



DECISION FORM (FIRST INSTANCE)

PARTICULARS OF OFFENCE			
Player's Name	DOMEN DOBNIKAR		
Player's Union	Slovenia Rugby Union		
Match	Slovenia v Malta		
Competition	Rugby Europe Conference 1 South		
Date of match	30/10/2021		
Match Venue	Ljubljana Slovenia		
Rules to apply	Regulation 17 World Rugby Handbook; and Rugby Europe Disciplinary Regulations 2020 Edition		
Referee Name	Norbert Matrai (Hungary)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Originally accumulation of yellow cards but amended to Referee abuse contrary to Law 9.28	<input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
Hearing date	10/11/2021	Hearing venue	Remote via Microsoft Teams
Chairperson/JO	Antony Davies		
Other Members of the Disciplinary Panel	Palemia Field and Andrei Zamfirescu		
Appearance Player	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Appearance Union	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Player's Representative(s)	Goran Djuratovic (President Slovenia Rugby Union)	Other attendees	David Baird-Smith (Rugby Europe Disciplinary Manager)
List of documents / materials provided to Player in advance of hearing	1. Yellow card report 1 2. Yellow card report 2 3. Red card report 4. Video clip 5. Match sheet 6. Rugby Europe Disciplinary Regulations 2020 7. World Rugby Disciplinary Regulation 17 8. Supplemental statement- Norbert Matrai dated 5/11/2021 9. Notice of disciplinary hearing 10. Disciplinary form Slovenia Rugby Union dated 6/11/2021		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>In the 26th minute of the second half of the match, the Referee awarded a second yellow card to the Player, which resulted in an ordering off for the accumulation of two yellow cards. The Referee's description of each of the yellow cards was as follows:</p>

Yellow card 1 - "The Player made a dangerous tackle in the maul. He grabbed the opponent's head and pulled him down dangerously".

Yellow card 2 - "The Player told me several times, "fuck you Referee". Therefore I gave him a second yellow card.

The Referee's report on ordering off referred to the second yellow card as having been given under Law 9.28, i.e. not respecting the authority of the Referee.

With regard to the second yellow card, we were concerned that the Referee seemed to have regarded it as only warranting a yellow card and we therefore directed that he provide a more detailed statement and explain why he felt it warranted only a yellow card. His response to that specific point was as follows :

"For the second yellow and the red, I should have given an immediate and direct red card for sure. The words he used to me several times were not acceptable: "fuck you Referee"."

In view of this further information, we used our powers under World Rugby Regulation 17.26.2 to amend the charge from accumulation of yellow cards to Match Official abuse contrary to Law 9.28. The Player through his representative did not object to this course of action and was content for the hearing to proceed on the basis of the amended and more serious charge.

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

On 6th November 2021, Slovenia Rugby Union held its own internal disciplinary hearing at which the Player was present. The Union completed a player disciplinary action form. Its decision was that the Player should miss three games and in addition must attend 32 hours of volunteer work at one of the organisations that his Club or Union was involved in helping. The Player had countersigned the decision to confirm that he accepted it.

SUMMARY OF PLAYER'S EVIDENCE

Unfortunately, the Player was not able to attend the hearing, though he was fully aware of it and had given express instructions to the Slovenia Rugby Union President, Goran Djuratovic to speak on his behalf and with his full authority. The Player had tested positive for Covid 19 and was isolating. He was also suffering some symptoms and had requested the proceedings continue in his absence.

Mr. Djuratovic confirmed that the Player was 27, had been playing 12 years and had been a regular in the national Slovenian side for 5 years. He is an amateur player.

His Union had been extremely surprised to be notified of the incident, because they regarded it as entirely out of character for him. This was the Player's first ever red card. He had not played any rugby during the Covid lockdown and this was his first international match on resumption. He was one of the more senior players amongst a very junior side and his emotions got the better of him.

The Player had admitted tackling an opponent who had slipped under him and he had grabbed him in the neck area and pulled him to ground. He did not dispute that a yellow card was correct for this action. Regarding the second yellow card, he felt ashamed that he lost his judgment and discipline and reacted the way he did by saying the words to the Referee. If he had his time again, he would not have done it.

He had apologised to the Referee and his team mates later. He fully admitted abusing the match Referee in the way described and he had accepted his Union's imposition of a three match suspension and the requirement to work as a volunteer for 32 hours in accordance with his Club's Connecting with the Community Project. It was clarified that these hours would be additional to what he already did under that Project, which was aimed mainly at helping children and the elderly.

FINDINGS OF FACT

In view of the Referee's supplemental statement and the Player's admission, we had no difficulty in finding that he committed an offence of match official abuse contrary to Law 9.28.

Slovenia Rugby Union are to be commended on their prompt, measured and proportionate approach to the indiscipline of one of their players.

DECISION

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
Assessment of Intent		
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless		
State Reasons		
The Player deliberately used the words “fuck you Referee” several times to the match official during the game		
Gravity of player’s actions		
We viewed the video footage. We noted an absence of any form of aggressive demeanour or behaviour on the Player’s part when addressing the Referee. There was no physical engagement. In fact, he was some distance from the Referee. We also noted that the Referee’s initial reaction to being abused was to award a yellow card		
Nature of actions		
Verbal abuse, including swearing, on several occasions		
Existence of provocation		
N/A		
Whether player retaliated		
N/A		
Self-defence		
N/A		
Effect on victim		
The Referee did not at any stage say that he had been upset or felt threatened by the Player’s behaviour. He received a post match apology which he accepted and his award of an on field yellow card indicated that he did not regard it as the most serious of incidents.		
Effect on match		
N/A		
Vulnerability of victim		
N/A		
Level of participation/premeditation		
Full		
Conduct completed/attempted		
Completed		
Other features of player’s conduct		
Given what we were told about the Player and observed in the match footage, we regarded this incident as arising out of general frustration by the Player with himself and the young team, rather than any enmity for this particular match official.		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input type="checkbox"/> Mid-range [XX] Weeks	<input checked="" type="checkbox"/> Low-end 6 Weeks
*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.		
Reasons for selecting Entry Point above Top End		
[Insert]		

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 found	
Need for deterrence	
None found	
Any other off-field aggravating factors	
None found	

Number of additional weeks: 0

Summary of reason for number of weeks added:
[Insert]

RELEVANT OFF-FIELD MITIGATING FACTORS	
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
Acknowledgement of guilt and timing	Player's disciplinary record/good character
The Player acknowledged his guilt immediately with a post match apology to the Referee, then his admission to the Slovenia Rugby Union internal disciplinary Panel on 5 th November and through his representative at the hearing	The Player has an exemplary disciplinary record. He has not been red carded or, we were told, yellow carded in all his previous playing career.
Youth and inexperience of player	Conduct prior to and at hearing
The Player has been playing 12 years and a regular national for the Slovenia side for 5 years. He is therefore to be regarded as an experienced player who should know better.	His conduct prior to the hearing was appropriate in terms of remorse and apologies. That continued through the Slovenia RU internal disciplinary process and in his instructions to his representative to put forward his admissions and apologies at the hearing, which unfortunately he could not attend.
Remorse and timing of remorse	Other off-field mitigation
Immediate and sustained. As well as his apology to the match official, he had apologised to his team mates and coaches. He had further apologised to his team mates because of his unavailability for the match which had taken place against Croatia on 6 th November, which he had missed because of his suspension. He also felt that as well as his players and coaches, he had let his family down – his father being part of the Olympic Committee. He felt particular embarrassment, pressure and pain at letting his father down by his behaviour towards a match official	Whilst we had no power to order this, it was our view that some of the 32 hours' additional voluntary work which the Player is to do through his Club/Union, should involve refereeing Rugby Union which may give the Player more insight into the difficulties match officials face.

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

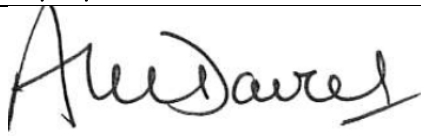
We found the Player's mitigation genuine and fulsome.

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	3 weeks	<input type="checkbox"/> Sending off sufficient
Sanction commences	30/10/2021	
Sanction concludes	21/11/2021	
Matches/tournaments included in sanction	6/11/2021 Slovenia v Croatia 13/11/2021 RK Ljubljana v RK Olimpija 20/11/2021 RK Maribor v RK Ljubljana	

Costs	None awarded or sought
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Date	12/11/2021
Signature (JO or Chairman)	

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)