

DISCIPLINARY COMMISSION

In the Matter of
Basketball England
v
Stourport Spartans

COMMISSION

The Commission members appointed by Basketball England were:

Chairman: Gerald Daish

Member: Nik Bedwell

Member: Vicky Collins

Colin Hills acted as Secretary to the Commission.

A disciplinary hearing took place online via Microsoft Teams on 11th February 2025 commencing at 6.45pm.

Stourport Spartans were represented by Matt Coles.

CHARGES

Basketball England charged Stourport Spartans on 28th November 2024 with a breach of Disciplinary Code 5.4 Language or Behaviour aggravated by reference to a protected characteristic.

It was alleged that language was used that made reference to race and/or ethnicity, specifically that comment(s) were made towards a Coventry Flames player by Stourport Spartans spectator(s), including but not limited to "Wonton soup".

RESPONSE

Stourport Spartans denied the charge and requested that the matter be dealt with by way of a personal hearing.

RULES

Rule 5.4 of Basketball England's Disciplinary Code provides that:

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 5.6 of Basketball England's Disciplinary Code provides 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, including, but not limited to, behaviour, that includes a reference, whether express or implied, to any Protected Characteristic.

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. Email statement from Ivan Fabo, Umpire
- iii. Email statement from Kevin Hayes, Crew Chief
- iv. Email statement from Carl Woodward, Table Official
- v. Email statement from Emma-Jayne Gardner, Table Official
- vi. Email statement from Erin Woodward, Table Official
- vii. Statement from Yohance Mislant, Coventry Flames player
- viii. Statement from Luis Romero, Coventry Flames coach
- ix. Email statement from Matt Coles, Stourport Spartans

BASKETBALL ENGLAND WITNESS EVIDENCE

Ivan Fabo stated that a Coventry coach reported discriminatory gestures towards their player from the area of the Stourport team bench. Mr Fabo did not hear any such remark and the individual was not identified. Verbally, Mr Fabo confirmed that the Coventry coach reported the comments at the beginning of half time and that he understood the alleged comments were attributed to the Stourport bench area, not the spectators.

Kevin Henry stated that Coventry coach reported discriminatory remarks towards an Asian Coventry player from the area of the Stourport team bench. Mr Henry did not hear any such remark and the individual was not identified. Verbally, Mr Henry confirmed that the Coventry coach reported the comments at the beginning of half time and the allegation was against the Stourport bench personnel, not the spectators. The Coventry player in question was not present in the conversation. Mr Henry did not speak to anyone from Stourport.

Carl Woodward didn't hear or witness any racial slurs during the game, and did not attend the hearing.

Emma-Jayne Gardner was not aware of any discriminatory comments, and did not attend the hearing.

Erin Woodward did not hear or witness any discriminatory comments, and did not attend the hearing.

Yohance Mislant stated: "I heard and saw a group of young Stourport Spartan fans on the sideline saying, "Wonton soup" to me because I am Asian." This was reported to the Coventry coach.

Verbally, Mr Mislange confirmed that he was standing near the spectators from where he heard the abuse and that they were a group of kids, many with drums. He initially confirmed that the offending words were “egg fried rice”, but upon challenge, reverted to quoting “wonton soup”. He said that he heard a chuckle from the Stourport bench immediately after. He reported the matter to Luis Romero.

Luis Romero did not hear any discriminatory comments himself but stated that, at half time, his player told him that he was being called names such as “wonton” “chin chong” from the crowd. Verbally, Mr Romero confirmed the report from Yohance Mislange as having heard the words “ching chang chong”, but it was not clear whether the words came from Stourport players, officials, or spectators. Another player also reported some abuse later, but did not necessarily hear it himself.

STOURPORT SPARTANS EVIDENCE

Matt Coles said that the noise in the venue was deafening most of the match, The drums from the Stourport youngsters were particularly loud. He drew attention to the contradictions in BE’s the evidence. E.g. What were the alleged words? Were the words attributed to the Stourport bench or the spectators, who were on the opposite side of the court? He pointed out that the group of youngsters were accompanied by two off-duty policemen, making it unlikely that something was said from that group.

COMMISSION’S FINDINGS

The Commission found the evidence of the match officials credible and consistent between themselves. However, the evidence of the alleged victim and his coach was, at best, inconsistent. It is unlikely that Mr Mislange heard both a comment from the spectators behind him and a chuckle from the Stourport bench on the opposite side of the court.

The Commission found too many inconsistencies and contradictions in the evidence to support the charge.

COMMISSION’S DECISION

The Commission found the charge NOT PROVEN.

RIGHT OF APPEAL

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

Chairman Gerald Daish
Date 11th February 2025