

**BEFORE THE INDEPENDENT DISCIPLINE TRIBUNAL FOR THE
UNITED RUGBY CHAMPIONSHIP**

29 January 2026

Before: Roddy Dunlop K.C.;
Attie Heyns; and
Andrea Caranci

**IN THE MATTER OF MISCONDUCT CHARGES
AGAINST BUNDEE AKI AND CONNACHT
RUGBY**

Introduction.

1. Saturday 24 January 2026 was a momentous day for Connacht Rugby. The new stand at Dexcom Stadium opened for the first time, welcoming a full house of 12,500 spectators for the URC match against Leinster. Emotions were high.
2. A keenly fought match ensued, with the scores tied at 13-13 at half time. The match ended 32-23 in Leinster's favour.
3. Some within Connacht Rugby felt that certain refereeing decisions had not gone their way, to their frustration. One such person was Bundee Aki, the talismanic Irish international and British and Irish Lion. After the final whistle, he had certain interactions with the match officials, which resulted in a misconduct complaint being brought against him and Connacht Rugby.
4. A disciplinary hearing was convened to consider the allegations, and sat on Wednesday 28 January 2026. At the end of the hearing, it was announced that the misconduct allegations were upheld so far as Mr Aki was concerned, and a sanction imposed, for reasons to follow. These are those reasons.

The misconduct allegations

5. The complaint reads as follows:

“a. While on the field of play after the full time whistle of the Match, the Match Referee Eoghan Cross, alleged that he could hear the Player shouting towards him, stating

words to the effect of “it’s always the fucking same with you” and “you’re a fucking disgrace.”

b. Following the Match, when the Match Officials were in their changing room, it is alleged that the Player entered the changing room (after knocking) and thanked the Referee and TMO and TMO Operator in a sarcastic and intimidating manner, while clapping and giving them a thumbs up. It is also alleged that the Referee, Eoghan Cross and Assistant Referee, Andrew Brace attempted to de-escalate the situation, with Mr Cross bringing the Player into the tunnel area and reminding him of the post-Match review process. It was at this time, that a Connacht Rugby staff representative took the Player away and apologised to the Referee.

c. Following the post-Match meal, as the Match Officials were preparing to leave the stadium, the Player exited a lift and it is alleged that he confronted the Match Officials, questioning if they had looked back at the tackle in question and continued to offer his thanks in an apparently sarcastic manner. The Referee alleges that he again tried to de-escalate the situation by firstly telling the other Match Officials to not engage with the Player and keep moving and secondly replying to the Player to inform him that he had not yet looked at the incident but would do so as part of the normal post-Match review process.

d. It is also alleged by the Referee that while the Match Officials team were waiting to enter the lift, they could still hear the Player speaking to others nearby, stating words to the effect of “we never get the rub of the green with these guys,” while continuing to stare in their direction. The Referee has commented that given the repeated nature of the interactions, the proximity, and the locations involved, this again felt intimidating to them.”

The hearing

6. Both player and club contested the charge. Both were represented at the hearing by Barry Gavin, Solicitor. The Panel had post-match reports from the following match officials: Eoghan Cross, Referee; Andrew Brace, Assistant Referee; Tomás O’Sullivan, Assistant Referee; Leo Colgan, Television Match Official; and Olly Hodges, Television Match Official. The Panel also had video footage of the period immediately after the final whistle.
7. The Panel heard evidence from Messrs Cross and Brace. Mr Gavin then led evidence from Paul Boyle and Jack Carty, both Connacht players, and Mr Aki himself.

8. The evidence may be summarised as follows:
- 8.1. Mr Cross explained that he has a good relationship with Mr Aki. He had an exchange before the match in which he asked Mr Aki if he was going to behave. This was said, and understood, in a jovial manner. A friendly interaction also took place in the tunnel at half time. He accepted that as the match ended there was a lot of noise, and he had an earpiece in his left ear, but he could hear clearly. He distinctly heard the words in the misconduct complaint, and could not be mistaken. He had turned away from Mr Aki and chose not to engage. Once he was back in the officials' changing room, Mr Aki had come to the door. He was calm at first and thanking the officials for the game, but it became apparent that he was being sarcastic, clapping, making a "thumbs up" sign and saying "well done for missing the head shot". That comment was directed to the TMOs. He felt it necessary to de-escalate the situation and took Mr Aki out of the room. Later, after the officials had eaten, he encountered Mr Aki again, just outside a lift. Mr Aki was with James Lowe, a Leinster player and Irish team mate of Mr Aki. The latter had looked over and inquired whether the match officials had checked the match footage for a head shot yet. He said, loudly, that "we never get the rub of the green with these guys". He explained that he had a huge amount of respect for Mr Aki, but felt obliged to raise a complaint as what had happened was beyond what is acceptable in the game. He did not consider that Mr Aki's actions had been intimidating.
 - 8.2. Mr Brace spoke only to the events in charges (b)-(d). He was aware from Mr Cross that something had been said after the final whistle, but he himself had not witnessed that. He confirmed that Mr Aki had been making sarcastic comments towards the TMOs in the changing room. He also spoke to the "rub of the green" comment: he did not hear Mr Aki using the words "with these guys".
 - 8.3. Mr Boyle also spoke to the encounter outside the lift. Mr Aki had asked Mr Cross if he had checked the footage for the high shot yet. Mr Boyle then proceeded to get some food, and did not hear whatever further comments may have been made. He did not consider that Mr Aki's question involved "confronting" Mr Cross.
 - 8.4. Mr Carty witnessed the aftermath of the changing room incident - i.e. the point at which Mr Cross and Mr Aki had exited the room. He explained that both men appeared calm.
 - 8.5. Mr Aki explained that the game was a very important one, with the opening of the new stand and the involvement of close rivals Leinster. He enjoyed "banter" with referees,

including Mr Cross – who knows him well. He has exchanged jovial comments with the match officials before kick off. He said that was a great deal of mutual respect. As regards the alleged misconduct, he was disappointed in himself that he had done anything that would cause Mr Cross to think he had acted inappropriately. He was very frustrated at the result, and was venting to his fellow players. Whatever he said was not directed at Mr Cross. As to what it was he had said, he could not recall. He remembers swearing, but other than that agreed with Mr Gavin’s suggestion that his utterance was a “primal scream” born of frustration. He was clear that whatever he said would not have been directed at Mr Cross. As for the changing room incident, he accepted this involved bad judgment on his part. He had felt that the match officials had missed an incident involving head contact, and wanted to raise that with them. He had acted sarcastically, but not in an intimidating manner. For the incident at the lift, he had used the “rub of the green” idiom, but in order to express lack of luck for Connacht, and not to imply bad faith on the part of the officials.

The Panel’s decision

9. Mr Cross gave his evidence in a clear and compelling manner. Mr Gavin was allowed to cross-examine him. Mr Cross explained that he held Mr Aki in high regard and had a good working relationship with him. He clearly bore no animus towards Mr Aki. He had no reason to lie, and to be fair there was no suggestion that he was lying. He had, it appeared to the Panel, brought the complaint with some reluctance and only because he felt that Mr Aki’s conduct had been beyond the pale. He was adamant that the words and conduct complained of, on the field of play and in the aftermath, had occurred. He did not accept that there was any possibility that he was mistaken or had misheard.
10. The video evidence did not suggest that anything comprehensible had been picked up on the referee’s microphone, which continued to operate after the final whistle. However, there was a good deal of indistinguishable background noise. It appeared from the footage that Mr Aki had looked towards Mr Cross immediately after the final whistle, and also possibly gestured in his direction. The presence in his left ear of an ear-piece was not likely to impair his ability to hear anything said by Mr Aki, who was then situated towards his right hand side.
11. Mr Aki himself was unable to recall what he had said. He was clear that he had been frustrated, and accepted that he swore. Whilst Mr Aki was sure that he did not say anything directed towards Mr Cross, it was unclear to the Panel how he could have been

sure of that when he could not recall what he had said. If he said the words reported by Mr Cross, it is not easy to conceive that they were anything other than directed at Mr Cross.

12. The task of the Panel was to decide the issue on balance of probability: what is more likely? On the clear evidence of Mr Cross, the Panel found it more likely that the words complained of in para (a) of the Complaint were uttered by Mr Aki, and directed at Mr Cross. The Panel found Mr Cross entirely credible, and did not think it likely that he had misheard. Mr Aki's conduct, the Panel found, was the result of extreme frustration felt by him at a disappointing result on such a big day for the Club. That frustration did not, however, excuse conduct which amounted to verbal abuse of a match official.
13. As to the remaining aspects of the Complaint, it is clear (and in part accepted by Mr Aki) that after the match he had various interactions with the match officials which were, in retrospect, ill-advised. Approaching a match official in the immediate aftermath of any game is something that is rarely advisable, especially if - as here - the purpose of the approach was to vent or express frustration. Taken in the round, we consider that the Complaint at (b)-(d), taken as a whole, meant that failing to respect the authority of the match officials was also made out.
14. We should make clear, however, that we do not uphold the suggestion that Mr Aki was acting in an intimidating manner, as was suggested in parts of the complaint at (b)-(d). He acted sarcastically, disrespectfully and unwisely but, as Mr Cross himself put it, to suggest that he was intimidating would be to overstate the position.

The Disciplinary Rules

15. The relevant applicable rules from the Disciplinary Rules are as follows:

“3.2: For the purposes of these Disciplinary Rules, “Misconduct” shall mean any act of Foul Play by a Player and/or any conduct, behaviour, statements (including, without limitation, statements made on social networking platforms or sites such as Twitter, Facebook, LinkedIn, Instagram or similar) or practices by a Club and/or any of its Players, its other Persons or its supporters, on or off the Playing Enclosure, during a Match or otherwise, that is unsporting and/or insulting and/or that brings or has the potential to bring the sport of rugby union, the Championship, other Clubs or Persons, match officials, Pro Rugby Championship, one or more of the Unions and/or any

sponsor or other commercial partner of the Championship or Pro Rugby Championship into disrepute and/or that is not in accordance with the Participation Agreement.

3.3: While it is not possible to draw up a definitive and exhaustive list of types of conduct that may amount to Misconduct under these Disciplinary Rules, each of the following types of behaviour by a Club and/or its Players, its other Persons or its supporters is an example of (and constitutes) Misconduct under these Disciplinary Rules:....

3.3.4: "breaching any other provision of the Participation Agreement";

3.3.5: "failure or refusal by a Club to exercise reasonable and proper control over its Players, its Persons and/or its supporters, on and off the Playing Enclosure including, but not limited to when representatives of the Club are travelling to or from a Match and at all times when the Players, other Persons and/or supporters of the Club are present in the country of the home Club for a Match (either before or after such Match)";

3.3.6: "failure or refusal by a Club to observe and/or to instil amongst its Players and/or its other Persons a sufficient degree of respect for the Laws of the Game, the disciplinary authority of Pro Rugby Championship and/or the Participation Agreement..."

3.3.8: "making comments ... and/or conducting it/ himself/herself in connection with ... match officiating (or any aspect thereof) in such a way ... that is prejudicial to the interests of the sport of rugby union and/or Pro Rugby Championship and/or one or more of the Unions and/or any Club;"

3.3.14: unsportsmanlike conduct before, during or after a Match (including ... making inappropriate and/or sarcastic gestures to ... a Match official ... and intimidating and/or exhibiting a lack of respect for Match officials and/or Pro Rugby Championship representatives, which will include Club medics, Club managers and Club coaches communicating (or attempting to communicate) with any of the relevant Match officials (including the television match official) at any point during a Match (unless invited to do so by the relevant Match official) and/or any Persons entering or attempting to enter the Match officials' changing room(s)..."

16. As discussed above, the Panel found that Mr Aki was guilty of (a) verbal abuse of a match official, and (b) failing to respect the authority of the match officials. That amounts to misconduct for the purposes of the said rules.

Sanction

17. The Panel took as its starting point World Rugby's indicative sanctions. For both verbal abuse and failing to respect, low end entry points were selected. That results in starting points of 6 weeks and 2 weeks respectively.
18. The Panel decided that the matter should appropriately be taken as a whole, and viewed as a continuum of the same behaviour. It thus ruled that the suspensions would be taken concurrently rather than consecutively, resulting in a *cumulo* starting point of 6 weeks suspension.
19. Mr Aki has a directly analogous previous offence, which resulted in a 3 week suspension. However, as that was in 2017, the Panel decided not to aggravate.
20. Mr Aki has had a number of other suspensions, and a written warning for failing to respect a match official. He had not pled guilty. In the circumstances, and albeit the Panel found no fault in his behaviour at the hearing, there was no basis for mitigation.
21. Finally, as this was a misconduct allegation, the Panel required to consider whether the sentence, or any aspect thereof, should be suspended (Rule 7.6.29). The sanction requires to be meaningful, and the Panel did not consider that suspension of the whole would be warranted. It did, however, consider that there would be some utility in suspending part of the sentence, as that would go some way to avoid any repetition of the conduct in the future.
22. On that basis, the Panel decided to impose a six-week suspension, two weeks of which are themselves suspended for a period of two years. If Mr Aki is found to have committed an analogous offence in the two years following 28 January 2026, he is liable to have the suspended two-week period imposed as a result.
23. In closing, the Panel recognises the impact this will have on Mr Aki, and his country, given the imminence of the Six Nations Championship. However, in agreement with the comments of Ms Monaghan as Discipline Manager at the hearing, it is of the first importance that the game, just as it strives to improve player protection on the field, does what it can to protect match officials on and off it. Without match officials, the game cannot function. An atmosphere in which abuse or lack of respect towards match officials is tolerated or allowed to flourish would deter people from becoming match officials, or cause them to leave the game, and thus be harmful to the sport itself. Values of mutual respect are integral to the game of rugby, and discipline panels must play their part in

upholding them. We have absolutely no doubt that Mr Aki himself holds those values dear; but, and regrettably, he let himself down and failed to observe those values on this particular occasion.

The Club

24. Finally, the Club also faced a charge of misconduct. Clubs are responsible for the actions of their players and, as the Rules make clear, must take steps to ensure that players understand the obligations incumbent upon them. Equally, however, misconduct is not a “strict liability” offence. The Panel saw nothing in the evidence before it to suggest anything other than the Connacht Rugby is a responsible and ambitious club of which the sport may be proud. The complaint against the Club was thus dismissed.

R Dunlop KC

Chair