

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Maxence NICOLAS	
Player's number: 14	
Player's union: Belgium	
Competition: U20 Championship	
Host Team (T1): Netherlands	Visiting Team (T2): Belgium
Venue: Marketa Rugby Stadium, Prague	
Date of match: 19/11/23	
Rules to apply: Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other	
Referee Name: Christopher LOUGH	
Plea: <input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted	
Offence: <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Samantha Hillas KC	
Other Members of the Disciplinary Panel: - Michiel van Dijk - Miriani Tavzarashvili	
Hearing date: 28/11/2023	
Hearing venue: remote via Teams	
Appearance Player: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appearance Union: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Player's Representative(s): Olivier de Biolley	
Other attendees: Thibeau André	
List of documents/ materials considered by the Panel: <ul style="list-style-type: none">• Game sheet• Red Card report• Video footage of incident	
Summary of essential elements of citing / Referee's report / Incident footage	
From the Red Card Report: <i>"Player 2 from Netherlands was holding #14 Belgium after the ball had been played and was away. #14 Belgium in retaliation kicked backwards and made contact with the head of the Netherlands player."</i> Although the video footage is not entirely clear, it shows the victim player holding onto the leg or legs of Maxence Nicholas ("the Player") and the Player then kicking backwards with his right foot, making contact with the head of the Netherlands player.	
Essential elements of other evidence (e.g. medical reports)	
N/A	

Summary of player's evidence

In summary, the Player's evidence was that he was sorry. The kick was not "voluntary". He says he was trying to free himself, the other player stopped him and he wanted to get away after the ball to help his team. He did not intend to make contact with the victim player's head. Upon further questioning, the Player accepted that his kick was instinctive but that it was not intentional, in that he did not intend to kick the player, he was simply trying to free himself. He did not look at the victim player and did not see where his head was. The victim player was on the ground holding onto the sock of his right leg. The victim player was not injured and he stayed on the field of play, receiving a yellow card later in the game. The Player spoke to the victim player after the game and apologised to him.

It was confirmed on behalf of the Player that he has already been suspended for two weeks as a result of this incident and he has not trained. The Player is young and has to learn from his actions. The Player also referees and understands the gravity of his actions. The club will take further action once the Panel has made a decision as to sanction.

Findings of fact

The Panel considered that the Player, whilst freely admitting the charge, underplayed it slightly and was equivocal about the kick being intentional. The kick was, in the view of the Panel, clearly intentional although the Panel accepts that the Player did not look behind him to see where he was kicking and did not realise he would make contact with the victim player's head. The Panel accepts it was an instinctive action, without any real force and that it had no impact on the victim player who continued in the game. That said, the Player's response was disproportionate.

Decision

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

Assessment of seriousness <i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
Assessment of intent:
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless
Reasons for finding as to intend:
<p>The Panel finds that the Player, in frustration at being held onto, instinctively but deliberately kicked back.</p>
Nature of actions
<p>The Player kicked backwards and hit the head of the victim player who was on the ground.</p>
Existence of provocation:
<p>N/A</p>
Whether player retaliated:
<p>The Player retaliated to being held onto after the ball had moved on, but his response was disproportionate and unwarranted.</p>
Self-defence:
<p>N/A</p>
Effect on victim:
<p>There was no apparent injury. The Panel was informed that the victim player continued in the game and was subsequently yellow carded in a separate incident.</p>
Effect on match:
<p>None save that the Player was red carded.</p>
Vulnerability of victim:
<p>The victim player was in a vulnerable position on the ground and could have suffered injury as a result of this incident. He was lucky he did not.</p>
Level of participation / premeditation:
<p>Full participation.</p>
Conduct completed / attempted:
<p>Completed.</p>
Other features of player's conduct:
<p>N/A</p>

Entry point					
Low-end <input type="checkbox"/>	Weeks [XX]	Mid-range <input checked="" type="checkbox"/>	Weeks 8	Top end <input type="checkbox"/>	Weeks [XX]
Reasons for selecting entry point:					
<p>The Player made contact with the victim player's head and as a result the Panel did not consider any starting point lower than mid-range. The Panel did not consider the incident was sufficiently serious as to warrant a top end entry point and therefore the starting point remained mid-range.</p>					

Relevant off-field mitigating factors	
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>	
Acknowledgement of guilt and timing:	Player's disciplinary record / good character:
The Player readily admitted his fault in the incident.	Clean disciplinary record.
Youth and inexperience of player:	Conduct prior to and at hearing:
The Player is young (aged 20).	The Player's conduct was impeccable.
Remorse and timing of Remorse	Other off-field mitigation:
The Player regretting his actions and apologised to the victim player after the incident.	N/A save for the apology to the victim player after the game as already referred to.

Number of weeks deducted: 4
Summary of reason for number of weeks deducted:
The Panel considered that, for all the reasons set out above, the Player was entitled to the maximum discount possible and reduced his 8-week suspension to 4 weeks.

Additional relevant off-field aggravating factors

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby

Player's status as an offender of the Laws of the Game:

None.

Need for deterrence:

N/A

Any other off-field aggravating factors:

N/A

Number of additional weeks: 0

Summary of reason for number of weeks added:

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SANCTION

NOTE: Players ordered off or cited by a citing commissioner are provisionally suspended pending the hearing of their case, such suspension should be taken into consideration when sanctioning – RE Discipline Regulations 4.1.4 / 4.4 (or equivalent Tournament rule)

Total sanction: 4 weeks/matches	<input type="checkbox"/> Sending off sufficient
Sanction commences: 26/11/2023	
Sanction concludes: 21/01/2023	
Matches/ tournaments included in sanction: 26/11/2023: ROC – Frameries 10/12/2023: Gent-ROC 14/01/2024: ROC-BRC 20/01/2024: RCS-ROC	
Costs: none	

Signature
Name of the JO or Chairman: SAMANTHA HILLAS KC
Date: 28.11.23
Signature (JO or Chairman): (SIGNED ELECTRONICALLY)

NOTE: You have 48 hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.6.2 (or equivalent Tournament rule)