



## DECISION FORM

PARTICULARS OF OFFENCE		
Player's Name	Niels Roelfsema	
Player's Union/club	Delta	
Match	Delta v Lusitanos	
Competition	Rugby Europe Super Cup	
Date of match	28/10/2022	
Match Venue	59	
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program	
Referee Name	Alex Frasson	Plea Charge Foul play accepted
Offence	Law 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	04/11/2022	Hearing venue: On remote
Chairperson/JO	Antony Davies	
Other Members of the Disciplinary Panel	Richard McGhee (wing) Kim Moloney (wing)	
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)	Kristof van Hout (Technical Director)	Other attendees
List of documents / materials provided to Player in advance of hearing	1. Citing commissioner report 2. Video Clip 1 3. Yellow Card 1 4. Yellow Card 2 5. Game sheet 6. Medical certificate Portuguese Rugby	

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>In the 58<sup>th</sup> minute of the game, the Player received a yellow card for reckless or dangerous play. The Referee's description was "After a try was scored, 4 Red dived into the Green tackler lying on the ground and hit him on the upper body".</p> <p>In the 75<sup>th</sup> minute of the same game, the Player collapsed a maul preventing a try and was issued with a second yellow card. He then received a red card for accumulation of two yellow cards in the same match.</p>

The first yellow card was reviewed by the appointed Citing Commissioner, Dana Sue Teagarden. Her full report stated as follows :

“DEL score a try after a LO driving maul and line break.

Well after the try is scored DEL 4 dives recklessly with no control and high speed onto the pile of players on the ground in goal and striking LUS 10 head to head. DEL 4 dives head first launching himself over his try scoring team mate on the ground and targeting the head of LUS 10.

The top of DEL’s head makes contact with the neck and right side of LUS 10’s face. The only thing which prevented more significant H2H contact is that LUS 10 was rolling away as DEL 4 launched himself.

The Referee issued an on-pitch YC against DEL 4.

With the benefit of frame by frame analysis and the time to zoom in which shows the late, highly reckless, high force and unnecessary actions of DEL 4 striking LUS 10 in the head with his head. Mitigation is not applicable per the World Rugby Head Contact Process.

The serious FP by DEL4 (Niels ROELFSEMA) contrary to Law 9.12 striking with the head breaches the RC threshold and merits a Full Citing.”

We reviewed the match footage which showed an incident entirely consistent with that described by the Citing Commissioner.

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

We considered a medical report from the Chief Medical Officer of the Portuguese Rugby Federation which confirmed that the victim player did not suffer any injury following the incident, nor did he receive any medical attention.

#### SUMMARY OF PLAYER’S EVIDENCE

The Player accepted at the outset (as he had done in his written response to standard directions) that his actions were reckless and dangerous and amounted to foul play. He did not contest the citing. He maintained however that he had not intended to strike with the head and said he was sorry that head contact had occurred. The only issue he took with the Citing Commissioner’s report was the use of the words “targeting the head”. He accepted that the opponent was on his back rolling away and that it was a risky thing to do. Having viewed the match footage, he conceded that the try had been scored but by the time he committed to his actions it was too late to pull back. He maintained that he did not hear the Referee’s whistle awarding the try. In a similar incident 5 minutes previously, his side had been denied a try because the try scorer was deemed to have been held up and he wanted to make sure that there was no possibility of a repetition on this occasion.

After the game he had shaken hands with the opponent and apologised.

**FINDINGS OF FACT**

1. That there was contact between the Player's head and the right side of the opponent's face and neck. The force of the contact was mitigated by the opponent rolling away from the player who had scored the try. In these circumstances, the entry point must be a minimum of mid-range.

2. We next characterised the offending. The Referee had characterised it as reckless or dangerous play pursuant to Law 9.11. He had thought the contact was to the body but the match footage and the Player's admission clearly confirmed that it was to the head. The question for us was whether the citing under Law 9.12 was the correct law categorisation and we found that it was for the following reasons :

- D16 scores a try and is stationary in goal with the ball under his body, having grounded it. At this point, the Player is 2 metres short of the try line. The Referee raises his arm and blows his whistle to signify that the try is scored, at which point the Player is still on his feet.
- The Player then dives forcefully over the try scorer. There is no-one to bind onto and no-one to clear out, just the opponent who is on his back rolling away, having failed to prevent the try being scored.
- We could discern no rugby purpose whatsoever in what the Player did. His actions were so long after the try had been scored that he could not, in our view, reasonably have believed there was any player who needed clearing out to prevent the try being scored. To that extent, the act was gratuitous and unnecessary.
- At all relevant times he had the opponent in a clear and uninterrupted line of sight. He could not have failed to see him and that he was in no position to hold up the ball or interfere with the try being scored.
- Contact was clearly head to head and in all the circumstances we were satisfied that the Player's actions could properly be construed as striking with the head rather than reckless or dangerous play.

**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		
<b>Assessment of Intent</b>		
<input type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless		
<b>State Reasons</b>		
We found the act of diving dangerously off his feet and then into contact with an opponent he could have seen at all times to be intentional and deliberate but we could not be certain that he intended to strike head to head. Given the nature of his actions it was entirely foreseeable that he might strike head to head and indeed it was accepted by the player that there was a risk such an outcome would occur.		
<b>Gravity of player's actions</b>		
As the Citing Officer correctly recorded, he dived recklessly with no control and at high speed into an opponent on the ground, striking the opponent head to head.		
<b>Nature of actions</b>		
See above		
<b>Existence of provocation</b>		
None		
<b>Whether player retaliated</b>		
N/A		
<b>Self-defence</b>		
N/A		
<b>Effect on victim</b>		
None – we had a medical certificate to confirm there was no injury and no treatment required.		
<b>Effect on match</b>		
None		
<b>Vulnerability of victim</b>		
High. He had attempted unsuccessfully to repel the try scorer, but had been knocked backwards. He was on the ground on his back a metre away from the try scorer and was attempting to get up. He would not have seen the approach of the Player from his right, nor have been expecting contact so long after the try had been scored.		
<b>Level of participation/premeditation</b>		
This was a premeditated act on the Player's own admission.		
<b>Conduct completed</b>		
Fully.		
<b>Other features of player's conduct</b>		
<b>Entry point</b>		
<input type="checkbox"/> Top end [XX] Weeks	<input checked="" type="checkbox"/> Mid-range 10 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.		
<b>Reasons for selecting Entry Point above Top End</b>		

**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: 0

**Summary of reason for number of weeks added:**

**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**

The Player acknowledged prior to the hearing and at the hearing that he had carried out an act of foul play which warranted a red card.

**Player's disciplinary record/good character**

In all his 17 years of playing, the Player has never received a red card or had a citing upheld. He has an unblemished record.

**Youth and inexperience of player**

Although 25 he has been playing for 17 years and internationally for 6 years.

**Conduct prior to and at hearing**

Excellent, both in response to directions and statement of position and at the hearing where he seemed to have an insight into the nature and level of his actions and offending

**Remorse and timing of remorse**

The Player shook hands with the opponent after the game and enquired as to whether he had been injured.

**Other off-field mitigation**

The Player is a coach of the Under 16 age group at his Club.

Number of weeks deducted: 5

**Summary of reason for number of weeks deducted:**

The Player's mitigation was fulsome and we saw no reason why we should not allow a reduction of 5 weeks.

## SANCTION

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**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)

<b>Total sanction</b>	5 weeks / Matches	<input type="checkbox"/> Sending off sufficient
<b>Sanction commences</b>	28 <sup>th</sup> October 2022	
<b>Sanction concludes</b>	4 <sup>th</sup> December 2022	
<b>Matches/tournaments included in sanction</b>	5/11/22 – Hilversum v Ascrum 12/11/22 – Netherlands v Canada 19/11/22 – Oisterwijk v Hilversum 26/11/22 – 't Gooi v Hilversum 03/12/22 – Hilversum v Haagsche	

<b>Costs</b>	None sought or awarded
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<b>Date</b>	9 <sup>th</sup> November 2022
<b>Signature</b> (JO or Chairman)	<i>A.M. Davies</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)