



DECISION FORM

PARTICULARS OF OFFENCE		
Player's Name	Victor Sanchez Borrego	
Player's Union/club	Castilla y Leon Iberians	
Match	Castilla y Leon Iberians v Delta	
Competition	Rugby Europe Super Cup	
Date of match	18/09/2022	
Match Venue	Pepe Rojo, Valladolid (Spain)	
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program	
Referee Name	John Catteau (BEL)	Plea Charge
Offence	9.12 Physical abuse	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:

HEARING DETAILS		
Hearing date	21/09/2022	Hearing venue: On remote
Chairperson/JO	Jennifer Donovan	
Other Members of the Disciplinary Panel	Palemia Field Marcello D'Orey	
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)	Fernando Gonzalez Guillermo Gervas Viquiera	Other attendees
List of documents / materials provided to Player in advance of hearing	1. Citing commissioner report 2. Game sheet 3. Video Clip 1 4. Video Clip 2 5. Medical Report	

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The report of the Citing Commissioner outlined an incident in the 75th minute of the match. It was reported that the player ("IBE5") carried out a legal tackle on the ballcarrier but that the player then got back to his feet and charged the opposition No. 19 ("DEL19") with his shoulder, making contact with that player's face/nose. The report described DEL19 as having reacted and that some pushing and shoving followed.</p> <p>The Citing Commissioner considered the actions of the player to be a shoulder charge resulting in head contact. The CC then considered the matter by reference to the Head Contact Process and concluded that there was direct contact to the head; that there was foul</p>

play; that there was a high degree of danger considering the force applied and impact to the face; that there were no mitigating factors. The CC concluded therefore that foul play in breach of Law 9.12 had occurred and that the red card threshold was met.

Two camera angles of the incident were available. These were not of particularly good quality although the incident is visible. The player can be seen making the tackle and then getting back to his feet to make a clear out. The player appears to lead with his right shoulder without binding with his arms. The precise point of contact is difficult to see but the head of DEL19 can be seen to move back and to the side upon impact with the player's right shoulder. There is a reaction by DEL19. A penalty is awarded by the referee but not related to the cited incident.

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

A medical report was received that confirmed that no injury was sustained.

SUMMARY OF PLAYER'S EVIDENCE

The player sought to contest the citing. He argued that he had not committed any act of foul play and had not made contact with the head of DEL19. The player, through his representatives, indicated that his main grounds for contesting the citing was that there had been no action on the pitch by the Referee or Assistant Referee who were both in close proximity. The player denied having charged with his shoulder but said that there was an attempt to wrap with his right arm. The player submitted that head contact was not visible on the footage. The player did not accept that he had made contact with the head of DEL19 but said that contact was made between his shoulder and the chest of DEL19 with possible some secondary minor contact between his back and the face of DEL19.

The player, when asked, said that he looked up after having made the first tackle, that he saw a gap between the player on the ground and DEL19 and that his target was that gap. The player said that his intention was to clear out the ruck and that he did not intend to make contact with any player's head. The player maintained that he had wrapped, or had attempted to wrap his arm around the arm of the opposition player. The player thought that the reaction of DEL19 was just a reaction to the clearout. He said that he did wish to speak to the player after the match but he did not know the number of the player involved.

FINDINGS OF FACT

It was outlined to the player at the outset that when contesting the matter, the burden on proof was upon him to establish that he was been incorrectly cited. On the balance of probabilities, it was found that the player failed to do so. The committee considered all of the arguments submitted by the player and also considered the contents of the CC's report and the match footage. Although the video footage was not of the best quality it was possible to see the movement of the head of DEL19 upon impact. It was found that the head of DEL19 moved backwards upon impact suggesting direct contact to the head. It was also found that the player had not bound or wrapped his arms and that the actions amounted to a shoulder charge.

The player's submission in relation to the lack of action by the match officials was not accepted as proof of non-offending. The CC when reaching the decision to cite had the benefit of time and the replaying of two camera angles. It is not possible for match officials to see or detect every action during a match hence the purpose of the citing commissioner.

The Committee found that foul play had occurred and found the CC's assessment under the Head Contact Process to be correct. The citing therefore was upheld.

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		
It was found that the offending was reckless rather than deliberate.		
Gravity of player's actions		
Grave in that there was direct head contact		
Nature of actions		
Direct contact, with force, between shoulder and head.		
Existence of provocation		
N/a		
Whether player retaliated		
N/a		
Self-defence		
N/a		
Effect on victim		
Victim player did not sustain injury and played on		
Effect on match		
Nil		
Vulnerability of victim		
Vulnerable in that his head was not shielded from direct contact		
Level of participation/premeditation		
Full participation		
Conduct completed/attempted		
Conduct 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		

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		
n/a		
Need for deterrence		
n/a		
Any other off-field aggravating factors		
n/a		

Number of additional weeks:

Summary of reason for number of weeks added:
N/A

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
Player did not at any stage accept that he had committed an act of foul play.	Player has a clean disciplinary record
Youth and inexperience of player	Conduct prior to and at hearing
Player has 10 years experience at international level	Perfectly acceptable.
Remorse and timing of remorse	Other off-field mitigation
Player indicated that he did not intend to make head contact but did not express remorse and he did not accept that foul play was committed	n/a

Number of weeks deducted: 2

Summary of reason for number of weeks deducted:
It was found that the play did not merit a full 50% reduction in sanction for the reasons above. He is an experienced intentional player and he did not at any stage accept that the foul play or head contact had taken place.

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	18/09/2022	
Sanction concludes Midnight	Midnight 16/10/2022	
Matches/tournaments included in sanction	25/09/2022 King's Cup Final 02/10/2022 Round1 Spanish League 09/10/2022 Round 2 Spanish League 16/10/2022 Round 3 Spanish League/Super Cup Round 4	

Costs	Nil
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Date	22/09/2022
Signature (JO or Chairman)	<i>Jennifer Donovan</i>

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)