

EPCR SHORT JUDGMENT FORM

Match	ASM Clermont Auvergne	Northampton Saints	
Competition	Champions Cup 2017-18		
Date of match	21/10/2017	Match venue	Stade Marcel Michellin

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PARTICULARS OF OFFENCE

Player's surname	HARTLEY	Date of birth	Click here to enter date.
Forename(s)	Dylan	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Northampton Saints	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
Offence	10.4(a) - Punch or strike		

HEARING DETAILS

Hearing date	25/10/2017	Hearing venue	Sofitel, London Heathrow
Chairman	Jeremy Summers	Secretary	Click here to enter text.
Panel member 1	Frank Hadden	Panel member 2	Rhian Williams
Decision	Proven <input type="checkbox"/> Not proven <input checked="" type="checkbox"/> Other disposal (please state) <input type="checkbox"/>		Click to enter other disposal.

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/DVD FOOTAGE

Present in addition to the Panel were:

The Player

Sam Jones, counsel for the Player.

Jim Mallinder, Director of Rugby Northampton Saints.

Liam McTiernan, EPCR Disciplinary Officer.

Mike Hamlin, Chairman, EPCR Discipline Panel – observing.

Paula Carter – observing.

The Citing Commissioner's Report ("the Report") filed by Mr Douglas Hunter of Scotland alleged an offence contrary to Law 10.4 (a) – striking an opponent.

The particulars of that offence as set out on the Report read as follows:

NS 6 carrying the ball in ASM half in midfield is tackled by ASM 3 and both go to ground. NS 2 is first to the breakdown and dives off his feet from behind with some force at a very low angle over these 2 players with both arms outstretched. In this action he firstly makes contact with his open right hand/wrist on the nose of ASM 3 and then, secondly, with the lower leg of ASM 5 who is attempting to defend by going for the ball. I refer to the available footage in confirmation.

The Report further noted that the Referee had deemed the action reckless and had awarded a yellow card to NS2.

As to injury, the Report noted:

ASM 3 received attention on the field for a bloody nose with the use of cotton wool to stem the bleeding. His team manager confirmed that he was checked by the medics at half time and the nose was not broken. He played on in the second half.

No further treatment had been required following the match. This position was confirmed in written evidence from Clermont.

The incident had occurred in the 29th minute of the first half at which point Clermont led 7-0.

The Yellow Card report submitted by the Referee (Mr Ben Whitehouse WRU) recorded:

*I awarded a Penalty kick to Clermont Auvergne, as I saw Northampton Saints No2 (Hartley) go off his feet at a ruck area. He dived over the ruck and I Immediately blew my whistle. I explained my decision. I was then alerted to potential Foul play by the TMO.
I viewed all available angles on the screen that were given to me. I watched Hartley Enter the ruck area with Clermont No3,*

Slimani sitting/lying on floor after the tackle. At this point my attention was drawn to Hartley's right arm which was completely outstretched as he was entering the ruck area. Hartley's outstretched arm/hand made contact with the face area of Slimani. The contact appeared to be made with the hand area of Hartley. From what i saw on the screen, i judged that he recklessly made contact with the face area of Slimani (Clermont No3) using his hand/outstretched arm. I could see no evidence to support that this was a deliberate act, therefore i judged it to be reckless, I issued a Yellow Card to Hartley and he left the field of play.

Neither AR observed the incident. The TMO (Jon Mason WRU) reported:

I saw Dylan Hartley initially lead with his shoulder diving in to clean out at a ruck situation, the standing player moved out of the way but Dylan Hartley continued with his action and with his open right hand caught the Clermont No3, who was on the floor, direct to the face. After checking it on the delay screen, I brought the incident to Ben's attention. We then both checked the incident again and agreed it was a reckless action by Dylan Hartley and agreed on a penalty and yellow card.

The available footage was viewed, this was consistent with the narrative set out on the Report. The Player is seen to be taking a supporting to the right of NS6 when his path checked by a Clermont defender. He continues in support of NS6 who has gone to ground after a tackle effected by C3.

C5 initially attempts to jackal over the ball to secure possession. The Player is looking at C5 and moves towards C5 in an attempt to clear him out and retain the ball.

C5 looks up and moves backwards slightly away from the breakdown. The Player adopts a low trajectory and whilst not fully off his feet, is off balance moving towards C5. He leads into the contact with his right shoulder and his left hand makes contact with the right thigh of C5. Simultaneously with his arm is outstretched his right hand comes through towards c5's left leg. As it does so C3 rolls back towards NS6 in seeking to get up following the tackle. The Player's right hand moves towards C5 with an open palm and as it does so contact is made with C3's nose.

C3 received brief on field treatment for a bloody nose and then resumes playing, There is no reaction from C3 or any other player. Play is halted following the TMO intervention.

The Player gave evidence. He explained that his role had been to track the run of NS6 and ensure that he was able to secure possession after the tackle. His line had been impeded by a Clermont defender and he was "losing the race "to the breakdown. He had been focusing entirely on C5 who he perceived to have been in a strong position over the ball. Whilst he had been aware that C3 had made the tackle he had viewed him as being out of the game following the tackle and was not conscious of his position.

He had expected C5 to move forward towards him in an attempt to secure the ball, but C5 had in fact moved back away from the ball/NS6 and this had resulted in the Player not being able to make contact with C5 and wrap around him as he had intended.

He accepted that he had gone off his feet (in part because C5 had moved backwards rather than forwards) and thought he had been penalised for that. He had not realised that he had come into contact with C3 until he had viewed the footage during the TMO review.

[Click here to enter text.](#)

He noted that both his hands were open, which in his view was consistent with his intention to wrap round C5 and prevent him re-joining the defensive line.

In his view there had been glancing but accidental contact with C3 as part of a legitimate dynamic movement, and that this was therefore not an act of foul play.

FINDINGS OF FACT

The Player had been attempting a lawful clear out of C5 who was over NS6 competing for the ball after the tackle.

In so doing the Player had gone off his feet, which had been panelised by the Referee.

The Player's objective had been focussed on clearing out C5 and his intended contact with him had been compromised when C5 moved back away from the tackle, with the Player then falling into the space left by C5.

The Player had been focussing on, and looking at, C5 at all times.

The Player's right and left hands made simultaneous contact with C5, consistent with an attempt to wrap around C5.

The Player's open right hand made contact with C3's nose as it moved towards C5's left leg as part of the dynamic of attempting to wrap around C5.

Temporary injury had been sustained.

There had been no reaction from any Clermont player.

DECISION

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The Panel gave careful consideration to all the evidence and submissions.

It found that (by a majority), on the balance of probabilities an act of foul play had occurred. The Player's submission that the contact had simply been accidental was accordingly rejected.

The conduct had involved contact with an opponent's head and the Panel was particularly mindful of the need to protect player welfare.

The submission however from EPCR that any contact with the head should automatically result in the issue of Red Card was without foundation and was not accepted.

All offending will have a spectrum of gravity that can attach to it and must accordingly be assessed on the precise facts applying.

Having done so in this instance, the Panel was not satisfied to the standard required that the offending had warranted the Player being shown a Red Card. The citing was therefore dismissed. Whilst not finding that the conduct had been purely accidental, the Panel determined that that it fell properly to be viewed as a rugby related incident.

The Player is free to play again with immediate effect.

Decision Proven Not Proven

ASSESSMENT OF SERIOUSNESS

Assessment of Intent

PLEASE TICK APPROPRIATE BOX Intentional/deliberate Reckless

State Reasons

Click here to enter text.

Gravity of player's actions

Click here to enter text.

Nature of actions

Click here to enter text.

Existence of provocation

Click here to enter text.

Whether player retaliated

Click here to enter text.

Self-defence

Click here to enter text.

Effect on victim

Click here to enter text.

Effect on match

Click here to enter text.

Vulnerability of victim

Click here to enter text.

Level of participation/premeditation

Click here to enter text.

Conduct completed/attempted

Click here to enter text.

Other features of player's conduct

Click here to enter text.

Entry point	Top end* Click weeks <input type="checkbox"/>	Mid-range Click weeks <input type="checkbox"/>	Low end Click weeks <input type="checkbox"/>
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*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 this assessment, the JSC Committee should consider World Rugby regulations 17.19.2(a), 17.19.2(b), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for entry point:

Click here to enter text.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the game

Click here to enter text.

Need for deterrent

Click here to enter text.

Any other off-field aggravating factors

Click here to enter text.

Number of additional weeks: weeks

Acknowledgement of guilt	Player's disciplinary record/good character
Click here to enter text.	Click here to enter text.

Youth & inexperience of player Click here to enter text.	Conduct prior to and at hearing Click here to enter text.
Remorse & timing of remorse Click here to enter text.	Other off-field mitigation Click here to enter text.

Number of weeks deducted: weeks

NOTE: SUBJECT TO REGULATION 19.11.13, A DISCIPLINARY PANEL CANNOT APPLY A GREATER REDUCTION THAN 50% OF THE RELEVANT ENTRY POINT SUSPENSION

SANCTION

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

Total sanction	<input type="text" value="Click"/> weeks	Sending off sufficient <input type="checkbox"/>
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Banned from	<input type="text" value="Click here to enter a date."/>	Banned to	<input type="text" value="Click here to enter a date."/>
Ban split from	<input type="text" value="Click here to enter a date."/>	Ban split to	<input type="text" value="Click here to enter a date."/>
Free to play	<input type="text" value="Click here to enter a date."/>		

Signature (Chairman)	<input type="text" value="Click here to enter text."/> Jeremy Summers	Date	25/10/2017
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE RELEVANT BODY