting injury to Clermont 4 (Jedrasiak) was the top of U15's head clipping the jaw/mouth of his head. No foul play was deemed. Play re-started with a scrum."

AR1 concurred with the Referee's description, stating that U15 head clipped the jaw of CL4.

AR2 was on the opposite side from the incident and said he was not aware of any foul play. He concurred with the Referee's description of the incident and was aware of a discussion between the Referee and TMO at the stoppage.

The TMO, Trevor Fisher, stated as follows:

"In live time I saw the tackle by U15 and it appeared that contact with the shoulder and arms was of a legal height. There was dialogue between myself and the Referee and we were in agreement that U15 had dipped his body prior to contact, the shoulder was at chest level and there was a clear wrap with arms hence there was no foul play."

The video evidence was viewed on a number of occasions throughout the hearing. The Disciplinary Committee noted the following from the video evidence :

1. Clermont Auvergne are in possession following a ruck on the Ulster 10 metre line, 5 metres from touch. The ball is passed along the line from right to left. The ball is passed to CL prop (Falgoux) who is mid field. Out to his left, is CL4 some 15 metres away and to CL4's left is CL11 (Raka). The Player is running across the field following the ball.
2. Shortly before the attacking and defensive lines come together, Falgoux passes the ball to CL4. At this point, the Player is the widest Ulster defender and he is aligned directly opposite CL4. To CL4's left is CL11, who is completely unmarked with a clear 30 metre run to the try line. It was clear to the Disciplinary Committee that if CL4 was to pass the ball to CL11 a try would be scored.
3. The Player runs quickly towards CL4 and into contact with him with considerable force. This results in CL4 knocking the ball forward rather than passing it to CL11. Both the Player and CL4 end up on the ground. The Player gets back to his feet, but CL4 does not. Whilst CL4 is being treated, a replay of the collision is shown. It is from the Ulster goal line looking up the pitch with CL4 facing the camera and the Player facing away. It is at pitch level. It shows the elements of the collision clearly.
4. CL4 is looking to his right and receives the pass from Falgoux. He shapes to pass the ball across his body to the unmarked Raka. Before he can do so, and whilst he is in possession of the ball, the Player comes into contact with him with considerable force, leading with his left shoulder and his arms outstretched to wrap around CL4. Immediately before the point of contact there

is no evidence that CL4 lowers his body. CL4 turns his face and head to the left so his right cheek is front on towards the Player. Immediately before contact, the Player turns his head to his right. The contact is between the left shoulder of the Player and CL4's right upper chest/bicep and simultaneously between the Player's head and the right cheek of CL4. The Disciplinary Committee could not discern any significant gap between the proximity of the two contacts. The Player's head contacts with CL4's cheek with such force that it knocks CL4's head to his left and CL4 appears to be knocked unconscious as he goes to ground.

5. After treatment, CL4 is accompanied off the pitch, supported on each side by medical personnel. He appears vacant and distant. The game is re-started with a scrum for CL4's knock on.

6. There is a conversation, which is heard on the match footage microphone, between the Referee and TMO along the following lines :

Referee: "Do we have a legal tackle by 15?"

TMO : "I thought it was a legal tackle, he was dipping, he did everything he could and there was unavoidable"

Referee: "And the injury came from being in a tackling position with the head clipped so there's no foul play"

TMO : "Not for me".

7. The conclusions drawn by the Referee and TMO appear to be drawn by reference to a once only view of the incident in real time. There is no TMO review, nor does the Referee ask for one.

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

The Disciplinary Committee considered a written statement from Paul Jedrasiak dated 25th November 2019 and a translation from French to English. It stated that he was tackled when receiving the ball. It went on :

"I did not have time to see the opposing player coming and the head to head shock made me lose consciousness for a moment, causing a tear in my mouth requiring five stitches."

The medical report from Dr. Remi Gaulmin stated :

"Our player, Paul Jedrasiak, suffered a high tackle from an opposing player. When I entered the field, he showed confusion and signs of lost consciousness and symptoms of concussion. I ordered his immediate exit and report to the Match Doctor. He presented a wound of the cheek that had been sutured by the Surgeon present (four stitches, absorbable thread). The HIA 2 performed by the Match Doctor, and HIA 3 confirmed his concussion. He therefore has an unavailability of at least six days in the case of a perfect recovery."

SUMMARY OF PLAYER'S EVIDENCE

In his response to the standing directions, the Player did not accept he had committed an act of foul play, nor that the citing complaint was a true and accurate account of the incident. He went on to say that the contact between his head and the opposition player's head was accidental.

In his oral evidence, the Player gave his analysis of his options when he had seen the nature of the attack. He said he had plenty of time to make his decision. His team were outnumbered as Raka was undefended to his right and if the ball were to be passed to Raka he would score unopposed. He had little confidence that his playing colleague to his left would be able to close down CL4, who was to receive the ball, so he elected to commit to a man and ball tackle on CL4. His intention was to carry out an active dominant tackle and to do so he needed to aim at CL4's chest. If he went too low, CL4 could offload and the try would be scored. He said that he aimed for the height of the ball and put his body in the line of the pass offload. He maintained that he had carried out a legitimate tackle, which was in control, with positive contact and that he had hit with his left shoulder, wrapping his left arm around the player, followed by his right arm. He maintained that the head contact was an accident and an unfortunate consequence of the tackle that he had elected to carry out. He said that he did not believe there was any risk of a head on head contact. When questioned, he was asked whether he appreciated the probability of a head on head contact if he went for a tackle at chest height. He said not.

FINDINGS OF FACT

The Disciplinary Committee found :

1. There were two contacts with force, which were simultaneous. The first was the Player’s left shoulder to the upper right chest/bicep of CL4. The head on head contact was with sufficient force to knock CL4 unconscious and to cause an injury to his cheek requiring four or five stitches. The Player’s assertion that there were two distinct contacts was not accepted. The shoulder contact was one freeze frame advance before the head contact and there are twenty five freeze frames per second on the video footage shown one twenty fifth of a second is, in the DC’s view, simultaneous.

2. The review of the tackle, such as it was, by the Match Officials was cursory in the light of the seriousness of the injury to CL4 and the manner of his removal from the pitch. They chose not to review any footage.

3. It was a high tackle, namely an illegal tackle, causing head contact, which is clearly identified with the ball carrier’s head visibly moving sideways from the contact point, and CL4 requiring an HIA (which he failed).

4. The degree of danger was high because of the speed and force of the tackle.

5. There were no clear and obvious mitigating factors.

6. The tackler was attempting an active/dominant tackle at speed and accelerated into the tackle. The tackle was completed.

7. The tackler and ball carrier were in open space and the tackler had a clear line of sight before contact.

8. The tackler made no attempt to change height in an effort to avoid the ball carrier’s head. The ball carrier did not drop in height.

9. Contact was direct. It did not start elsewhere on the body and slip or move up to the head.

The Disciplinary Committee upheld the citing complaint against the Player for dangerous tackling.

DECISION

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

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)
PLEASE TICK APPROPRIATE BOX Intentional/deliberate <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State reasons
The Player did not intend the head on head contact, but given his decision to carry out the type of tackle at the height he intended, it was foreseeable that there would be head contact and the attendant risk of a head injury. The Player did know, or should have known, of this risk given the tackle he elected to carry out.
Gravity of player's actions – R 7.8.32 (c)
The force of the tackle and the head to head contact knocked CL4 unconscious and he subsequently failed a head injury assessment. He also sustained a cut to the inside of his right cheek which had to be stitched.
Nature of actions – R 7.8.32 (d)
Please see description as per the match footage.
Existence of provocation – R 7.8.32 (e)
N/A
Whether player retaliated – R 7.8.32 (f)
N/A
Self-defence – R 7.8.32 (g)
N/A
Effect on victim – R 7.8.32 (h)
CL4 was knocked unconscious, failed a head injury assessment, was removed from the game and had four or five sutures to his inner cheek. It would be one week before he was to start the return to play protocol.
Effect on match – R 7.8.32 (i)
None – CL4 was substituted.
Vulnerability of victim – R 7.8.32 (j)
CL4 was vulnerable in that he was receiving the ball and passing it across his body to offload, thereby opening up his body to a head on tackle.
Level of participation/premeditation – R 7.8.32 (k)
The Player fully participated. It was a one on one collision, with no other player involved. There was no premeditation to make an illegal tackle. The Player's intent was to stop the offload.
Conduct completed/attempted – R 7.8.32 (l)
The conduct was completed, with a collision with significant force.
Other features of player's conduct – R 7.8.32 (m)

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point						
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	6	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>			<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
<p>The Committee applied the mandatory minimum mid-entry point as there was clear contact with the head. Although there was significant injury, the Committee concluded that that was as a result of recklessness rather than intent and the victim player would make a full recovery.</p>

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

<p>Player's status as an offender of the Laws of the Game – R 7.8.34 (a)</p> <p>N/A</p>
<p>Need for deterrence – R 7.8.34 (b)</p> <p>N/A</p>
<p>Any other off-field aggravating factors – R 7.8.34 (c)</p> <p>None</p>

Number of additional weeks:

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 7.8.35(a)	Player's disciplinary record/good character – R7.8.35 (b)
The Player did not accept the foul play.	The Player has only three technical yellow cards in all his career.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
The Player is 27 and in his second season with Ulster, making his debut in the Ireland Senior Team in November 2018. Previously played professionally for eight seasons at Sale Sharks earning 114 caps. He has played more than 130 senior professional games.	The Player's conduct was measured, respectful and appropriate prior to and at the hearing.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
The Player acknowledged CL4 as he was leaving the field. He also checked on CL4's condition with the Referee after the game.	

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
In considering any reduction from the entry point suspension, the Disciplinary Committee was required to start at 0% and work up from there to a maximum of 50%. The Player did not accept that he had carried out an act of foul play and therefore could not achieve the maximum of 50%. On account of the other mitigation found, and particularly the Player's good disciplinary record and character, a 2 week reduction was felt appropriate.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 7.2.5

Total sanction (weeks)	4 weeks	Sending off sufficient <input type="checkbox"/>	
Sanction commences	At the conclusion of the hearing (Rounds 7 and 8 domestic competition and Rounds 3 and 4 EPCR)	Costs	€750.00
Sanction concludes	Midnight on Sunday 22 nd December 2019		
Free to play	Monday, 23 rd December 2019		

Signature (JO or Chairman)	ANTONY DAVIES	Date	29 th November 2019
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NOTE: YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 8.1 AND 8.2 OF THE EPCR DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 8.2.1 TO 8.2.4 OF THE REGULATIONS