

DISCIPLINARY COMMISSION

BETWEEN

**In the Matter of
Basketball England**

v

Dovydas Veriuga

COMMISSION

The Commission members appointed by Basketball England:

Chair: Shaylla Shabbir

Member: Tom Cleeve

Member: Gerald Daish

Secretary: Colin Hills

The hearing was held remotely via Microsoft Teams on 24 March 2023, at 2pm.

Dovydas Veriuga (hereinafter 'DV') was not present.

CHARGES

The Charges levied against DV were set out in the charge letter dated 15 February 2023.

Charge: Disciplinary Code 5.4 Language or Behaviour aggravated by reference to a protected characteristic

The Details of the charge, pursuant to the charge letter were as follows:

It is alleged that language was used that made reference to race and/or colour, this refers to the use of the term "monkey".

HEARING BUNDLE

The Commission were provided with the evidence, as set out below:

- i. Report from Phil Harris (Chair of LDBL)
- ii. Email from Phil Harris, including referee statements
- iii. Statement from Umit Behren (Referee)
- iv. Statement from Paul C Contandachi (Leeds Lightning)
- v. Letter from Arunas Milasius (Chair, Leeds Lithuanians)

- vi. Statement in Lithuanian from Dovydas Veriuga (player, Leeds Lithuanians)
- vii. Translation of statement from Dovydas Veriuga, officially obtained by Basketball England
- viii. Statement from Arunas Milasius (Chair, Leeds Lithuanians)
- ix. Statement from Egidijus Bucys (player, Leeds Lithuanians)
- x. Statement from Jonas Macijauskas (player, Leeds Lithuanians)
- xi. Statement from Antanas Pekys (player, Leeds Lithuanians)
- xii. Video evidence

RESPONSE

DV was presented with the opportunity to respond to the charge. DV has failed to do so. The matter progressed as a correspondence hearing in DV's absence.

BURDEN OF PROOF

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

COMMISSION'S FINDINGS

The Commission based its findings on the evidence before it.

Notably, DV's team, Leeds Lithuanians, had taken action against DV. Indeed they had also supplied the video.

In addition to this, and most saliently, a statement was provided by DV, in which there is an admission that he had used the word 'monkey', albeit he states that his intention was not to use the word in a discriminatory manner, but more so to describe the behaviour of the individual.

Further statements were provided, where individuals had witnessed an altercation between DV and the opposing party.

COMMISSION'S FINDINGS

Based on this evidence, the commission was convinced on the balance of probabilities that the incident occurred, and therefore the charge of Disciplinary Code 5.4 (Language or Behaviour aggravated by reference to a protected characteristic) was proven.

SANCTION

The commission made the following findings:

1. It was accepted that an apology had been offered, however little weight was attached to the cultural differences argument raised by DV. The commission was clear that cultural sensitivities are essential and must be respected.
2. The Commission found the offence to be of 'mid' seriousness and considered the sanction in accordance with Basketball England's Sanction Guidelines, Serious Cases (Offences committed by any participant as defined by Basketball England).
3. Pursuant to the above, the Commission imposes the following sanction - 10 Match ban, £100 fine. DV must also undertake an equality education session.

RIGHT OF APPEAL

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

Chairman Shaylla Shabbir

Date 3/4/2023