

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Kenya Harlequins II RFC vs. Nondescripts II RFC		
Player's Club	Nondescripts II RFC	Competition	Eric Shirley Shield
Date of match	16 March 2024	Match Venue	RFUEA Grounds, Ngong Road, 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	Kipsang	D.o.B / Age	12 Dec 2006 / 18yr
Forename(s)	Maxwell		
Referee Name	Saidi Kenya	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: kicking	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <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 three (3) week/match suspension . In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 16 March 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	20 March 2024, 10:45 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. Kevin Were – TM, Nondescripts 2. Moses Wachira – Asst. Coach, Nondescripts	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: Pres., KRRA 2. Brian Onyiego: KRU – League Fixtures & Competitions Admin
List of documents/materials provided to Player in advance of hearing	1. 240309 Match Sheet – Kenya Harlequins II Nondescripts II 2. 240309 Referee's Report – Maxwell Kipsang – Nondescripts II 3. 240318 Notice of Hearing - Maxwell Kipsang – Nondescripts II 4. 240318 Notice of Hearing (Email) - Maxwell Kipsang – Nondescripts II		

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

Referee's Report on Ordering-off

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

1. The RED card was shown to Nondescripts Player No.4 Maxwell Kipsang in the second half of the match.
2. Nondescripts II Player No.4 Maxwell Kipsang intentionally kicked an unidentified Kenya Harlequins II player on the head while the latter was in a ruck.
3. The Match Referee quoted "9:12 A player must not physically abuse anyone. Physical abuse includes, but is not limited to stamping or kicking":

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

Match Sheet, attached, confirms:

1. Team B (Nondescripts II) Player No.4 Maxwell Kipsang received a RED CARD in the 57th minute of an Eric Shirley Cup match between Kenya Harlequins II and Nondescripts II.

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 is silent on any action relating to treatment or condition of the victim.

SUMMARY OF PLAYER'S EVIDENCE

The player:

1. Not present – represented by Team Manager, Nondescripts.

Player Representative – Moses Wachira, Assistant Coach, Nondescripts:

1. Player is remorseful of his actions.
2. Player contacted the victim after the match to apologise
3. Player is of impeccable character
4. Player is 18 years old and joined Nondies directly from High School in December 2023
5. Player is a first offender

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FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

1. No comment

Match Officials

1. Not present

KRU Representative – Brian Onyiego

1. Established that victim was Harlequins player No.3 Samwel Simwata (see Match sheet)
2. Confirmed that Nondescripts Player No.4 Maxwell Kipsang had apologised to the victim.

JO’s Comments

1. Match Sheet:
 - a. Times and incidents for all key moments are well captured. I commend quality of information on the Match Sheet.
 - b. AR1 named, AR2 not named
2. Referee’s Report:
 - a. Victim was not identified in the RED CARD incident.
 - b. The Referees Report did not indicate whether the incident affected the match in any way, for example – was the player treated, did he resume play?

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 **three (3) week/match suspension**.

In accordance with the R.17.19.10 and in line with the player’s schedule, he will serve suspension from 16 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 type="checkbox"/>	Reckless <input checked="" 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)	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
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: a. kicking,					
Low end	Weeks / Matches	Mid-range	Weeks / Matches	Top-end*	Weeks / Matches
<input type="checkbox"/>	4 (Four)	<input checked="" type="checkbox"/>	(Six)	<input type="checkbox"/>	12 (Twelve)

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.
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:

Nil (0)

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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 disciplinary record
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. Fresh from High School – Senior Debut in Dec2023	1.
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.	

Number of weeks deducted:

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

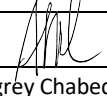
17.19.2 Subject to Regulations 17.19.3 and 17.21.1, for acts of Foul Play the Disciplinary Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for 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 Mitigating factors = -3 weeks Aggravating factors = 0 weeks Total after aggravating & mitigating = 6 - 3 + 0 = 3 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	16 March 2024	
Sanction concludes	KRU sanctioned Match weekends in which sanctioned player’s Team participates (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	20 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)

KENYA RUGBY UNION MATCH SHEET

1551

14.28
10

Match		Team A: <u>Harambee II</u> V. Team B: <u>Nondior II</u>		Tournament: <u>ECS</u>		Venue: <u>RUEA</u>								
Full Time: A <u>15</u> v B: <u>10</u>		Half Time: A <u>15</u> v B: <u>05</u>		Date: <u>16/03/2024</u>		Kick-off Time: <u>1:00pm</u>								
Referee:		Name: <u>Saidi Kenya</u>		ARI		Name: <u>Kelvin Ndirangu</u>								
Country:		Country:		AR2		Name:								
Country:		Country:		Country:		Match Commissioner:								
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. Mike Mugo	1. Godfrey Oyave		B	15:28								5		
2. George Otieno	2. Fredrick Karanja.	12	B	15:28	T	-	05	10:42	B			5 11/22	-	-
3. Samuel Simwani	3. Ambrose Ouko	13	A	17:53	T	05	-	10:42	B			5 9/21	-	-
4. Vincent Omondi	4. Maxwell Kipsang	15	A	30:15	P	08	-	04	B	16:20	R		-	-
5. Newton Latet	5. Victor Oloo	04	A	39:17	T	13	-	26:20	A	26:20	5 5/17		-	-
6. Edward Othman	6. Isaac Karanja	15	A	40:40	C	15	-	27:29	B	27:27	5 18/22		-	-
7. Amos Ndakwa	7. Brian Mwarubi							28:27	A	28:27	5 13/23		-	-
8. Mark Omondino	8. Eddie Omondi (c)							29:42	A	29:42	5 6/18		-	-
9. Livingstone Otieno	9. Marvin Karugi								A	34:53	5 12/22			
10. Favian Juma	10. Calvin Sheunda								B	30:52	5 0/22			
11. Merrin Ngansa	11. Eli Otieno								B	24:52	5 2/16			
12. Joshua Okello	12. Brian Otieno								A	35:27	5 8/20			
13. David Mwangi	13. Brian Safari								A	40:10	5 2/16			
14. Hassan Fasin	14. Timothy Omondi							14	B	41:20	T		-	10
15. Brian Onyiego	15. Maxin Sumba													
16. Anthony Mwangi	16. Stephen Owino													
17. Jairo Adani	17. Thomas Ochieng													
18. Jeremy Namiti	18. Yusuf Abdulahi													
19. Paul Lagat	19. Clive Akello													
20. Bradley Odoro	20. Geoffrey Magoro													
21. Stephen Klapula	21. Allen Katoni													
22. Brian Mogan	22. Chris Ojamba					15	05							
23. Julian Pule	23. Ken Wanyike													
Signed TM:		Signed TM:		Match Commissioner Comments:				T = Try						
				Weather: <u>SUNNY</u>				C = Conversion						
				Other Comments:				DG = Drop Goal						
				Signed: <u>[Signature]</u>				P = Penalty						
								S = Substitution						
								Y = Yellow Card						
								R = Red Card						

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DISTRIBUTION: WHITE-REFEREE, PINK-HOME TEAM, YELLOW - AWAY TEAM



Referee's Report on an Ordering Off

OFFICIATING

Player's Union	NONDIES SCRIPTS		Player Number	04	
Full Name of Player	Maxwel Kipsang				
Venue	RFUEA GROUND		Date of Incident	16:03:2024	
Match Result	QUINS	15	pts	NONDIES SCRIPTS	10 pts

Nature of Offence: (Please indicate appropriate offence)

Law	✓	Law	✓	Law	✓	Law	✓	Law	✓	Law	✓
3.7		9.7 (d)		9.12	✓	9.16		9.20		9.24	
4.7		9.8		9.13		9.17		9.21		9.25	
9.7 (a)		9.9		9.14		9.18		9.22		9.26	
9.7 (b)		9.10		9.15		9.19		9.23		9.27	
9.7 (c)		9.11		Please give a short description of the Law							

A player must not physically abuse anyone, physically abuse includes stamping or kicking.

Period (of game when incident occurred):	1st Half	2nd Half	✓	Extra time		Elapsed time in half	56:20s	
Proximity of Official(s) to incident	metres							
Score at that time	QUINS		15	pts	Nondies scripts.		05	pts
Had any cautions been issued to	a) Individual	Yes		No	✓	b) General	Yes	No
Was the Player ordered off further to the report of an assistant referee? (If yes, a separate form may need to be completed and submitted by the assistant referee)							Yes	No

Referee's Name	SAIDI KENYA	Union	KRRA
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Please give a detailed report below (PLEASE WRITE CLEARLY)

The incident occur at the 5m line of nondies where Quins were attacking. Quins had advance play on offside player from nondies, Quins had a ruck at the 5m line and number 04 nondies intentionally kicked quins player direct to the head. I stop the game and issued a red card to number 04 quins for dangerous play.

Signed		Date	16:03:2024
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NOTICE OF DISCIPLINARY HEARING - MAXWEL KIPSANG (NONDIES RFC), 20TH MARCH 2024, 10.45AM VIA ZOOM

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation



KRU Competitions

Mon, 18 Mar, 15:14 (2 days ago)

to kevin, Nondies], auka@live-eye.tv, Duncan, george, Daniel, Willy, me, Thomas, Leslie, secretary

Greetings Were and the entire Nondies Rugby family,

Subject matter refers.

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

Guided by the KRU Regulations 19.6 all the way to 19.10, a disciplinary hearing has therefore been slated for 20th March 2024 at 10.45am.

Find attached the notice of disciplinary hearing, the match sheet and the sending off reports. The link to the hearing is also attached:

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

Topic: KRU JUDICIAL DISCIPLINARY HEARING - MAXWEL KIPSANG

Time: Mar 20, 2024 10:45 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/86708647390?pwd=M1BITjB1UjJIQW1vZk9iV0w1RG0zQT09>

Meeting ID: 867 0864 7390

Passcode: 139292

Kind regards

Competitions Department, Kenya Rugby Union

Tel: +254724 256 179 /733 256 179 | www.kru.co.ke

RFUEA Grounds Ngong Road

NOTICE OF DISCIPLINARY HEARING

Position: Maxwel Kipsang (Player)
Club: NONDIES RFC
Date Time: 20th March 2024 (10.45am)
Place of hearing: Virtual (ZOOM)
Reason: DISCIPLINARY
Match: Kenya Harlequins II vs Nondies RFC II (16th 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