



DISCIPLINARY HEARING

| PARTICULARS OF OFFENCE | | | |
|------------------------|---|---|---|
| Player's Name | ALINA NISTREAN (no1) | | |
| Player's Union | MOLDOVA | | |
| Match | GEORGIA v MOLDOVA | | |
| Competition | Women's 7s Trophy Zagreb | | |
| Date of match | 20.06.2021 | | |
| Match Venue | Zagreb, CROATIA | | |
| Rules to apply | Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other | | |
| Referee Name | MARIA GIOVANNA PACIFICO | Plea | <input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted |
| Offence | 9.13 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. | <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify: | |

| HEARING DETAILS | | | |
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| Hearing date | 23.06.2021 | Hearing venue | Microsoft Teams (online video conference) |
| Chairperson/JO | Irina PETRE, Judicial Officer of the Tournament | | |
| Other Members of the Disciplinary Panel | | | |
| Appearance Player | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Appearance Union | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Player's Representative(s) | | Other attendees | David Baird-Smith Corporate Affairs Coordinator Rugby Europe Veronica Siscan - former Team Manager |

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| <p>List of documents / materials provided to Player in advance of hearing</p> | <ul style="list-style-type: none"> - Referee’s Report on Ordering off, - 7s Tournament Game sheet - Pictures of the incident, - Video Clip of the incident |
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SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE’S REPORT/INCIDENT FOOTAGE

The Player tackled dangerously an opponent; the tackle was high, there was direct contact of the Player’s arm with the opponent’s neck, significant speed and force.

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

N/A The tackled player reported no injuries, immediately raised on her feet and continued playing

SUMMARY OF PLAYER’S EVIDENCE

Although invited with prior written notice, neither the Player nor the Union’s manager showed up in the online video conference. Only the former team manager showed up briefly, without giving any factual statements about the offence, the Player’s attitude towards it or the reasons for the Player not showing up. It is not clear if Mrs. Veronica Siscan had a mandate to represent the Player or the Union.

Upon request, the team’s manager provided after couple of days statements in the sense that the Player is 33 years old and has played rugby since 2009 but between 2012-2020, she disrupted her activity and restarted playing back in 2020. According to the said statement, the Player *“is well acquainted with rugby rules on inadmissible actions during play”*. There is no record of disciplinary sanctions. The team manager decided to suspend the Player from playing in the next competition until final decision of the Rugby Europe officials.

FINDINGS OF FACT

The Judicial officer has ascertained that it is true that the Player committed an offense contrary to law 9.13 that justified a red card.

The Player tackles high at the neck level, the force and speed appearing not to be extremely high, however sufficient to justify a serious degree of danger, due to the direct neck arm/neck contact. Moreover, the Player does not attempt to immediately release / withdraw nor to pull out of contact but completes the tackle bringing the victim to the ground.

The judicial officer is of the opinion that the manner of tackle was reckless mainly due to the direct high contact at neck level and to the speed and force with which it was performed; it is obvious that the Player did not use her eyes and feet to get the right timing of the tackle as recommended by the Head Contact Process Guidelines; she allowed herself no time to adjust or drop in a low tackle entry position in order to make the arm contact under the shoulder area. This was likely to cause injury although in the current case no injury was reported. In line with the said Guidelines, the focus should primarily be on the actions involved whenever a head contact occurs.

There is no mitigation, as the Player had a clear line of sight, she did not attempt to change height and there was no sudden/significant drop in height or change in direction from ball carrier.

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 type="checkbox"/> Intentional/deliberate <input checked="" type="checkbox"/> Reckless | | |
| State Reasons | | |
| Player forced herself into the tackle with pretty high speed and a high arm which struck the opponent neck | | |
| Gravity of player's actions | | |
| Any high tackle at speed is potentially a dangerously grave offence. | | |
| Nature of actions | | |
| High and dangerous tackle | | |
| Existence of provocation | | |
| none | | |
| Whether player retaliated | | |
| none | | |
| Self-defence | | |
| N/A | | |
| Effect on victim | | |
| No injury, she got up and continued to play in the match | | |
| Effect on match | | |
| N/A | | |
| Vulnerability of victim | | |
| Moderate | | |
| Level of participation/premeditation | | |
| No intention but unfortunate tackle technique | | |
| Conduct completed/attempted | | |
| completed | | |
| Other features of player's conduct | | |
| N/A | | |
| Entry point | | |
| <input type="checkbox"/> Top end [XX] Weeks | <input checked="" type="checkbox"/> Mid-range 6 Weeks | <input type="checkbox"/> Low-end [XX] 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 | | |
| This was a dangerous act of foul play that involved a significant amount of speed and therefore also force against the neck of another player. However, the contact occurred recklessly and the tackled player was not injured in any way | | |

| ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS | | |
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| 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 | | |
| N/A | | |
| Need for deterrence | | |

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| N/A |
| Any other off-field aggravating factors |
| Poor conduct prior or at the hearing (Law 17.19 c) |

Number of additional week/matches: **1 match in 7s' (bearing in mind that 1 week suspension in 15s' equals 1 match suspension in 7s')**

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| Summary of reason for number of weeks added: |
| <p>The Player and Union were afforded the opportunity to attend the hearing but chose to decline this possibility and not to inform Rugby Europe accordingly, despite repeated efforts of the Rugby Europe Secretariat to get in contact before and throughout the one-hour time slot allocated for the hearing. Neither the Player nor the Union representative were able to offer any reasonable explanations for Player's absence/lack of reaction from Union's side. It was not contested that proper and adequate notice had been given to the Player with respect to the hearing. There is telecommunication evidence that a lot of efforts were made throughout the day of the hearing and during the interval allocated to the hearing to determine the intentions of the Union in relation to the hearing, all of which were unsuccessful.</p> <p>Although briefly present at the hearing, Mrs. Veronica Siscan did not have a mandate to speak on behalf of the Player and she could not explain the Union's position either. Moreover, she was unaware of why the Player could not attend but mentioned that she was duly informed. As such, the JO decided that that an adjournment was inappropriate as there was no reasonable explanation to the Player's failure to attend the meeting and it could not be insured that the Player would attend at any future time. Moreover, this would have set a dangerous precedent with respect to the timely administration of disciplinary proceedings. As such, the JO decided to proceed forthwith in the Player's absence, taking however the freedom to draw such inference from the failure to attend as it considers appropriate in the given context (based on clause 3.6 and 4.4 of the Rugby Europe Disciplinary Regulation edition 2020). The JO concluded that the conduct of the Player as noted above is not that which is expected of a Player of her stature and seniority.</p> |

| RELEVANT OFF-FIELD MITIGATING FACTORS | |
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| 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 |
| Team's manager, as representative of the Player indirectly acknowledged in writing the offence | Good, the team manager confirmed that there is no disciplinary sanction issued against her |
| Youth and inexperience of player | Conduct prior to and at hearing |
| Rugby experience 2009-2012. The Player interrupted her rugby activity for 8 years and just restarted in 2020. | The conduct of the Player, as described above on this page is not considered appropriate |
| Remorse and timing of remorse | Other off-field mitigation |
| N/A | N/A |

Number of weeks/matches deducted: 2 matches in 7s (bearing in mind that 1 week suspension in 15s' equals 1 match suspension in 7s')

Summary of reason for number of weeks deducted:

Although the Player did not show up in the hearing and did not give reasons for her absence, after the hearing the team manager has submitted a statement from which it results that:

- (i) The Player has a clean record
- (ii) The Player has just recently resumed playing, during the COVID 19 pandemics (2020), and has only 3 years of rugby experience back in 2009-2012
- (iii) The Union does not deny or contest that it was a foul play and that the RC is justified

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 | 5 matches in 7s | <input type="checkbox"/> Sending off sufficient |
| Sanction commences | July 9 th , 2021 | |
| Sanction concludes | July 10 th , 2021 | |
| Matches/tournaments included in sanction | 5 first matches of the Moldovan National team in the 2 nd leg of the Women's 7s Trophy to be played in Budapest (Hungary) on July 9 th and 10 th . <i>Upon request from the union, that list could be subject to changes if the Player was to play other meaningful matches.</i> | |

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| Costs | NA |
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| Date | June 30 th , 2021 |
| Signature (JO or Chairman) | Petre Irina |

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)