

EPCR SHORT JUDGMENT FORM

Match	Stade Toulousain	Vs	Sale Sharks
Club's Country	France	Competition	Heineken Champions Cup
Date of match	18/12/22	Match venue	Toulouse
Rules to apply	EPCR Disciplinary Rules 2021/22		

PARTICULARS OF OFFENCE

Player's surname	Ramos	Date of birth	23.7.95
Forename(s)	Thomas	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Stade Toulousain		
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	Law 9.12 – Striking with the head		
Summary of Sanction	This judgement should be read in conjunction with the red card matter which was dealt with at the same hearing. The sanction for this citing offence was a total suspension for 5 weeks, but the player is also subject to a sanction of 4 weeks suspension which will run concurrent to this matter.		

HEARING DETAILS

Hearing date	21.12.22	Hearing venue	Zoom hearing
Chairman/JO	Daniel White	Panel member 1	Donal Courtney
Panel member 2	Bogdan Zebega	Disciplinary Officer	Maria Gyolcsos
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:

Neil Robertson	Ugo Mola – Head Coach at Stade Toulousian Jerome Cazalbou – High Performance Coach
----------------	---

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

Footage of the incident. Red card report Written account from the player Submissions via email from his representative.
--

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

THE RED CARD REPORT SUBMITTED BY ANDREA PIARDI STATED AS FOLLOWS:

“After a try at the end of the second half, AR2 called me and said he saw a head butt by 15T against 15SS.

I decided to put the foul play with the TMO on the screen and after several angles we had a camera angle

that showed what AR2 called and flag it out.

With the information given by AR2 and with the imagines on the screen we decided for a RC against 15T.”

Within the body of an email from AR2, Manuel Bottino, to EPCR discipline, he states as follows:

“I was in charge as AR2 and I called the foul play to Andrea. At 80 min of the game, there were some players pushing each other close to the goal line and touch line of my side. I tried to managed the players of both teams but No.15 Toulouse head butt the No.15 Sale.

I flag it, because is a foul play, and then I called Andrea to describe the scenario.

During TMO check I helped Andrea to find the footage showing the head butt.”

A brief email from Filippo Russo (AR1) states that he was on the opposite side of the pitch, so didn't see anything. When they were reviewing the footage as a group of three, on field, he agreed with the decision to award a red card to TR.

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

SUMMARY OF PLAYER'S EVIDENCE

Within Thomas Ramos's (TR) written submissions, prior to the hearing, he stated as follows:

My recollection of the incident is:

- In the 80th minute, Stade Toulousain is leading 45-12.
- The Sale Sharks are in possession of the ball approximately in the 5-meter zone of Stade Toulousain. I remember I tackled the number 15 of the other team and then I got up.
- As I got up, I found myself face to face with the opposing number 15 who bumped into me and grabbed my shirt, surrounded by two of his teammates who also grabbed me. In order not to fall, I grabbed one of their shirts as well.

- Fearing that I would be hit, I stuck my head against the opposing number 15's head so that the proximity of our heads would deter them, or at least give them as little momentum as possible to hit me.
- I then felt hands on my face and around my head and eyes, preventing me from seeing the rest of the action.
- I was given a red card and left the field.
- I was very surprised about the red card since I was alone in a disadvantaged position against three opposing players.
- I then learned that, at the time of the scuffles, Stade Toulousain scored a try which was cancelled because of the red card that was given to me.
- I also apologized to the referee after the match.

Representations were made on the player's behalf prior to him giving an account of his actions. Mr Robertson highlighted that TR was face to face with the Sale15 moments after Sale had failed to ground the ball over the try line. TR had said, "Bien Janic" to congratulate his team mate on the tackle, but was then confronted, without good reason. His shirt was grabbed by S15 and two other Sale Sharks players. As a result, TR grabbed the shirt of S15 back. Fearful that he might be hit, he moved his head forwards and it made contact with S15's head. He had done this to "prevent and deter the Sale players from hurting him", because they were the aggressors.

TR was taken through the footage of this incident by his lawyer, Mr Robertson. TR himself said he had seen the ball get dropped as a result of the tackle and had congratulated his teammate. He thinks that S15 might have thought his comment was aimed at him, not his Toulouse team mate and that that had somehow caused the fracas. TR said he was surprised at the reaction from S15 and at being grabbed. He said he was surrounded and the Sale players were pulling his shirt.

At this stage TR gave evidence that "in order to protect himself" he had to duck, rather than take a blow himself. He said he had no intention to strike the S15 with his head. The footage showed, he said, that this was done without speed or energy and it was a "defensive reaction". He went on to say that "ducking was the right thing to do" because he had a hand on his head at the time.

At this stage the Chair sought clarity as to TR's case on this admitted red card. TR said that there had been head-to-head contact but that it was not a "blow" with the head. When asked if this had come about as a "accident" he replied, "Yes".

The Chair then took the player and his legal representative through the World rugby Guidance upon "recklessness" and a copy of the relevant text was emailed to all parties concerned. The panel invited TR and his legal team to confer, in a separate Zoom room, upon whether in fact this should be a contested red card.

Following this adjournment Mr Robertson confirmed that the player did still admit his actions amounted to foul play and confirmed that they were not suggesting this strike with the head had come about as a result of an accident. Mr Robertson submitted that this was a reckless act and that was what TR had been trying to get across in his evidence. The Chair confirmed directly with TR that this was accurate and he was content to continue on this basis – he was.

FINDINGS OF FACT

--

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/> Not proven <input type="checkbox"/> Other disposal (please state below) <input type="checkbox"/>
The red card award was accepted by the player.	

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 panel review the footage closely and the submissions of TR. We could see that he moved his forehead forwards into that of S15 from a close distance. It was not with any great force or speed and occurred at a time when TR was in part surrounded by three Sales players who were repectively hodling onto his shirt and or remonstrating with him.
Gravity of player’s actions – R 7.8.32 (c)
As strikes with the head go, this was not a particularly forceful or dangerous one.
Nature of actions – R 7.8.32 (d)
A deliberate movement to drive his forehead into the face / forehead of an opposing player. Not conducted with great force and without occasioning injury.
Existence of provocation – R 7.8.32 (e)
The panel found that there was a degree of provocation, in that S15 and two of his teammates had taken hold of TR and, in part, surrounded him immediately prior to TR issuing the strike with the head.
Whether player retaliated – R 7.8.32 (f)
N/A
Self-defence – R 7.8.32 (g)

The player agreed that this was not an act of self-defence, but a reckless act, following further advice from his legal team.
Effect on victim – R 7.8.32 (h)
N/A
Effect on match – R 7.8.32 (i)
This occurred in the 80 th minute and resulted in a Toulouse try not being awarded and the issuing of the red card to TR.
Vulnerability of victim – R 7.8.32 (j)
S15 was not vulnerable and at the time was actively involved in the confrontation with TR.
Level of participation/premeditation – R 7.8.32 (k)
N/A
Conduct completed/attempted – R 7.8.32 (l)
Completed
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>	<u>Weeks</u>	<u>Low-end</u>	<u>6 Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" 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

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, at first, gave an account which was not consistent with acknowledging culpability. Following further legal advice his position altered and he did accept the red card award.	In 2014 TR was suspended for 3 weeks for kicking out at a player when on the ground. We did not treat this as relevant to any real degree given the amount of time which has passed since it occurred.
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 years old and a hugely experienced international rugby player.	Appropriate
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
When asked TR said he had apologised to the referee after the game. He said he "wanted to know what the referee thought about the red card". He said he "feels remorse because he has penalised his team" and said it was "not good for rugby to get a red card". He regrets his actions and his team have "big matches coming up".	His coaches spoke highly of him, having coached him for 8 years at Toulouse. The club are very strict on discipline and expressed how they didn't think that they would find themselves in front of a disciplinary panel with TR of all the people in their team. They said TR knew the consequences of his actions and he was in all other ways "exemplaire". The panel were informed about the positive charity work TR does with regards to a charity for women in France suffering from a particular illness and two other charities which support sick children.

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
The panel gave two weeks credit noting his effective good character. We did not feel that the full 50% credit was appropriate noting the fact that the player had given a different account at first and then following further advice had accepted his acts amounted to reckless foul play. We also noted that whilst an element of remorse was referenced, the players comments were mainly about the impact that these sanctions would have upon his team in the coming matches.
This judgement should be read in conjunction with the concurrent matter against this same player for a citing relating to making contact with the eye or eye area. That citing was disputed and the panel unanimously found against the player having heard his account of those events. The panel reflected upon the totality of sanction to be applied and whether this sanction should be imposed concurrently or consecutively to the citing matter. We concluded that concurrent sanctions were proportionate in all the circumstances.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 7.8.34 (a)
N/A
Need for deterrence – R 7.8.34 (b)
N/A
Any other off-field aggravating factors – R 7.8.34 (c)

N/A

Number of additional weeks: 0

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	Sending off sufficient <input type="checkbox"/>	
Sanction commences	19.12.22	Costs	N/A
Sanction concludes	23.1.23 (NB this period is reflective of the slightly longer sanction imposed concurrently for contact with the eye of eye area)		
Free to play	23.1.23		

Signature (JO or Chairman)	Daniel White	Date	21.12.22
----------------------------	--------------	------	----------

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