

DISCIPLINARY COMMISSION

In the Matter of
Basketball England
v
Frankley Falcons

COMMISSION

The Commission members appointed by Basketball England were:

Chairman: Gerald Daish
Member: Martin Shaw
Member: Ollie Powell

Colin Hills acted as Secretary to the Commission.

A disciplinary hearing took place online via Microsoft Teams on 9th May 2014 commencing at 10.00am.

There was no representative of Frankley Falcons present.

CHARGES

Basketball England charged Frankley Falcons on 4th March 2024 with a breach of Disciplinary Code 5.4 Using any language or behaviour that is Aggravated by the use or reference, whether explicitly or implied, to another person's ethnic origin, colour, race, age, nationality, religion or belief, gender, gender reassignment, sexual orientation, or disability.

It was alleged that a spectator used aggravated language towards a member of Stourport Spartans, which included, but is not limited to, "Fucking Bitch" or similar.

RESPONSE

Frankley Falcons denied the charge and requested that the matter be dealt with on the basis of correspondence only.

RULES

Rule 5.4 of Basketball England's Disciplinary Code states: A Participant shall not use any language or behaviour that is Aggravated by the use or reference, whether explicitly or implied, to another person's ethnic origin, colour, race, age, nationality, religion or belief, gender, gender reassignment, sexual orientation, or disability.

BURDEN OF PROOF

The burden of proof is on Basketball England. The applicable standard of proof is the civil standard: the balance of probability. This means that the Commission is satisfied an event occurred if it considers, on the evidence, that the occurrence of the event was more likely than not.

DOCUMENTATION

- i. Charge letter
- ii. Statement from Katie Wilkinson [Stourport Spartans]
- iii. Statement from Rebecca Mason [Stourport Spartans]
- iv. Statement from Sean Kiely [Stourport Spartans]
- v. Statement from Kevin Lawes [Stourport Spartans]
- vi. Statement from Robert Halsall [Frankley Falcons]
- vii. Statement from Andrew Pittaway [Frankley Falcons]

COMMISSION'S FINDINGS

The Commission found that there was an altercation between opposing spectators over seating and that there was a degree of anger in the exchanges. The Commission noted that the Frankley Falcons spectator denied using foul language, but found credible statements from the Stourport Spartans' side that he had used the word "bitch".

COMMISSION'S DECISION

The Commission therefore decided that the charge was proven.

SANCTION

The Commission found the offence to be of 'low-mid' level of seriousness and considered the sanction in accordance with Basketball England's Sanction Guidelines.

Aggravating Factors:

None

Mitigating Factors

There were no previous offences on record.

Fine

Frankley Falcons are fined £150.

Team Education

The following persons from Frankley Falcons are to attend an online Equality Education session within three months:

Club Chairperson

James Robinson

Frankley Falcons are requested to invite the parents of the players of the U16 Team to attend the online Equality Education session.

RIGHT OF APPEAL

There is a right of appeal against this decision under Basketball England regulations.

Chairman Gerald Daish

Date 9th May 2024