EPCR SHORT JUDGMENT FORM

Match	Stade Rochelais	Vs	Union Bordeaux-Bègles
Club's Country	France	Competition	Champions Cup
Date of match	16.04.2022	Match venue	La Rochelle
Rules to apply	**EPCR Disciplinary Rules 2021/22**		

PARTICULARS OF OFFENCE

Player's surname	Vaipulu	Date of birth	21/07/1989
Forename(s)	Maama	Plea	Admitted ☒ Not Admitted ☐
Club name	Union Bordeaux-Bègles		
SELECT: Red card ☒ Citing ☐ Other (specify) ☐			
Offence	9.13 Dangerous Tackling		
Summary of Sanction	6 weeks (namely 6 meaningful matches) suspension		

HEARING DETAILS

Hearing date	19.04.2022	Hearing venue	Zoom Call
Chairman/JO	Marcello d'Orey(Portugal)	Panel member 1	Leon Lloyd (England)
Panel member 2	Sarah Smith (Scotland)	Disciplinary Officer	Liam McTiernan
Appearance Player	Yes ☒ No ☐	Appearance Club	Yes ☒ No ☐

Player's Representative(s):	Other attendees:
Dylan Perez – Team Manager	Maria Gyolcsos - Governance & Relations Executive EPCR

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

1. Notice of Hearing to the Players and the Disciplinary Officer on 18th April 2022
2. Match Official Report Red Card from the referee Wayne Barnes
3. Video clip of the incident provided by the Disciplinary Officer
4. Letter to the EPCR Chairman of the EPCR Disciplinary Panel from the Disciplinary Officer
5. Email from the two Assistant Referees, Craig Evans and Jamie Leahy, and from the TMO, Christophe Ridley
6. Response to standing orders made on behalf of the Player by Dylan Perez, Team Manager of the Union Bordeaux-Bègles.
7. Email from Dylan Perez with the future Schedule of the Union Bordeaux-Bègles.

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

Law 9.13 is in the following terms:
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.
Report of the Referee to the alleged incident which occurred on 26th minute of the match, in the first half, when the score was 3x3 was in the following terms:
«*In the 26th minute of the match, La Rochelle ("LAR") were attacking and were approximately on the Bordeaux 10 metre line. As the attack continued, I saw LAR 12 tackled without the ball by the Bordeaux number 8. I played a short advantage, but then decided to blow my whistle as the LAR 12 remained on the floor.*
I reviewed the footage of the incident on the big screen and saw that the Bordeaux number 8 tackled the LAR 12 without attempting to grasp, the LAR 12 did not have the ball and both players were running at a high speed.
I therefore issued a red card to the Bordeaux number 8.
The LAR 12 received treatment but continued to play.»

The footage of the incident was clear, and showed the incident from different angles.

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

No medical report.

SUMMARY OF PLAYER'S EVIDENCE

The Player accepted that he was the player involved in the incident, and that it was foul play, and worth of a red card.
The Player gave a full account of the incident via the video link. He stated that he thought that the opponent number 10, a player that he knew from a long time, would try to sell a dummy and pass the ball to his number 12, and he committed himself in hitting number 12.
The Player also stated that he had clear view at all time of the opponent number 10, and that he made a poor judgement.
The Player accepted that he made a decision to hit the opponent number 12.
The Player accepted that the hit was intentional.
The player accepted that he knew that the opponent number 12 didn't have the ball when he was hit.
The Player informed that he hit the opponents number 12 shoulder.
He also stated that he apologised to the opponent number 12 after the match, and that he said he was ok, and was not injured from the incident.
The Player informed that the game was only his 3rd match of the season, and that in the end of the last season, the player in agreement with his old club Castres decided to stop his contract and his career to came back in New Zealand for family reasons. During a period of 9 months the player didn't train and play rugby.

FINDINGS OF FACT

It had been accepted by the player that he had committed an act of foul play which warranted a red card. Therefore, the Disciplinary Committee was required to consider what further action should be taken as a result of the player being shown the red card in respect of a contravention of law 9.13.

The Disciplinary Committee found, on the balance of probabilities, that:

1. The Player hit the opponent number 12 with his shoulder, on the opponent shoulder.
2. The Player never tried to use his arms or wrap them around number 12 for a tackle.
3. Number 12 never had the ball in his hands.
4. Number 12 was unaware of the player before he was hit.
5. The Player intended to make contact with the opponent number 12.
6. The Player had at all times a clear view of the opponent number 10 and knew or should have known that he never passed the ball to number 12.
7. The Player and the opponent number 12 were in foul speed at the moment of the contact.
8. The opponent number 12 was in a vulnerable position.
9. The opponent number 12 was assisted after the incident but was able to continue playing.
10. The Player was sanctioned in 2017/18 with 5 weeks for dangerous charging a player without the ball
11. The Player was sanctioned in 2018/19 with 6 weeks, for striking a player to the head with the shoulder.
12. The player was sanctioned with a red card in 2020/21 for 2 yellow cards.
13. The game was the 3rd game of the player this season.
14. He had a 9 month break/pause from the game.

DECISION

Breach admitted ☒	Proven ☐ Not proven ☐ Other disposal (please state below) ☐

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)
PLEASE TICK APPROPRIATE BOX Intentional/deliberate ☒ Reckless ☐
State reasons
From the various angles of the video footage it became clear that the Player deliberate hit his opponent number 12 with his shoulder, making contact with the opponents shoulder. Number 12 never had the ball in his hands. The player had at all times clear view of the opponents number 10 and 12. The player accepted that he made a decision to hit his opponent with the shoulder. The Player never tried to wrap his arms around the opponent number 12. At the time of the contact, the opponent number 12 was more than a metter behind the opponent number 10 who had the ball in hands. The Player accepted that he knew his opponent number 12 didn't have the ball when the contact was made.
Gravity of player's actions – R 7.8.32 (c)
The player's actions were grave in that both players were at full speed. Number 12 never had the ball in his hands, and was unaware of his opponent, and in consequence was hit when blindsided and was not prepared for the impact. A hit like that is very dangerous and number 12 was lucky that he was not seriously injured in the incident. Number 12 was assisted in the pitch and was able to continue playing. There is no evidence of any injury to the player.
Nature of actions – R 7.8.32 (d)

Dangerous High Tackle without wrapping or trying to grasp the opponent. The player hit his opponent with his shoulder. The opponent number 12 was without the ball and unaware of the hit.
Existence of provocation – R 7.8.32 (e)
No provocation
Whether player retaliated – R 7.8.32 (f)
The player didn't retaliate.
Self-defence – R 7.8.32 (g)
N/A
Effect on victim – R 7.8.32 (h)
The player was assisted on the pitch but was able to continue playing.
Effect on match – R 7.8.32 (i)
None
Vulnerability of victim – R 7.8.32 (j)
the victim was caught unexpected, at full speed, and the area of contact is a very vulnerable one.
Level of participation/premeditation – R 7.8.32 (k)
No premeditation found.
Conduct completed/attempted – R 7.8.32 (l)
Completed.
Other features of player's conduct – R 7.8.32 (m)
None

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks	Mid-range	Weeks	Low-end	Weeks
☐		☒	6	☐	

*****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

Not applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
The player was sent off in 2017-18 and 2018-19 for similar incidents for very long periods. The Panel think that it indicates a pattern and that this constitutes an aggravating factor as such.
Need for deterrence – R 7.8.34 (b)
Not relevant
Any other off-field aggravating factors – R 7.8.34 (c)
None

Number of additional weeks: 1

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 acknowledged his guilt in his responses to the standing directions in advance of the hearing and further acknowledged same in the course of the hearing.	The player does not have a clean disciplinary record.
Youth and inexperience of player – R 7.8.35 (c)	**Conduct prior to and at hearing – R 7.8.35 (d)**
The player is 32 years old and very experience.	Good
Remorse and timing of remorse – R 7.8.35 (e)	**Other off-field mitigation – R 7.8.35 (f)**

The player showed remorse and apologise during the hearing.	Nil.

Number of weeks deducted: 1

Summary of reason for number of weeks deducted:
The player accepted that he had committed an offence which warranted a red card and did not seek to challenge this, he apologised and demonstrate remorse, and indicated that he had no intention to cause an injury and conducted himself in an exemplary manner at the hearing. The player has been sent off 2 times for foul play in the last 2 years prior to this offence, so the panel decided for a mitigating factor of 16,6% (1 week/match).

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)	6	Sending off sufficient ☐	
Sanction commences	17th April 2022	Costs	None
Sanction concludes	Dependant of how the player's club advance in the TOP 14 play offs. Based on the Player's fixtures, he will miss the last 4 regular matches of the season (the last one been on 05-06-2022 against USAP). If his club advances to the Top14 play off quarter finals, and win that match, the sanction will be concluded after the semi-finals of the top 14 2022 (on the 19-06-2022). If the club advances directly to the semi-finals of the Top14, and win that match, the sanction will be concluded after the semi-finals of the top 14 2022 (on the 25-06-2022). If the club doesn't advance to the play offs of the Top14, or lose in the first game of the play offs, then the sanction will only be concluded in the next season first meaningful match. The club must inform EPCR about its progression in the Top 14 2022 Competition.		
Free to play	Dependant of how the player's club advance in the TOP 14 play offs. Based on the Player's fixtures, he will miss the last 4 regular matches of the season (the last one been on 05-06-2022 against USAP). If his club advances to the Top14 play off quarter finals, and win that match,		

	the sanction will be concluded after the semi-finals of the top 14 2022 (on the 19-06-2022). If the club advances directly to the semi-finals of the Top14, and win that match, the sanction will be concluded after the semi-finals of the top 14 2022 (on the 25-06-2022). If the club doesn't advance to the play offs of the Top14, or lose in the first game of the play offs, then the sanction will only be concluded in the next season first meaningful match. The club must inform EPCR about its progression in the Top 14 2022 Competition.

Signature (JO or Chairman)		Date	**20-04-2022**

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