

National Discipline Commission  
on behalf of Basketball England  
NON-PERSONAL HEARING

Nerijus Grigaravicius

[Case Number: D327]

THE DECISION AND REASONS OF THE COMMISSION

## The Decision and Reasons of The Commission – Nerijus Grigaravicius Case D327

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## **Introduction**

- (1) A ULTV Lightning game was played on 26 September 2024.
- (2) A report was submitted by the referee, alleging the ULT player #14 approached her aggressively shouting in his native language to which she did not understand and pushed her with both hands resulting in a disqualifying foul.
- (3) The Integrity Team of Basketball England investigated the complaint.

## **The Charge**

- (4) On 05 November 2024 Nerijus Grigaravicius was charged under Case D327 via their club secretary with Disciplinary Code 5.2; Inappropriate behaviour, falling below the standard expected.
- (5) The Details of Case relating to D327 specified; It is alleged that language or behaviour was used that fell below the standard expected, including the use of physical contact against a match official and/or the use of inappropriate actions/language towards the match official.
- (6) The following evidence was relied upon in support of the charge;
  - a. Statement from Referee Monika Winiarska
  - b. Photos of incident
  - c. Video of incident
- (7) Nerijus Grigaravicius was required to respond to their charge within 14 days of the date of the charge letter, therefore within 14 days of 05 November 2024.
- (8) Nerijus Grigaravicius was given strict written advice not to contact any of the witnesses either in person or electronically, whilst the matter continued, furthermore, Nerijus Grigaravicius was advised to treat the matter confidentially.

## **The Reply**

- (9) Nerijus Grigaravicius responded to the charge on 15 November 2024 stating they wished to accept the charge and requested the matter was dealt with on correspondence only. Nerijus Grigaravicius requested their response be taken into consideration by the Discipline Commission.

### **The Hearing and the Evidence**

- (10) A disciplinary Commission took place on Monday 25 November 2024 commencing at 10:30 via Microsoft Teams. The Commission members appointed by Basketball England were;
- a. Victoria Fletcher (Chair)
  - b. Ollie Powell
  - c. Martin Shaw
  - d. Rachel Scase acted as secretary.
- (11) The Commission (we/us) had received and read the bundle of documents prior to the Hearing.
- (12) The following is a summary of the principal submissions provided to us. It does not purport to contain reference to all the points made, however the absence of these reasons of any particular point, or submission, should not imply that we did not take such point, or submission, into consideration when we determined the matter. For the avoidance of doubt, we have carefully considered all the evidence and materials furnished with regard to these cases.
- (13) The following evidence was provided in the case bundle. It should be noted that where direct speech is quoted in a witness statement, the Commission has recorded it in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations in any obvious typographic errors.
- (14) Referee Monika Winiarska submitted a typed report which stated, and we quote [“... In the fourth quarter of the game, in the trail position, I called an offensive foul against the ULT player 88. I was ready to present the offensive foul to the table, when the ULT player (88), came towards me and shouted loudly at my face. I did not understand him as he was speaking in Lithuanian (his language). I called the technical foul against the ULT player 88 for his behaviour. After that, the ULT player (number 14), approached me, shouting loudly (I understood ‘Fuck’, the rest was in Lithuanian) and then pushed me with both of his hands. I then called a disqualifying foul against the ULT player 14. A few minutes later, the disqualified player left the sports hall, and after that, we resumed the game with free throws and possession for the Lightning team. ....”] (sic).
- (15) 3 photographs were supplied
- (16) 1 video was supplied.

### **Response to the Charge**

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(17) Nerijus Grigaravicius had accepted the charge levied against them and stated in response;

- a. I feel the need to add something to my guilt and acceptance of the charge on 26/09/24 as I am not proud of my behaviour and wish to offer my most sincere apologies to the referee and Basketball of England for my actions. I take full responsibility for my actions and understand the impact it had on everyone involved. My usual standard behaviour is and has always been one of sportsmanship and respect and support for the match officials and players. Basketball has played an important role in my life since I was a child in Lithuania. I have played basketball in UK since moving here some twenty years ago. I pride myself on my impeccable disciplinary record that has seen no breach of Basketball conduct rules or led to any issues with the match officials or anyone else. I acknowledge that I should not have remonstrated with the referee as my intention was not to cause any harm to the official. As per the video evidence and photos you can see that I foolishly touched the referee with one hand, it was more a tap on her hand , (not two as per referee statement) as I tried to draw the officials attention and make what I thought at the time was a justified questioning of the decision to penalise my team mate. Unfortunately I cannot change what happened but once again I would like to apologise for my actions that were so out of character and are unlikely to ever happen again.

### **Standard of Proof**

(18) The applicable standard of proof required for this case is the civil standard of the balance of probability. This standard means, we would be satisfied that an event occurred if we considered that, on the evidence, it was more likely than not to have happened.

### **The Finding and the Decision**

(19) The Commission notes that the charge has been accepted in its entirety, as such the remit of the Commission is to sanction in accordance with the guidelines recommended by Basketball England and the case by own admission is found  
**PROVEN**

(20) The Commission concluded that the sanction guidelines cover offences for;  
a. Violent conduct against a match official

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- b. Threatening words and or behaviour towards a match official
- (21) The Commission concluded that fairness is paramount and whilst the accepted physical contact made by the charged participant, was confrontational and non-accidental, it was not violent as such The Commission concluded it did not fall into the sanctioning category of Violent Conduct against a Match Official, likewise the accepted physical contact of the charged participant was also not Threatening by word or behaviour. The Commission reminded themselves that the sanction guidelines were “guidelines” upon which to issue a proportionate sanction commensurate to the offence committed.

### **Previous Disciplinary Record**

- (22) After finding the charge proven, by own admission we sought the offence history of the participant charged.
- a. Nerijus Grigaravicius has no prior misconducts.

### **Aggravating & Mitigating Factors**

- (23) The commission should consider, only when an outcome has been agreed, and level upon the severity of the incident determined any aggravating and or mitigating factors that may impact on the sanction imposed by the Commission.
- Aggravating factors are any relevant circumstances, supported by the evidence provided, that increase the potential sanction against the offending party.
- Mitigating factors are any evidence presented regarding the participants character or the circumstances of the incident which might cause the Disciplinary Commission to apply a lesser sanction.

#### **Aggravating Factors**

The commission had no aggravating factors to consider.

#### **Mitigating Factors**

- (24) The commission may take into consideration the following;
- The clean discipline history of the charged participant.
- Formal acceptance at the earliest opportunity.
- Genuine Remorse.

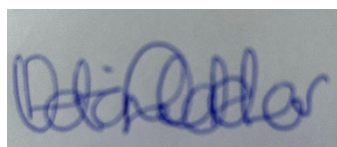
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Degree of force – whilst the degree of force may not have been excessive, unwarranted physical contact was made with the referee, in conjunction with verbal abuse.

### **The Sanction**

- (25) We noted that Basketball England defines a case that includes Violent or threatening language and/or behaviour towards a Match Official, as a Serious Case. If the case is found Proven the commission will refer to the sanction guidelines recommended by Basketball England for a breach of Discipline Rule 5.2:
- (26) The Disciplinary Code of Basketball England states that where a mandatory minimum sanction is stated the Commission cannot impose a sanction below this level unless an exception is explicitly stated.
- (27) **After taking all circumstances into consideration the Commission concluded it would be proportionate to Nerijus Grigaravicius from all Basketball for a period of 6 months.**
- a. **A fine of £100**
  - b. **An Education Course is ordered as a sanction to provide a way for an individual to understand the impact of their behavior on others. The course may be delivered online and should be facilitated by BE England to ensure appropriate education. The Mandatory education must be completed prior to the conclusion of the suspension. Failure to complete the education order will result in further disciplinary action.**
- (28) The decision is subject to the right of appeal under the relevant Basketball England Rules and Regulations.

Signed...



**Victoria Fletcher** (Chairperson)

Ollie Powell

Martin Shaw

27 November 2024

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