

DISCIPLINARY COMMISSION

In the Matter of

Basketball England

v

Spen Valley Vipers

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 Spen Valley Vipers present.

CHARGES

Case D277a

Basketball England charged Spen Valley Vipers on 21st 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 following the fixture, a Club Official of Spen Valley Vipers used language with reference to one or more of the protected characteristics, namely, Nationality. This refers to the comment(s); "Latvian Lazer" and/or "Igor" and/or "Russian Commie", or similar.

Case D277b

Basketball England charged Spen Valley Vipers on 21st March 2024 with a breach of Disciplinary Code 5.3 Not acting in the best interests of the game and/or bringing the game into disrepute.

It was alleged that following the fixture, players of Spen Valley Vipers walked around the court shaking hands with opposition players, whilst shouting "fuck off" in their face. It was further alleged that following the fixture, an individual associated with Spen Valley Vipers used abusive language towards the Officials, which included, but is not limited to "Are you on drugs?" and/or "are you on benefits", or similar.

RESPONSE

Spen Valley Vipers accepted both charges 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.

Rule 5.3 of Basketball England's Disciplinary Code states: A Participant is required at all times to act in the best interests of the game of Basketball and shall not act, at the sole determination of The Association, in any way that brings the game of Basketball into disrepute.

DOCUMENTATION

- i. Charge letter
- ii. Report to BE via Phil Harris
- iii. Statement from Chris Plowright (Harrogate Llamas)
- iv. Statement from Jack Meredith
- v. Statement from Sonia Ginstar Gomez
- vi. Statement from Arunas Milasias
- vii. Audio Statement from Harrogate Llamas
- viii. Video Footage (Post Match Comments)

COMMISSION'S FINDINGS

The Commission found that Spen Valley Vipers accepted both charges and explained how the comments in Charge 277a were not as insulting as they may have appeared.

SANCTION

The Commission found offence D277a to be of 'low-mid' level of seriousness; and offence D277b to be of a 'mid-high' level of seriousness; and considered the sanctions in accordance with Basketball England's Sanction Guidelines.

Aggravating Factors:

There were repeated references to nationality in the offending comments.

The abusive/insulting language towards opponents and match officials was repeated.

Mitigating Factors

- i. Acceptance of the charges.
- ii. There were no previous offences on record.

Fine

Spen Valley Vipers are fined £175 in respect of Charge D277a; and £50 in respect of Charge D277b.

Education

The following persons from Spen Valley Vipers are to attend an online Equality Education session within three months:

- Club Chairperson
- Greg Dolan
- All players and coach from the match v. Harrogate Llamas on 17th January 2024.

RIGHT OF APPEAL

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

Chairman Gerald Daish

Date 9th May 2024