



DECISION FORM

PARTICULARS OF OFFENCE			
Player's Name	Jurie van Vuuren		
Player's Union	Tel-Aviv Heat		
Match	Black Lion v Tel-Aviv Heat		
Competition	Rugby Europe Super Cup		
Date of match	17/12/2022		
Match Venue	Avchala Stadium, Tibilisi		
Rules to apply	Regulation 5 of the Rugby Europe Disciplinary Regulations and Paragraphs 8 and 9 of Rugby Europe Code of Ethics		
Referee Name	Paulo Duarte	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Breaching the expectations and standards required with regards to social media and other communication tools (Paragraph 8) and failing to protect Rugby Europe's reputation and interests (Paragraph 9).	<input type="checkbox"/> Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other If "Other" selected, please specify: Breach of paragraphs 8 and 9 of the Rugby Europe Code of Ethics	

HEARING DETAILS			
Hearing date	27/02/2023	Hearing venue	Remote
Chairperson/JO	Martin Picton		
Other Members of the Disciplinary Panel	Palemia Field Rose Alice Murphy		
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)	Martin Shapira Kevin Musikanth	Other attendees	David Baird-Smith
List of documents / materials provided to Player in advance of hearing	<ul style="list-style-type: none"> • Screenshots of Player's tweet • Video linked to tweet and accessible via the tweet. • Misconduct complaint form. • Player's statement of apology. 		

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

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

The Player was involved in a hotly contested match in respect of which he clearly felt aggrieved as to one of the referee’s decisions. The Player chose to tweet about the decision that same day, complaining that the referee did not penalise an opposition player for what the Player considered a serious act of foul play. In tweeting about the incident the Player:

- (i) Chose to name the referee;
- (ii) Chose to tag Rugby Europe and World Rugby in the body of the tweet;
- (iii) Complained about what he believed to be an error made by the referee;
- (iv) Provided a link to video footage of the contested incident.

We noted that as at the time of the tweet the Player had 670 followers. The tweet generated 6 comments and 2 retweets as at the date of the screenshot.

SUMMARY OF PLAYER’S EVIDENCE

The Player confirmed the contents of the statement of apology that he had submitted in advance. He said that he had composed the tweet immediately after the match and when feelings were still high. He accepted full responsibility for the wrong thing that he had done. He stated that he had not realised that he was not allowed to comment as he had done but having read the misconduct charge he now appreciated and accepted that he should not have tweeted in the terms he had chosen to do. He emphasised that he had been playing rugby since he was 8 years of age and that having now reached the age of 28 he had an exemplary record. He apologised for the tweet and recognised with the benefit of hindsight that he should not have expressed himself in the terms that he had done. His team manager spoke highly of the Player and said that he was a leader and role model to other players.

FINDINGS OF FACT

We concluded that the Player had posted the tweet when still angry at the decision and whilst still caught up in the emotion of what had been an important match for both teams. Whilst we accepted the Player’s evidence that he did not appreciate that expressing his views on social media could bring him into conflict with Rugby Europe we were surprised that this was not a message that had been delivered to the Player in the past or to Players within Tel-Aviv Heat generally. We also accepted that the Player was genuine in his apology. We considered that there were a number of important factors that could be discerned from the Player’s actions:

- (i) The fact that the Player named the referee. Match officials carry out an invaluable service to the game and without them it simply could not exist. Publicly criticising the decision in the way the Player chose to do was neither fair or justified. There are routes through which players and/or teams can engage with match officials or their representatives in order to discuss performance matters and tweeting in this way is simply not acceptable. All players should appreciate that they have a responsibility so far as their use of social media is concerned.
- (ii) The fact that the Player provided a link to a video clip of the incident which went further than just expressing a personal comment;
- (iii) The fact that the Player chose to tag both Rugby Europe and World Rugby, by so doing drawing the organisations into the issue;
- (iv) The fact that a player posting a tweet of this kind loses control of the content as soon as they choose to do so. Although the number of retweets of which we were aware was

small the screenshot available to us captured the position at that time and it was unknown what further comments and/or retweets followed.

We did bear in mind, however, that the Player deleted the tweet when he was made aware of the fact that Rugby Europe were looking into a misconduct issue. We also took into account the fact that the Player has a limited number of followers. We drew a comparison with an English RFU case involving a Player of international standing who posted a tweet critical of a refereeing decision. That player had over 53,000 followers and the sanction imposed was a one-match suspension, the player having accepted the charge and been allowed the maximum permitted mitigation.

As with the RFU case, we looked to the sanction table relevant to disrespecting the authority of a match official, contrary to Regulation 9.28, which for a low-end entry (which we considered would be appropriate in this case) would merit a two-match suspension. Again, in line with the RFU case, we considered the Player should be allowed the maximum permitted mitigation given (a) he accepted the charge (b) he expressed a genuine and heartfelt apology (c) he could not be expected to be as social media savvy as would be the case with, for example, a player within the higher levels of the game and (d) the conduct of the Player and his team was exemplary both in advance of and during the hearing.

We concluded that whilst the Player's conduct merited a one-match suspension the suspension itself could, in these particular circumstances, be suspended for 12 months. As we explained to the Player in order to avoid having to serve the suspension he would have to avoid any further disciplinary findings in the course of that period but also that he was required to deliver two talks to other players. Those must be delivered to players on the Tel-Aviv Heat Team and also to his team members on the Utah Warriors, with whom the Player is currently engaged. Talks delivered remotely would be acceptable. The talks must address the importance of having and showing respect for match officials and also the need to exercise care in respect of social media activity. The Player is required to film each of the talks as he delivers them and make a copy of the recording available to Rugby Europe.

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 checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless		
State Reasons		
The Player intended to convey the views he included in the offending tweet.		
Gravity of player's actions		
See above.		
Nature of actions		
See above.		
Existence of provocation		
N/A		
Whether player retaliated		
N/A		
Self-defence		
N/A		
Effect on victim		
None of which we were made aware but this sort of behaviour impacts on all match officials.		
Effect on match		
None		
Vulnerability of victim		
N/A		
Level of participation/premeditation		
See above.		
Conduct completed/attempted		
See above.		
Other features of player's conduct		
N/A		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input type="checkbox"/> Mid-range [XX] Weeks	<input checked="" type="checkbox"/> Low-end 2 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		
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
Full and immediate.	Good record/character.
Youth and inexperience of player	Conduct prior to and at hearing
Not a young player but lacking experience relevant to social media activity.	Exemplary
Remorse and timing of remorse	Other off-field mitigation

Genuine.	N/A
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Number of weeks deducted: 1

Summary of reason for number of weeks deducted:
See above.

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: N/A

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



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	1 match but suspended for 12 months coupled with a condition that the Player deliver talks as above.	<input type="checkbox"/> Sending off sufficient
Sanction commences		
Sanction concludes		
Matches/tournaments included in sanction		

Costs	
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Date	28/2/23
Signature (JO or Chairman)	M P icton

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)