

DISCIPLINARY DECISION



Particulars of offence
Name: Albert Granyena Aracil
Union of Person Charged: Andorra Rugby Union
Competition: 7s Boys Trophy (Zabki) - July 2023
Venue: Zabki, Poland
Date of offence: July 23, 2023
Rules to apply: Regulation 18 World Rugby Handbook; Rugby Europe Disciplinary Regulations; Rugby Europe 2023 – U 18 7s Tournament Manual 2023 v2 (12.5 Non-standard breaches)
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence: <input type="checkbox"/> Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <i>If "Other" selected, please specify: A case of misconduct for inappropriate behaviour towards tournament officials and being outside the technical zone without just cause.</i>
Hearing details
Chairperson / JO: Gert-Mark Smelt
Other Members of the Disciplinary Panel: - Mark Curran - Eric Jara
Hearing date: September 14, 2023
Hearing venue: remote
Appearance Person Charged: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>The person charged was absent with notice; he was represented by Mr. Calvo, lawyer at the Courts of Justice of Andorra and Vice-President of the Union</i>
Appearance Union: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Representative(s): Mr. Calvo (Vice-President), Lluç Cunill (Manager).
Other attendees: Mr. Holjevac and Mr. Dumé (each for the duration of his testimony)
List of documents/materials considered by the Panel: <ul style="list-style-type: none">• 230726 - Letter from Andorra Rugby Union's President.pdf• 230728 - Refferal from PT to Disc. Comm.msg• 230827 - Preliminary Statement from Veceslav Holjevac.pdf• 230828 - Preliminary statement from Andorra Rugby Union.pdf• 230828 - Preliminary statement from Oliver Occelli.pdf• 230829 - Preliminary statement from Thierry Danthez.pdf• 230829 - Yellow and Red card reports (Zabki - Boys).xlsx• 230906 - Preliminary statement from Joel Dumé.pdf
Preliminary issues: no preliminary issues were raised at the hearing.

FINDING OF FACTS

Summary of evidence of Person Charged

According to the preliminary statement of the Union the Person Charged, “after an action by our team that left a battered Andorra player, went to claim one of the referees for the concern of the harshness of the act. Then Mr. Joël Dumé (Referee Manager) went to address Mr. Granyera to reproach him for his attitude, Mr. Granyera only reminded him to be more polite and not repeat his attitude that he had with him at the Games of the small countries of Malta 2023. Then the tournament director also addresses Mr. Granyera and exposes him to comply with the rules or he will be expelled to the stands. After this incident, Mr. Granyera did not have any other problems and he behaved well until the end of the tournament.”

At the hearing the representative admitted that the Person Charged had been outside the Technical Zone, but denied that he behaved inappropriately. He had followed the instructions of the tournament officials.

The representative pointed out that the testimony of Mr. Holjevac is contradicted by the testimony of Mr. Dumé and for that reason can't be used as evidence against the Person Charged.

As to the facts

Standard of proof

The standard of proof is the balance of probabilities (art. 5.4.1 RE Disciplinary Regulations). In order to find against the Person Charged, it has to be, to the satisfaction of the panel, more probable than not that an act of Misconduct has been committed.

Facts not in dispute

The Person Charged was the doctor of the Andorran team and as such a member of the Andorran team staff. The panel notes that it is not in dispute that he was outside the technical zone and that he directed comments to match officials other than comments about medical treatment of a player. At first he was told to go back in the technical zone and cease his commenting by the referee manager. He did not comply directly but directed comments at the referee manager about safety and the tournament in Malta, earlier this season. Shortly after he went back in the technical zone and sat down.

Statement and testimony Tournament Director

In his preliminary statement Tournament Director Mr. Holjevac made mention of really bad behaviour from the Person Charged. In short: he was addressing referee, assistant referee and referee manager inappropriately and was even aggressive especially when tournament director warned him to calm down and take a seat on the bench.

His testimony at the hearing was to the same effect. He also told the Panel that the Person Charged kept getting up after having taken a seat at first. Only after he talked to Andorran officials in the locker room the behaviour stopped.

Statement and testimony Referee Manager

Referee Manager Mr. Dumé wrote in his preliminary statement that an official from the Andorran delegation wearing a red Medic bib – the Panel understands: the Person Charged –, who was near the touch line, contested the referee's decisions vehemently several times. Following another contestation the Referee Manager approached him and asked him to stop challenging the referee's decisions and to remain seated in

the technical area. He initially refused, but with the help of another Andorran official, he finally joined the substitutes' bench. From that moment on, he remained calm.

In his testimony he stood by that statement. He did elaborate about the comments of the Person Charged whilst refusing: the Person Charged made comments about the safety, that it was always the same at Rugby Europe tournaments, as it was at the tournament in Malta. Mr. Dumé stated that he didn't know the Person Charged from before.

About the testimonies

Both witnesses are Rugby Europe officials. Although their recollections differ at points, there is no reason to doubt their credibility as such.

From the preliminary and thus first statement of the Union it is clear that the Tournament Director was involved when the Person Charged had to be calmed and seated down. In so far that statement and the testimony and statement of the Tournament Director support each other. Given that, the later denial on behalf of the Person Charged does not carry enough weight.

Nor does the testimony of the Referee Manager outweigh that of the Tournament Director - or vice versa. Although the former, when questioned, does not say anything about the involvement of the latter, that does not diminish the Tournament Director's statement or his credibility. The statement of the Referee Manager can be considered to be focussed on his own role at the moment of the incident; other details are outside that scope, with the remarks by the Person Charged directed to him personally about a run-in they had had in Malta earlier in the season (preliminary statement Union) as another example.

That the attitude of the Person Charged was inappropriate does not only follow from the statement of the Tournament Director, but also from the general description of the behaviour that culminated in Tournament Officials feeling the need to intervene.

The testimony of the Tournament Director about continuing bad behaviour from the Person Charged after being talked to and being sat down is not supported by the testimony of the Referee Manager or any other evidence. That part of the evidence doesn't meet the threshold of the balance of probabilities.

Decision

The concluding finding of the panel is that, on the balance of probabilities,

on 23 July 2023 during a match at the 7s Boys Trophy in Zabki, Poland, the Person Charged was outside the technical zone, addressing and aiming comments at match officials about the safety of play and referee's decisions. He used inappropriate language. When a Match Official addressed his behaviour and asked him to sit down, he did not comply but talked back. After the intervention of a second Match official he sat down.

The Panel point to Law 6.28 and 6.30 concerning Additional Persons. These laws apply to the 7s variation.

Any additional person who fails to adhere to the Laws may be cautioned or sent off and misconduct charges may be issued by the Match organiser.

28. Appropriately trained and accredited first-aid or immediate (pitch-side) care persons may enter the playing area to attend to injured players at any time it is safe to do so.

a. There may be up to two medics, one on either side of the pitch, who may follow play.

b. These medics can only carry and provide water to a player that they are treating.

c. Medics cannot field, or touch a ball while it is in live play.

[...]

30. No additional persons should approach, address or aim comments at the match officials, except for medics in relation to the treatment of a player.

Although the Person Charged, as a team medic, may follow play (Law 6.28a) he may only do so for first-aid or medical reasons. In this case his being outside the technical zone had nothing to do with following play for medical reasons, as he “went to claim one of the referees for the concern of the harshness of the act”. That is not a duty or prerogative of a medic or first-aid person. The panel finds that there is no justification in his role as a medic for being outside the technical zone just before he was approached by the Referee Manager.

The same goes for his comments towards match officials (Law 6.30). His views on safety are not exempt.

Being outside the medical zone, aiming comments at match officials and behaving inappropriately towards Match Officials and Tournament Officials are acts of misconduct.

SANCTIONING PROCESS

As to the sanction

As per Article 5.4 of Rugby Europe Disciplinary Regulations

The Person Charged made improper use of the trust and the special privileges given to medical personnel. He left the technical zone for non-medical reasons.

He also violated Law 6.30 by commenting on referee’s decisions and addressing match officials, other than in relation to the treatment of a player.

With privilege comes responsibility. The Person Charged has used the one, whilst forgetting the other. That his behaviour may be unbecoming a member of the medical profession is not for the Panel to consider. It is however obvious that it is unbecoming for a member of staff of an international rugby team.

After being told to stop commenting and to get back in the technical zone, he failed to do so. Instead he started commenting on the Referee Manager, telling him to be polite. That is rather unfitting since his own impolite behaviour lead the Tournament Official to address him. He also started giving his views on safety during other tournaments, still not complying. His attitude was nothing short of inappropriate. That a second Tournament Official and one of his own staff had to intervene to get him to behave, weighs heavily against him.

In all this he also neglected the example any member of staff is to the under-age players in their charge.

There is no justification for his behaviour, in his role as team doctor nor otherwise.

The Panel accepts that the Person Charged has never had any incident or bad conduct, as the Union stated and its Vice-President supported at the hearing. His fifteen years of serving as a medic in rugby do him credit. The Panel has no doubt in those he has treated players from own and opposite teams alike in those years.

The type of sanction

Any limitations on his pitch-side privileges as a medic would hinder the very useful and sometimes much needed work he does. Although his behaviour was poor, this one case does not justify suspending him as a team doctor.

The misconduct has been too grave to suffice with a warning. None of the other specified sanctions of article 5.4.1 under a to g of the RE Disciplinary Regulations are suited for the misconduct.

The Panel resorts to the other appropriate sanction, as under h., and imposes the following sanction.

The Person Charged is required to deliver a talk to at least eight educators involved with age-grade players on 'the importance of respect towards Match Officials in Rugby Union when one is an educator or role model for U14 to U18 boys and girls' – the talk, to the satisfaction of the panel, to be delivered within six weeks after this decision, to be video-recorded and a copy of that recording to be made available to Rugby Europe, within a week after delivering it.

The Panel wishes to make clear that he does not have to mention this sanction in his talk. The emphasis is more on the educational than on the punitive aspect.

Failure to comply will be considered an act of misconduct.

The Panel stresses that in future the Person Charged has to make sure he distinguishes views on play, on safety and on player welfare on the one hand from the medical treatment of a player on the other. His privileges only regard the latter.

SANCTION

Sanction: *Deliver a talk on the importance of respect towards Match Officials in Rugby Union when one is an educator or role model for U14 to U18 boys and girls, under the conditions mentioned above.*

Sanction commences: *see conditions mentioned above*

Sanction concludes: n/a

Matches/ tournaments included in sanction: n/a

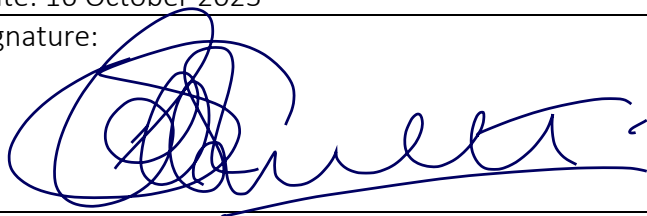
Costs: n/a

Signature

Name of Chairman: Gert-Mark Smelt

Date: 16 October 2023

Signature:



NOTE: You have **7 days** from notification of the decision to lodge an appeal with the Disciplinary Committee (RE Disciplinary Regulations 5.5.2.) Any sanction shall remain effective pending the final determination of the appeal (5.4.5. RE Disciplinary Regulations.)