

DISCIPLINARY COMMISSION

In the Matter of
Basketball England
v
London Elite

COMMISSION

The Commission members appointed by Basketball England were:

Chairman: Gerald Daish
Member: Tom Cleeve
Member: Vicky Collins

Colin Hills acted as Secretary to the Commission.

A disciplinary hearing took place online via Microsoft Teams on 12th July 2023 commencing at 5pm. London Elite were not represented.

CHARGES

Basketball England charged London Elite on 14th June 2023 with a breach of Disciplinary Code 5.6: Failed to ensure Club Officials, players or spectators conducted themselves in an orderly fashion, bringing the game into disrepute.

It was alleged that language and/or behaviour was used by spectators that was threatening and/or abusive and/or improper, including:

- A spectator shouting “bullshit” towards a match official; and/or
- A spectator throwing a chair; and/or
- A spectator saying “next time make the right *ucking calls. Go suck your mum” or similar towards a match official; and/or
- Spectator(s) crossing the court to approaching the table and match official; and/or
- A spectator tapping the match official on the back; and/or
- A spectator removing his belt in the corridor outside the court and pacing up and down

London Elite offered no response to the charge. Accordingly, the matter fell to be dealt with as a denial, on the basis of correspondence only.

RULES

Rule 5.6 of Basketball England’s Disciplinary Code states that a Club is responsible for ensuring its Officials, Spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any behaviour that in the opinion of The Association brings the game into disrepute.

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. Report from Gabrielle Boateng, Match Official
- iii. Reports from Ben Omowaiye, Match Official
- iv. Email from Pearl Kumassah, Table Official
- v. Video evidence

COMMISSION'S FINDINGS

In the absence of any defence by London Elite, the Commission found that the evidence supplied by the witnesses to Basketball England supported the charge adequately to meet the threshold of proof.

COMMISSION'S DECISION

The Commission found the charge proven on the balance of probability.

SANCTION

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

Aggravating Factors

- absence of a response to the charge by London Elite
- the spectator behaviour was not an isolated comment or action
- the behaviour caused the abandonment of the game

Mitigating Factors

- none

Record

- London Elite has a clean disciplinary record to date.

Taking into account the aggravating and mitigating factors and the club's good disciplinary record, the Commission imposed the following sanction.

Fine: £150.00.

RIGHT OF APPEAL

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

Chairman Gerald Daish

Date 12/07/2023