

# RFU SHORT JUDGMENT FORM



Match (home)	Exeter Chiefs RFC	Vs (away)	Sale Sharks RFC
Club's Level	1	Competition	Premiership Rugby Women
Date of Match	11/02/2024	Match Venue	Sandy Park

Particulars of Offence			
Player's Surname	Grieve	Date of Birth	18/01/1994
Forename(s)	Mhairi	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Sale Sharks RFC	RFU ID No.	2064275
Type of Offence	Citing		
Law 9 Offence	9.13 - Dangerous tackling (head-on-head contact)		
Sanction	3 Weeks (Subject to Coaching Intervention)		

Hearing Details			
Hearing Date	15/02/2024	Hearing venue	Zoom
Chairmen/SJO	Matthew O'Grady	Panel Member 1	Miles Benjamin
Panel Member 2	Carl Bradshaw	Panel Secretary	Rebecca Morgan-Scott
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):		Other attendees:	
Scott Needham		Katy Daley-McLean Angus Hetherington	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Yes
<input type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input checked="" type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			



The citing report states:

"Exeter won lineout ball in the 50th minute of the game and play on a front peel. E23 receives the ball a few centimetres from the touchline and is tackled by S9. S9 is upright and uses her arms in the tackle which are around the waist of the ball carrier but S9 is not bent and head remains at head height into the tackle. The ball carrier does not drop in height and there is a clear line of sight between tackler and ball carrier. The players heads collide and there is clear head on head contact. As this is a high tackle with head on head contact we must use the HCP.

Has head contact occurred - YES. Clearly the players clash heads

Was there any foul play - YES. S9 is upright in the tackle. Is not bent at the hips is moving forward and makes a high tackle. S9 is at fault for the head collision

What is the degree of danger - HIGH. Direct head to head contact with S9 moving forward as E23 moves into the contact

Is there any mitigation:

Line of sight is clear - yes, NO mitigation

Sudden and significant drop in height - NO

Clear attempt to reduce height - NO

Passive tackler - NO

I think S9 is in control however makes no attempt to drop in height and her position in the tackle causes a head collision.

Both players paused on field clearly after the head on head contact but neither left the field of play or had an HIA.

Following the HCP process I conclude a citing for S9 under law 9.13 Dangerous tackling."

The footage shows:

1. The Exeter player was passed the ball when she was approximately 1m from the touchline.
2. The Player was approximately 4m from the Exeter player when the ball was passed.
3. The Exeter player took a step on her left foot then shuffled both feet.
4. The Player was in an upright position and did not bend at the hips.
5. The Player wrapped her arms around the Exeter player's upper body.
6. The Player's head connects with the upper part of the Exeter player's head.
7. The Player is on the balls of her feet at the moment of head contact.
8. The Player is knocked backwards and falls to the ground.
9. The Exeter player remains on her feet.

Essential Elements of Other Evidence (e.g. medical reports)

N/A

## Summary of Player's Evidence

The Player admitted foul play, but denied the Red Card test was met.

The Player stated:

"I was stood in the first receiver position at a sale line out just inside the Exeter half. We were set up to attack off the back of a maul. We lost the lineout which turned the situation into scramble defence. I ran towards the touchline to defend and faced a two vs one scenario so had to hold my position, not make a tackle and allow for cover to arrive, if I commit to the ball carrier (E20) in this scenario she passes to the edge and runs a try in. I hold my position without engaging the opposition and remain upright to enable me to react quickly to the pass available. The ball carrier (E20) passes to the support player on the edge (E23) and I attempt to make a passive tackle where I grab the player and let momentum take us both to ground. This tackle is my only option as I am not in a good position to make a dominant hit, I do not have the time to hinge and drive through the collision with my legs. I attempted to wrap my arms around E23 and absorb the player but unfortunately my face and her head collided. I then fell backwards and released my wrap to check my mouth as I have had a dental injury previously from a rugby collision.

I am very aware that my position is poor, and my tackle height is wrong, but I did not have any intention of making head contact with E23 as I am fully aware of the consequences and completely back the processes put in place to lower tackle heights."

The Player argued there was a low degree of danger because the tackle was passive, which absorbs the Exeter player's momentum.

In her submission the player accepted she had a clear line of sight. She further accepted that there was no significant and/or sudden drop of height. The Player said the player stepped into her.

## Findings of Fact

The Player has the burden of proving the Citing Commissioner was wrong to cite her. The standard of proof is the simple balance of probabilities.

The key issue was the level of danger and whether or not mitigation existed. The focus is on whether (1) the tackle is passive and (2) the effect of any change of direction by the Exeter player.

We gave very careful consideration to the Player's reasonable arguments. We were compelled to reject the Player's argument that this was a passive tackle.

The Head Contact Process states the elements of a passive tackle are:

- Tackler feet planted and body absorbs/falls backwards.
- Zero forward movement into the ball carrier

We studied the footage.

The Player's feet (emphasis on the Head Contact Process saying 'feet' and not 'one foot') are not planted. The Player's left foot stopped at the moment of physical contact between arms and body (i.e. the start of the tackle). Her right foot was still in motion. The right foot makes contact with the ground simultaneously with the head contact.

The Head Contact Process permits nil movement whatsoever into the ball carrier for a tackle to be passive (emphasis on 'zero'). The Player was in motion towards the Exeter player.

Accordingly, when the Head Contact Process is applied, the tackle is not passive.

We do not accept there was a sudden, significant or otherwise notable change in the Exeter player's direction of movement to mitigate the Red Card. The Exeter player was moving along the touch line. The Player ought reasonably to have expected the Exeter player to step in. We find the step is modest and not significant.

Decision

Breach admitted  Proven  Not Proven  Other Disposal (please state below)

The Red Card test was met.

There was head on head contact. The Player failed to reduce her height and is culpable. As she admitted she committed an act of foul play.

There was a high degree of danger because (1) both players were in motion (2) the contact was with a hard part of the body. The Player was on the balls on her feet at the moment of contact, not sat back on her heels.

There are no mitigating features to moderate the high degree of danger.

# SANCTIONING PROCESS



Assessment of Seriousness

Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional

19.11.8(b) Reckless

Reasons for finding as to intent:

Poorly executed tackle technique.

Nature of actions - Reg 19.11.8(c)

Dangerous tackling involving head on head contact.

Existence of provocation - Reg 19.11.8(d)

N/A

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

The Exeter player had some swelling on right eyebrow.

Effect on match - Reg 19.11.8(h)

N/A

Vulnerability of victim - Reg 19.11.8(i)

Not vulnerable, although the contact was to a vulnerable part of the body.

Level of participation/premeditation - Reg 19.11.8(j)

Sole participant.

Conduct completed/attempted - Reg 19.11.8(k)

Completed.

Other features of player's conduct - Reg 19.11.8(l)

N/A

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	<b>6 Weeks</b>	<input type="checkbox"/>	

\*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.

In making the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

Mandatory Mid-Range. No features justifying Top End.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

<u>Acknowledgment of the commission of foul Play &amp; timing - Reg 19.11.10(a)</u>	<u>Player's disciplinary record - Reg 19.11.10(b)</u>
The Player accepted foul play, but disputed the Red Card test was met.	No previous Red Cards or citings.
<u>Youth and/or inexperience of player - Reg 19.11.10(c)</u>	<u>Conduct prior to and at hearing - Reg 19.11.10(d)</u>
An experienced player. 18 international appearances for Scotland	Appropriate

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Player apologetic for foul play	N/A

Number of weeks deducted: **3 Weeks**

Summary of reason for number of weeks deducted:
Clean record and apologetic. Contesting the Red Card test being met was not unreasonable. The case was finely balanced.

Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13
Player's status as an offender of the laws of the game - Reg 19.11.13 (a)
N/A
Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)
N/A
Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)
N/A

Number of additional weeks: **N/A**

Games for meaningful sanctions:

17/02/24 - Gloucester-Hartpury  
25/02/24 - Gloucester-Hartpury  
02/03/24 - Loughborough Lightning

The Player is eligible for the World Rugby Coaching Intervention. If completed the sanction is 2 weeks.

Sanction

**NOTE:** PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	3 Weeks**	Sending off sufficient	
Sanction commences	13/02/2024		
Sanctions concludes	04/03/2024 (Subject to Coaching Intervention)		
Free to play	05/03/2024 (Subject to Coaching Intervention)		
Final date to lodge appeal	20/02/2024		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	Matthew O'Grady	Date	19/02/2024
----------------------------	-----------------	------	------------

**NOTE:** YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC