

**EUROPEAN PROFESSIONAL CLUB RUGBY
INDEPENDENT DISCIPLINARY COMMITTEE**

Venue: By video
Date: 17 January 2023

JUDGMENT

Disciplinary Committee: Gareth Graham (Chair, England)
David Humphreys (Ireland)
Donal Courtney (Ireland)

EPCR Representative: Liam McTiernan

Player / Club Representative: Benjamin Peyrelevade

Attending: Geoffrey Lanne Petit, Offensive & Transition Coach, Section Paloise
Bernard Pontneau, President, Section Paloise
Pierre Lahore, Chief Executive, Section Paloise
Marie Anglade, Administrative and Legal Manager, Section Paloise

Secretary: Maria Gyolcsos

INTRODUCTION

1. Misconduct complaints were brought against Geoffrey Lanne Petit ("the Coach"), the Offensive and Transition Coach at Section Paloise, and Section Paloise ("the Club") following the Challenge Cup match between the Club and Toyota Cheetahs on 10 December 2022.
2. The Toyota Cheetahs won the match, played in Pau, 16-21. In the final seconds of the match, with Cheetahs in possession of the ball, a ruck formed. Cheetahs retained possession of the ball at the ruck and kicked the ball into touch, following which the final whistle was blown. Various members of the Club considered that one of its players had validly contested for the ball and were dissatisfied with the decision-making of the match

officials. The inappropriate manner in which various members of the Club reacted thereafter gave rise to the circumstances with which this case is concerned.

DECISION

3. The decision of the Committee is as follows:

- i. The Coach is suspended for a period of 5 weeks. He is prohibited from having any involvement with the team on match days. This includes a prohibition from entering the team room, changing room, technical zone and coaching box, and from having access to the Club's communication network or otherwise communicating electronically with the team on match days.
- ii. The Club is fined €25,000. The fine is suspended until the end of the 2023/24 EPCR season. The fine will only need to be paid if the Club is found to have committed another act of (similar) misconduct within that period.

PRELIMINARY MATTERS

4. There was no objection to the composition of the Committee.

5. In advance of the hearing, the Committee received a series of documents and (during the hearing) viewed clips taken from the match footage. The documentation included the following:

- i. The Misconduct Complaint, dated 6 January 2023.
- ii. Statements from the match officials, including from Hollie Davidson (Assistant Referee), Andrew McMenemy (Television Match Official), Ru Campbell (Assistant Referee), Herve Lasausa (No.4 Official), Doriane Domenji (No.5 Official) and Lola Barthes (Match Manager).
- iii. The Response from the Coach and the Club (which included a statement from the Coach).
- iv. Statements provided to the Committee by the Club, including from Lucie Andrade, Henri Claverie, François Redon, Bernard Pontneau, Sylvain Guilhem, Richard Dany, Jean-François Vigneau and Pascal Laloo.

- v. A transcript of the post-match interview given by Antoine Nicoud (the Club's Defence Coach).
6. This document contains the Committee's reasoned decision, reached after consideration of the evidence, the written and oral submissions and documentation placed before us. It is a summary. The fact that specific reference is not made herein to any part or aspect thereof does not mean it was not considered and given the appropriate weight.
7. This case includes misconduct complaints against both the Coach and the Club. The main sections of this document are separated by subheadings (where relevant) to distinguish between the complaints against each respective party.

CHARGE AND PLEA

The Coach

8. The Coach was charged with misconduct contrary to clauses 3.2 and 3.3(p) of the 2022/23 EPCR Disciplinary Rules ("Disciplinary Rules"). The misconduct complaint was that after the match, the Coach verbally abused Hollie Davidson ("the Assistant Referee") by calling her a "*fucking clown*".
9. The Coach accepted that he had committed an act of misconduct. In particular, he accepted he had disrespected the authority of the Assistant Referee. However, he denied using the words "*fucking clown*". Instead, the Coach asserted he had said "*fucking big call*" or "*fucking call*".

The Club

10. The Club was charged with misconduct contrary to clauses 3.2 and 3.3(p) of the Disciplinary Rules. The misconduct complaint was that unidentified Players or Persons connected with the Club repeatedly struck the Match Officials' changing room door as they passed by on the way to the Club's home team changing room.
11. The Club was also charged with Misconduct for failing to exercise reasonable and proper control over its players and other persons pursuant to clauses 4.1(c) and 7.6 of the Disciplinary Rules. This charge was brought against the Club on account of the misconduct of Sébastien Piqueronies, the Club's Manager General, arising out of an incident in the same match (which was considered by a separate independent disciplinary

committee on 14 December 2022), the misconduct of the Coach (as particularised above) and the misconduct of the unidentified Players or Persons (also as particularised above).

12. The Club accepted the charge.

EVIDENCE

13. In addition to the documentary evidence, the Committee heard oral evidence from the Assistant Referee, from the Coach, and from Bernard Pontneau, the Club's President. A summary of their evidence is set out hereafter.

The Assistant Referee

14. Ms Davidson had prepared the following written statement:

On Saturday 10th December 2022, I was an assistant referee (AR1) at the EPCR Challenge Cup match Section Paloise v Toyota Cheetahs at Stade du Hameau in Pau.

The atmosphere at the end of the match was very tense. The final result was in the balance. Section Paloise had surrendered a 9-3 half-time lead, and were trailing 16-21 in the final phases. They needed a converted try to win the match. They were pressuring Cheetahs' defence from a kick-off, and needed to regain possession to press for a decisive score.

There were a series of defensive rucks just outside the Cheetahs' 22-metre line, with the Cheetahs in possession of the ball and recycling possession while the match clock ticked up to 80 minutes. At what would ultimately be the final ruck in this series, there was a clear and visible claim for a penalty by several of the Section Paloise players, with several players appealing to the referee (Sam Grove-White), gesticulating with their arms and inviting Sam to take a good look at what they seemed to be indicating was a penalty offence.

Sam did not award a penalty, the ball emerged on the Cheetahs' side of the ruck, and having realized that time was up, the Cheetahs passed the ball from the base for the receiver to kick the ball off the field to end the match. Sam blew his whistle to signal the end of the match, and the Cheetahs began to celebrate their victory.

One Section Paloise player (No.20) continued to appeal to Sam briefly after the final whistle, and occupants of the Section Paloise technical zone began to enter the field, heading in Sam's general direction. As I was between them and the field at the time, with my back to them, they effectively brushed past me as they did so. By this time, the atmosphere had shifted from 'tense' to 'hostile'.

I was aware of one member of the Section Paloise coaching team, wearing the Technical Zone Manager armband, approaching Sam directly and beginning to remonstrate with him, using a mixture of English and French. I also noticed that he had taken Sam's hand, as if to shake it.

It was at this point that my attention was diverted by a man I knew to be Geoffrey Lanne Petit, a member of the Section Paloise coaching team. He appeared to be seeking me out and looked angry. He leaned towards me and from a distance of less than 1 foot (30 centimetres) said the words "fucking clown". I have no doubt he was talking to me, intended me to hear the words, and was referring to me and impugning my performance during the match.

When I heard him say those words to me, I was shocked but I tried not to react to the provocation. I simply smiled at him and said "Thank you", as if he had complimented me on my performance. I could sense that the atmosphere had turned, and wished to do my best to restore calm.

A few minutes later, the team of three match officials had returned to the dressing room and we had begun our post-match routine. The Section Paloise dressing room is at the end of the same corridor as the match officials changing room is situated. As players and members of the Section Paloise backroom staff trooped past, our dressing room door was kicked or banged several times, in what felt like a delayed attempt to intimidate or harass us further. The TMO, Andrew McMenemy, arrived back from the broadcast compound and, after hearing a further kick/bang on the door, offered to stand guard outside the door to try and identify any individuals who may have kicked the door and to deter any further instances.

The kicks on the door did not seem like a concerted attempt to gain entry to our dressing room, and Andrew told us when he opened the door that nobody was standing there waiting for the door to open. However, in light of the on-field incidents that had immediately preceded it, it did not make us feel any more secure or that we would be particularly welcome at the post-match function, so we chose not to attend and simply returned to our hotel to have a meal.

This whole episode, from the end of the match through to our departure from the ground, was extremely unnerving and has caused me and my fellow match officials to reflect on whether we would be able to return to Pau to officiate, and whether we would receive similar treatment if we did so. It was extremely unpleasant and left a very sour taste in the mouth.

15. The Assistant Referee confirmed before the Committee that, at the end of the match, the Coach had approached her and said *"fucking clown"*, and that the comment had been directed towards her. The Assistant Referee replied *"thank you"* and moved away. As she did so, she said the Coach repeated the comment. The Assistant Referee told the Committee that the Coach had used the phrase *"big call"* towards her, but at a different point of the match; that had happened much earlier in the match after Cheetahs scored a try
16. . In response to questions from the Coach's representative, the Assistant Referee confirmed that the Coach spoke the words in English. In relation to the treatment she had experienced, the Assistant Referee accepted that until the incident in question, she had been made to feel very welcome by the Club.

The Coach

17. The Coach provided the following translated version of his statement:

"With just seconds to go, the ball is in possession of the Cheetahs team on their 22m line, which is just a few metres from the Section Paloise bench where I am standing. At the final ruck I see what I consider to be a very valid contest for ball from our player number 20 (Reece Hewat). I then hope that we can regain possession of the ball in the opposing team 22m.

I believe at this point that the assistant referee, Ms. Hollie Davidson, is in a good position to see this contest for ball and I expect her to intervene with the referee.

The ball finally comes out of the ruck in favour of the Cheetahs, with one player kicking it into touch. The final whistle sounds.

I stand there for a few seconds without reacting. I think I remember that I had my hands in my pockets, as I often do. Then I decide to approach the assistant referee to make her understand that this last decision, which she did not make, was very important.

I now realise that this was completely inappropriate and that it was a very bad time to go and talk to the officials.

I went up to Ms. Hollie DAVIDSON and said "F... big call", or maybe it was "F... call" because I can't remember if I used the word "big". She replied "Thank you" and smiled at me. I then calmly walked away.

I sincerely regret using the "F" word when addressing the assistant referee. I accept that I should have avoided approaching her and speaking to her, even more in the context of the tense end of the match.

Having read the report by Ms. Hollie DAVIDSON, I would first like to apologise to her for my behaviour. But I want to state firmly that I did not use the word "clown" in relation to her. She probably misunderstood or misheard me, in the context of the commotion around her and the referee. I'm sure I didn't use that word, simply because it's not a term I use in my daily life.

It doesn't change the fact that my behaviour was not appropriate.

It's not the image I want to give of myself, on or off the pitch."

18. The Coach reiterated to the Committee that he realised he should not have talked to the Assistant Referee after the match and he wanted to apologise for his behaviour. The Coach said that he did use the word "fucking" (and apologised again for having used it) but said he did not use the word "clown". When asked by the Committee why he had approached the Assistant Referee, the Coach said it was because he wanted to say that her decision was not a good one. The Coach also confirmed that he had approached her earlier in the match, just after Cheetahs scored a try. The Coach said that he had used the phrase "big call" at that time too.

Bernard Pontneau, the Club's President

19. M. Pontneau spoke of the Coach in glowing terms. He said that the Coach was very loyal to the Club and that his probity and professionalism had never been questioned. In relation to the overall circumstances, M. Pontneau said he had been shocked. He said that rugby values were very important and that he had already taken some proactive action to ensure such behaviour did not take place in the future. In particular, M. Pontneau said he had been very disappointed to learn that the match officials had been made to feel so bad that they might not want to return to Pau in the future. He said that he had been President for the past 17 years and in that time there had been no such problems, but that that had changed in just five minutes. M. Pontneau reiterated that corrective action was necessary and such behaviour would not happen again.

SUBMISSIONS

The Coach

20. Mr McTiernan said that the evidence of the Assistant Referee should be preferred given that it was not easy for a person to put themselves before a disciplinary committee voluntarily and that the Assistant Referee had no reason to lie. Mr McTiernan submitted that the Assistant Referee's evidence was not seriously challenged and that her evidence had been that she had heard the words being used. M. Peyrelevade accepted on behalf of the Coach that the Assistant Referee had given a clear statement to the Committee and had no reason to lie. However, it was said that the Coach's evidence had also been clear. M. Peyrelevade relied on the video footage to support the Coach's evidence in that the Coach could be seen standing with his hands in his pockets and came towards the Assistant Referee in a quiet way, with no hand action and no violent movement. Further, it was said that the French word for "*clown*" was "*kloon*" and that the suggestion it had been used by the Coach did not fit with his way of speaking or his knowledge of the English language.

The Club

21. Mr McTiernan noted that the Club had accepted the charge. He also noted that the charge went beyond being limited to the banging on the Match Officials' changing room door. Included in the misconduct complaint had been a reference to there being a failure to exercise reasonable and proper control over its players and other persons. It was said that this referred to the conduct of M. Piqueronies, the Club's Manager General, as well as that of the Coach.
22. The Club raised an issue in relation to this second element; in essence, it had not appreciated that this formed part of the charge. The Committee gave M. Peyrelevade an opportunity to discuss the matter with the Club in private. The Committee also indicated that, if necessary, it was prepared to postpone the hearing to give the Club a full opportunity to consider its position. The Club, having taken some time to consider the matter, indicated that it wanted to press on with the hearing. The Club reiterated that it had accepted the charge, although added that it was highly unusual for a club to be issued with a misconduct complaint in circumstances where individuals from that club had already been charged with misconduct. In so far as it was necessary for the Committee to make findings, the Club noted that both the Coach and M. Piqueronies had accepted the misconduct complaints levelled against them for the way in which they had each behaved towards match officials.

FINDINGS AND DECISION

23. The Committee considered all the evidence and submissions it had received and heard and made its findings on the balance of probabilities.

The Coach

24. The Committee had been impressed with the evidence given by the Assistant Referee. It was clear, concise and credible. She had been consistent in her account that the Coach had used the words "*fucking clown*". Whilst the Assistant Referee had said that the atmosphere was very intimidating and very noisy, she was clear that she had heard the Coach use the words and that they had been directed towards her.
25. The Coach had also been consistent in his account that he had not used the words alleged. The Committee noted that the Coach had accepted committing an act of misconduct by the manner in which he (admitted) speaking to the Assistant Referee. Although he denied using the words "*fucking clown*", the Coach had accepted he had approached the Assistant Referee to contest the decision that had been made in the final moments of the match. In addition to being his account of the exchange after the final whistle, the Committee also noted that the Coach had used the words "*big call*" (or words to that effect) earlier in the match, shortly after Cheetahs scored. The Committee concluded it more likely than not that the Coach had gone further than saying "*fucking call*" or "*fucking big call*" when he deliberately approached the Assistant Referee at the conclusion of the match to express his dissatisfaction with the decision that had been made at the ruck and that he had indeed used the words alleged.
26. In all the circumstances, the Committee concluded that, on the balance of probabilities, the Coach had used the words "*fucking clown*" towards the Assistant Referee, and that he did so twice (once to her face and once moments later when she walked away). The allegation against the Coach was therefore found proven.

The Club

27. The Committee noted that the Club had accepted the charge, albeit that it had focussed its attention on the element relating to those unidentified persons who had banged on the match officials' changing room door. The Club accepted that its Head Coach had received a ban of 10 weeks for the manner in which he had behaved towards the Referee and the Club had accepted that the Coach had committed an act of misconduct

for the manner in which he had behaved towards the Assistant Referee. In those circumstances, the charge against the Club was also found proven.

SANCTION

28. The parties agreed that the Committee's powers as to sanction were contained in Clause 7.8.29 of the Disciplinary Rules. In short, the Committee had a wide discretion to impose such sanction as it considered appropriate in the circumstances of the case. The Committee therefore invited submissions as to sanction from the parties.

The Coach

29. On behalf of EPCR, Mr McTiernan referred the Committee to the World Rugby Sanctions for Foul Play and to the guidance relating to breaches of Law 9.28. In particular, Mr McTiernan referred the Committee to the following entry points: for players who disrespected the authority of a match official; for players who verbally abused a match official; and, for players who used threatening actions or words towards a match official. Mr McTiernan said that the Coach had a position of authority which made his actions more serious than if the same actions had been carried out by a player.
30. On behalf of the Coach, it was said that his actions only lasted a second or two and that he was attempting to contest the decision of the match officials rather than insult the person. The Committee was told that the Coach had apologised for his behaviour and had demonstrated remorse. The Coach was also said to be of good character in that he worked hard for the Club and did considerable work in the local area for amateur clubs. The Committee was told that the Coach had two previous disciplinary matters on his record, both relating to instances when he had contested the decision of a match official. The Coach had received a warning in 2021 for his conduct, and then in October 2022 he had received a 1 week ban and a suspended €1,000 fine.

The Club

31. On behalf of EPCR, Mr McTiernan indicated that a fine would be an appropriate punishment. When asked to identify a suitable level of fine, Mr McTiernan referred the Committee to Appendix Four of the Disciplinary Rules. Appendix Four sets out the various amounts contained within the Fixed Fine Penalty Procedure. The fines range from €5,000 to €25,000, depending on the particular offence.

32. On behalf of the Club, it was accepted that a fine was appropriate. The Club said it accepted that actions had consequences and that there had been a lack of control following the match. The Club had imposed various changes following the incident, including increasing the level of security in place on match days around the Match Officials' changing room. The Club had also carried out an internal investigation of its players and support staff. Whilst the investigation did not uncover who had banged on the Match Officials' changing room door, the Club had made it abundantly clear to its players and support staff that such conduct was simply not acceptable.

DECISION AS TO SANCTION

33. The core principles of rugby include respect and discipline; such principles are a fundamental part of the Game. In particular, there must be respect for Match Officials; they are vital to the sport and, without them, there would be no matches. Coaches are expected to lead by example. Here, the Coach did not do so. The Head Coach's conduct, who has been sanctioned separately, also fell short of that which is to be expected. In addition, those individual(s) from the Club who banged on the door of the Match Officials' changing room as they went past also behaved in an entirely inappropriate fashion. As was plain from the Assistant Referee's evidence, the intemperate conduct directed towards the Match Officials after the final whistle created a hostile and intimidating atmosphere. In this regard, the conduct of the Coach, and the Club, was wholly inappropriate.

The Coach

34. The Committee noted that it had a wide discretion as to sanction. However, the Committee acknowledged that, where possible, it was appropriate to use the normal structure for sanction (as set out in the Disciplinary Rules) as guidance. This allows for a consistent approach to matters such as establishing seriousness, identifying a start point, and in the assessment of any mitigating features of a case. We have regard to that guidance.
35. The Committee also had regard to the entry points for breaches of Law 9.28. In particular, the Committee concluded that by calling the Assistant Referee a "*fucking clown*" that the Coach had verbally abused her.
36. The Committee noted that the Coach had deliberately approached the Assistant Referee so as, in his words, to contest her decision. The incident lasted but a moment, but the language used was wholly inappropriate. There was no provocation. The incident caused the Assistant Referee to be upset and intimidated. There was no premeditation; instead, this was a spontaneous intemperate reaction.

37. In the circumstances, the Committee concluded that a low end entry point was proportionate, namely, a starting point of a 6 week ban.
38. By way of mitigation, the Committee noted that the Coach had accepted he had committed an act of misconduct, albeit that he did not accept using the insult the Committee found had been used. The Coach does not have a clean disciplinary record and the Committee were told of two other instances of him receiving a disciplinary sanction for contesting the decision of a match official. The Coach apologised for his conduct and acted in an appropriate fashion during the hearing. The Committee concluded that a reduction of 1 week was appropriate to take account of the mitigating circumstance present.
39. There were no aggravating features present.
40. The Committee then stepped back to consider whether it was appropriate to impose the 5 week ban immediately, or whether it might be appropriate to suspend some or all of that sanction. This was a serious breach of rugby's core values and it was right that a serious sanction be imposed. In addition, the Committee noted that there was an unhappy direction of travel in the Coach's conduct, given this was now the third occasion since 2021 that the Coach has been disciplined for inappropriate conduct towards a match official. The Committee concluded that it would not be appropriate to suspend any of the sanction and that the 5 week ban should be imposed immediately.

The Club

41. Once again, the Committee had a wide discretion in relation to sanction. The Committee noted that the Coach, Head Coach and unidentified persons from the Club had acted in a wholly inappropriate manner towards the Match Officials after the final whistle. The Committee considered it appropriate that the Club be sanctioned, in essence for the cumulative effect of these separate, but related, incidents.
42. Taking into account of all the circumstances of this case, the Committee concluded that a fine was an appropriate form of punishment. The circumstances in this case were very different to those contained in the Fixed Fine Penalty regime at Appendix Four of the Disciplinary Rules. The gravity of offending here was such that a fine at the upper end of the Fixed Fine regime was deemed to be appropriate, namely a fine of €25,000. However, the Committee also noted that there were a number of significant mitigating factors here. The Club had admitted wrong doing and had already put in place certain measures to prevent such misconduct in the

future. The Club has a proud history and, given the clear message coming from its President, is highly unlikely to transgress in the future. Notably, the Club would also be without its Head Coach and Attack Coach for a significant period of time, given the bans each individual had received for their misconduct. The Committee therefore concluded that it was proportionate to suspend the fine for the next two seasons, thereby serving as a warning to members of the Club to prevent any further repeat behaviour.

CONCLUSION

43. Therefore, in conclusion, and for the reasons set out above, the decision of the Committee is as follows:

- i. The Coach is suspended for a period of 5 weeks. He is prohibited from having any involvement with the team on match days. This includes a prohibition from entering the team room, changing room, technical zone and coaching box, and from having access to the Club's communication network or otherwise communicating electronically with the team on match days.
- ii. The Club is fined €25,000. The fine is suspended until the end of the 2023/24 EPCR season. The fine will only need to be paid if the Club is found to have committed another act of (similar) misconduct within that period.

44. The Coach is suspended from 17 January 2023 until 26 February 2023. During the effective period of sanction, the Coach will miss the following matches:

- i. v Cheetahs on 22 January 2023 (EPCR Challenge Cup)
- ii. v Toulon on 28 January 2023 (Top 14)
- iii. v Racing 92 on 4 February 2023 (Top 14)
- iv. v Perpignan on 18 February 2023 (Top 14)
- v. v Toulouse on 25 February 2023 (Top 14)

RIGHT OF APPEAL

45. There is the right of appeal against this decision. Any Notice of Appeal must comply with Clause 8.2 of the Disciplinary Rules.

Gareth Graham (Chair)

29 January 2023