

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Strathmore Leos vs. CUEA Monks RFC		
Player's Club	Strathmore Leos	Competition	Kenya Cup
Date of match	02 March 2024	Match venue	Strathmore University Grounds, Nairobi
Rules to apply	REGULATION 17 WORLD RUGBY HANDBOOK & KENYA RUGBY UNION'S DISCIPLINARY CODE & RUGBY XV's COMPETITION MANUAL		

PARTICULARS OF OFFENCE			
Player's surname	Shikoli	D.o.B / Age	28 Dec 2003 / 20 yr.
Forename(s)	Stanislaus		
Referee Name	Emmanuel Merete	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.12 A player must not physically abuse anyone. Physical abuse includes, but is not limited to: Punching or striking with hand, arm, elbow or shoulder	SELECT: Red card <input checked="" type="checkbox"/> Citing Other <input type="checkbox"/> <input type="checkbox"/> If "Other" selected, please specify: Two YELLOW CARDS leading to automatic RED CARD	
Summary of Sanction	The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XV's Competition Manual – Appendix Rules 20/21/22) as mid-range on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a four (4) week/match suspension . In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 02 March 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	06 March 2024, 10:00 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. Gilbert Otieno – TM, Strathmore	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: Pres., KRRA 2. Kevin Wambura: KRU – League Fixtures & Competitions Admin
List of documents/materials provided to Player in advance of hearing	1. 240302 Match Sheet - Strathmore Leos vs. CUEA Monks 2. 240302 Referee's Report - Stanislaus Shikoli - Strathmore Leos vs. CUEA Monks 3. 240304 Notice of Hearing - Stanislaus Shikoli - Strathmore Leos vs. CUEA Monks 4. 240304 Email Notice of Hearing - Stanislaus Shikoli - Strathmore Leos vs. CUEA Monks		

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

Referee's Report on Sending-off

Refer to detailed "Referee's Report on an Ordering Off" as attached.

1. The RED card was shown to Strathmore Leos Player No.4 Stanislaus Shikoli following a referral from the Assistant Referee (AR).
2. Player No. 4 Strathmore scored a try and briefly celebrated. CUEA players assembled in the in-goal area as they awaited the conversion attempt and, without provocation, Player No.4 threw a punch in the face of CUEA Monks player No.20 Isaac Kubasu in full view of the AR.
3. Medical personnel examined the victim and he eventually resumed playing.

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

1. Match Sheet, attached, confirms Team A (Strathmore) Player No.4, Stanislaus Shikoli received a RED CARD in the 57th minute during the second-half of the match between Strathmore Leos & CUEA.

DVD Footage

1. No DVD footage was presented.

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

Medical

1. No medical report was presented – the Referees report indicates that Player No.20 CUEA resumed play after treatment.

SUMMARY OF PLAYER'S EVIDENCE

The player:

1. Strathmore Leos Player No.4 Stanislaus Shikoli admitted the charge.
2. He accused CUEA Monks Player No.20 Isaac Kubasu of abusing him severely during the match by referring to him as "a bitch".
3. When Leos Player No.4 scored a try, Player No.20 abused him once more using the offensive term.
4. Player No.4 admitted he got emotional and punched Player No.20 on the shoulder and floored him to the ground.
5. He stated that he did something wrong which is not acceptable as a sportsman.
6. He apologised for letting down his teammates and the aggrieved player and added that it is an act he will not repeat.
7. He also stated that he had apologised to Player No. 20 after the match, and they had shaken hands and all was good.

Player Representative – Gilbert Otieno – Team Manager, Strathmore Leos:

1. TM - Strathmore Leos indicated that he was not near the try zone at the time of the incident so did not witness it.
2. Post-Match, the Strathmore Team officials asked their player to apologise to CUEA Player No.20.
3. He indicated that the Player was remorseful and had admitted to me his wrongdoing.

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FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

1. No comment

Match Officials

1. Not present

JO's Decision

The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XVs Competition Manual – Appendix Rules 20/21/22) as **mid-range** on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a **four (4) week/match suspension**.

In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 02 March 2024.

No award was made as to costs.

DECISION

Breach admitted	Proven	Not proven	Other disposal (please state)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a & b) (or equivalent Tournament rule)	
Intentional/deliberate <input checked="" type="checkbox"/>	Reckless <input type="checkbox"/>
State Reasons	
Gravity of player’s actions - R 17.18.1(b) (or equivalent Tournament rule)	
Potential injury to opponent’s head	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
Player claims abuse from opponent on various occasions in the match. No evidence to corroborate available.	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
No mitigation as per Referee’s report	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Victim was treated and continues with the match.	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
. None	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)	
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)	

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ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
9.12 A player must not physically abuse anyone. Physical abuse includes, but is not limited to: Punching or striking with hand, arm, elbow or shoulder					
<u>Top end*</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Low-end</u>	<u>Weeks /</u>
<input type="checkbox"/> 10+ (Ten) to 52(fifty two) Max		<input checked="" type="checkbox"/>	6 (Six)	<input type="checkbox"/>	2 (Two)
				<u>Matches</u>	

Notes

1. *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.
2. Appendix 2 - WORLD RUGBY SANCTIONS FOR FOUL PLAY (REGULATION 17): Any act of foul play which results in contact with the head shall result in at least a mid-range entry point sanction.
3. In making this assessment, the JO/Committee should consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Not Applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS
Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
1. Previously played for Kenya Under 20 – a higher level of discipline is expected of him
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
1.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
1.

Number of additional weeks:

One (1)

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RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
1. Admitted the breach immediately	1. Good record – no previous RED CARD
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
1. 20 years old - young	1. Respectful at hearing
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
1. Player expressed remorse and apologised to Match Referee and ball carrier after the match.	Player indicated he apologised to the victim after the match. *KRU later contacted victim who confirmed that an apology had been proffered.

Number of weeks deducted:

Weeks (3) – See Regulation 17.19.2 below for maximum mitigation


17.19.2 Subject to Regulations 17.19.3 and 17.21.1, for acts of Foul Play the Disciplinary Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
The total sanction below replaces the automatic one-match ban for a RED CARD sending-off.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	Entry point = 6 weeks Aggravating factors = 1 week Mitigating factors = -3 week Total after aggravating & mitigating = 6 + 1 - 3 = 4 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	02 March 2024	
Sanction concludes	KRU sanctioned Match weekends in which Strathmore Leos participate (as per Kenya Rugby Union Disciplinary Code & Tournament Participation Rules for 7s tournaments).	
Matches/tournaments included in sanction	As per KRU Calendar Kenya Cup, Enterprise Cup	

Costs	None
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Signature (JO or Chairman)	 Aggrey Chabeda	Date	07 March 2024
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NOTE: YOU HAVE **7 (SEVEN) DAYS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE KRU COMPETITIONS DEPARTMENT – R 17.22.2(a) (or equivalent Tournament rule)

NOTICE OF DISCIPLINARY HEARING - STANISLAUS SHIKOLI

Inbox

Search for all messages with label Inbox

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KRU Competitions

4 Mar 2024, 16:37 (2 days ago)

to Gilbert.okoth@strathmore.edu, felix, Felix, Gilbert, Duncan, Daniel, Willy, me, george, Thomas, I

Greetings Gilbert and Strathmore Leos Rugby family,

Subject matter refers.

We are in receipt of a sending off report for the above-named player, Stanislaus Shikoli.

Guided by the KRU Regulations 19.6 all the way to 19.10, a disciplinary hearing has therefore been slated for 6th March, 2024 at 10am.

Kindly plan to attend the hearing with the player, via zoom. Link is attached below:

G.M Ndemi is inviting you to a scheduled Zoom meeting.

Topic: Judicial Process: Disciplinary Hearing

Time: Mar 6, 2024 10:00 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/85991082331?pwd=M0l4aWR2TExyVGNjdW9pT2RvUTlNUT09>

Meeting ID: 859 9108 2331

Passcode: 571319

Meeting ID: 859 9108 2331

Passcode: 571319

Find your local number: <https://us02web.zoom.us/j/85991082331?pwd=M0l4aWR2TExyVGNjdW9pT2RvUTlNUT09>

Find attached the Notice of Hearing, the referees match report and the game's match sheet.

Any assistance accorded to bring this matter to quick expedition will be highly appreciated.

Kind regards

Kevin Odhiambo Wambura

Leagues, Fixtures and Competitions Administrator

Kenya Rugby Union Competitions Desk

NOTICE OF DISCIPLINARY HEARING

Position: Stanislaus Shikoli (Player)
Club: Strathmore Leos
Date Time: 6th March 2024, 10am
Place of hearing: Virtual (ZOOM)
Reason: DISCIPLINARY
Match: Strathmore Leos vs CUEA Monks (2nd March 2024)



Notes:

- The player/official shall attend the hearing in person.
- If the player/official is unable to attend the hearing, he should advise the **Competitions Administrator at competitions@kru.co.ke** immediately.
- The Player/Official is entitled to adduce evidence and make submissions, be represented by his Club and/or a legal advisor and may bring witnesses to the hearing.
- The player/Official is not eligible to play/manage rugby activities pending the final resolution of the case.
- During the hearing, the Judicial Officer will review the evidence and receive the official's submissions and evidence, including hearing from any witnesses.
- In advance of the hearing, the Player/official and/or his advisors/Club should review the incident on the Union's/Host clubs copy of the DVD (per the time marker indicated on the report) if available. The Player/official should also review the regulations of the world rugby.
- The Player/official should be prepared with any arguments he may wish to present, including for the purposes of sanctioning, with respect to off-field mitigating factors (on-field mitigating factors are considered in setting the entry point in regulations) and/or the absence of any aggravating factors.
- The official should bring with him a copy of his disciplinary record in all rugby (Fifteens and Sevens at all levels, including, for the avoidance of doubt, international, junior and Club) and other sports if relevant. If a copy is not available, the Player shall inform the Judicial Officer orally of his disciplinary record when requested. The Player should be careful not to make any inaccurate or misleading statements in this regard.

Competitions Administrator - competitions@kru.co.ke

Attached documents: Team Sheet, Match Officials' Reports

KENYA RUGBY UNION MATCH SHEET

0262

Match	Team A: STRATHMORE	V.	Team B: CUEA	Tournament: KENYA CUP	Venue: STRATHMORE CREST
	Full Time: A 49 v B: 31		Half Time: A 19 v B: 10	Date: 02/03/2024	Kick-off Time: 2:00 PM
Referee:	Name: EMMANUEL Country: MARETE	ARI	Name: LINUS KINUTHIA Country:	AR2	Name: OSCAR Country: DEREVA

Team A: First Name, Surname	Team B: First Name, Surname	Score Sequence. Please indicate shirt number, time, score and event											
		FIRST HALF					SECOND HALF:						
		No.	Team	Time	Event	Score		No.	Team	Time	Event	Score	
						A	B					A	B
1. Ian Masheti	1. Roy Jakinda												
2. Manasseh Okallo	2. Jeremy Odhiambo	14	A	3:40	T	05						19	10
3. Raymond Chacha	3. Eliy Okomo	10	B	11:00	P		03	10	B	4:50	P		03
4. Stanislaus Shikoli	4. Tony Oponyi	11	A	25:50	T	05		11	A	7:40	P		03
5. Leo Opiyo	5. Samuel Klandukwu	10	A	26:10	C	02		11	A	9:50	P		03
6. Gabriel Ayumba	6. Maser Owino	14	B	30:30	T		05	12	A	12:40	Y		
7. Barnabus Oduor	7. Eugene Odhiambo	10	B	31:00	C		02	10	B	11:30	P		03
8. Dennis Mbilah	8. Ian Bakari	14	A	39:30	T	05		4	A	15:48	T		05
9. Brian Mwendwa	9. Kelvin Mburu	11	A	40:00	C	02		4	A	16:15	R		
10. Arnold Muta	10. Samuel Omollo							11	A	16:20	C		02
11. Matoka Matoka	11. Philip Klandukwu							11	B	20:00	T		05
12. Stephen Osumba	12. Jackson Joe							11	B	28:00	T		05
13. Elton Amalemba	13. Patrick Kluivert							11	A	38:00	P		03
14. Collins Maina	14. Hassan Klambari							16	A	39:40	Y		
15. Victor Odhiambo	15. Brian Nyambori							11	B	40:00	T		05
16. Brian Kosgei	16. Ian Juma							13	A	40:10	T		05
17. Bramevel Jangaheka	17. Teddy Owino							11	A	40:15	C		02
18. Adenya Nyandusi	18. Okunji Felix							11	A	41:30	T		05
19. Ouwedo Oponyi	19. Alvin Otieno							09	A	42:00	C		02
20. Joseph Otieno	20. Isaac Kibara												
21. Gideon Makumi	21. Samuel Owino												
22. Richard Lwa	22. Ian Bendi												
23. Victor Sunganyi	23. Zephaniah Obwang'o												
						19						31	

Signed TM:	Signed TM:	Match Commissioner Comments:	T = Try
		Weather: Sunny	C = Conversion
		Other Comments:	DG = Drop Goal
		Signed:	P = Penalty
			S = Substitution
			Y = Yellow Card
			R = Red Card



Referee's Report on an Ordering Off

OFFICIATING

Player's Union	Strathmore Leos	Player Number	4
Full Name of Player	Stanslaus Shikoli		
Venue	Strathmore University rounds	Date of Incident	02 March 2024
Match Result	Strathmore Leos	4 pts	CUEA Monks pts

Nature of Offence: (Please indicate appropriate offence)

Law	✓	Law	✓	Law	✓	Law	✓	Law	✓	Law	✓
3.7		9.7 (c)		9.10		9.14		9.19		9.24	
4.7		9.7 (d)		9.11		9.15		9.20		9.25	
9.7 (a)		9.8		9.12	X	9.16		9.21		9.26	
9.7 (b)		9.9		9.13		9.17		9.22		9.27	
Please give a short description of the Law						9.18		9.23		9.28	
<p style="color: blue; font-size: small;">A player must not physically or verbally abuse anyone. Physical abuse includes, but is not limited to, biting, punching, contact with the eye or eye area, striking with any part of the arm, shoulder, head or knee s , stamping, trampling, tripping or kicking.</p>											
Period (of game when incident occurred):		1 st Half		2 nd Half	X	Extra time		Elapsed time in half		2	
Proximity of Official(s) to incident			10	metres							
Score at that time		Strathmore Leos		2	pts	CUEA Monks			pts		
Had any cautions been issued to		a) Individual	Yes	No	X	b) General	Yes	No			
Was the Player ordered off further to the report of an assistant referee? <i>(If yes, a separate form may need to be completed and submitted by the assistant referee)</i>								Yes	X	No	

Referee's Name	Emmanuel Marete	Union	Ce S
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Please give a detailed report below (PLEASE WRITE CLEARLY)

This is a referral from the Assistant referees report which the foul play was considered as intentional a direct punch to the face with no mitigation. The player number 4 from Strathmore Leos scored a try and briefly celebrated before becoming violent. Without provocation, he punched player number 20 Isaac Kubasu from CUEA Monks in the face, in full view of me, the assistant referee. This occurred while the players were assembling in the in-goal area, waiting for the conversion.

Medical personnel examined the punched player, but he was eventually able to resume playing.

Signed	E.M	Date	02 March 2024
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THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH



Assistant Referee's Report on an Ordering Off

OFFICIATING

Player's Union	KENYA RUGBY UNION	Player Number	4
Full Name of Player	STANSLAU SHIKOLI		
Venue	STRATHMORE UNIVERSITY	Date of Incident	02/03/2024
Match Result	STRATHMORE	49 pts	CUEA 16 pts

Nature of Offence: (Please indicate appropriate offence)

Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>
3.7		9.7 (c)		9.10		9.14		9.19		9.24	
4.7		9.7 (d)		9.11		9.15		9.20		9.25	
9.7 (a)		9.8		9.12	<input checked="" type="checkbox"/>	9.16		9.21		9.26	
9.7 (b)		9.9		9.13		9.17		9.22		9.27	
Please give a short description of the Law						9.18		9.23		9.28	

* Player must not play sicially or verbally abuse anyone.

Period (of game when incident occurred):	1 st Half	2 nd Half	<input checked="" type="checkbox"/>	Extra time	Elapsed time in half	32'		
Proximity of Official(s) to incident	5 metres							
Score at that time	STRATHMORE	32 pts	CUEA	16 pts				
Had any cautions been issued to	a) Individual	Yes	No	<input checked="" type="checkbox"/>	b) General	Yes	No	<input checked="" type="checkbox"/>
Was the Player ordered off further to the report of an assistant referee? <small>(If yes, a separate form may need to be completed and submitted by the assistant referee)</small>	Yes					<input checked="" type="checkbox"/>	No	

Referee's Name	EMMANUEL MARETE	Union	KRU
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Please give a detailed report below (PLEASE WRITE CLEARLY)

The player number 4 from Strathmore scored a try, celebrated briefly then all over sudden became wild. He resulted in punching the opponent - player number 20 ISAAC KUBASU ^{in the face.} The incident came under no provocation in the full glare of the referee and ^{assistant} Referee. ~~Assistant~~ This was the time when players were assembling in the in-goal for the conversion.

Signed		Date	02/03/2024
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THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH