

**THE DISCIPLINARY COMMISSION**

In the matter of

**Basketball England**

v.

**Alistair Langley**

Kenton Basketball Club

**[CASE NUMBER D85]**

---

**THE DECISION AND WRITTEN REASONS OF THE COMMISSION**

---

**Disclaimer:**

These written reasons contain a summary of the principal evidence before the Commission and do not purport to contain reference to all the points made. However, the absence in these reasons of any particular point, piece of evidence or submission, should not imply that the Commission did not take such a point, piece of evidence or submission, into consideration when determining the matter. For the avoidance of doubt, this Disciplinary Commission has carefully considered all the evidence and materials furnished with regard to this matter.

## I. INTRODUCTION

1. The Basketball England (the “**BE**”) convened a Disciplinary Commission (the “**Commission**”), via Microsoft Teams on 24 February 2023 to adjudicate upon disciplinary charges levied against Mr Alistair Langley (“**Mr Langley**”) (Case number: D85).
2. The Disciplinary Commission was constituted of three members, Mr André Duarte Costa, an Independent appointed Chair, Mr Gerry Daish and Mr Tom Cleeve, Independent appointed Wing Members. The appointed Secretary to the Commission was Ms Rachel Scase of Sport Integrity Matters.

## II. THE CHARGES

3. In summary, by Misconduct Charge Notification dated 15 February 2022 (the “**Charge Notification**”) issued by Basketball England against Mr Langley, Mr Langley was charged with one charge relating to alleged misconduct on 7 November 2022.
4. It was alleged that Mr Langley used language and/or behaviour aggravated by reference to a protected characteristic contrary to Rule E5.4 of the Disciplinary Code (“the “**Charge**”).
5. The Charge Notification referred to the comments: *“women shouldn’t be in sport nor should women play basketball”, and/or “girls are weak and can’t understand the game”, or similar.* (the “**Alleged Comments**”).
6. The Charge Notification also referred to the Standard Sanctions and Guidelines.
7. Mr Langley was required to submit a response by 1 March 2023. On 16 February 2023, Mr Langley completed the Response Pro-Forma and ticked option 3. which meant that he pleaded not guilty to the Charge and requested that his case was dealt with on correspondence only.

### III. THE RULES

8. The Discipline Rules are foreseen in Section 5 of the Disciplinary Code<sup>1</sup>.
9. Bearing in mind the charges levied against Mr Langley the relevant rule to take into account for the purpose of the present case is Rule 5.4.
10. According to Rule E5.4: *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.*

### IV. WRITTEN EVIDENCE

11. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished with regard to this case.
12. The evidence which the BE relied upon in support of the charge consisted of:
  - a) Statement by Ms Sasha Riley ("**Ms Riley**") dated 17 November 2022<sup>2</sup>;
  - b) Email sent by Ms Riley dated 11 February 2023, sent to Ms Rachel Scase of Sport Integrity Matters<sup>3</sup>.
  - c) Statement by Mr Stephen Lindoe ("**Mr Lindoe**"), Coach for Team Sunderland, dated 28 November 2022<sup>4</sup>;
  - d) Statement by Mr Stuart McGurk ("**Mr McGurk**"), Coach for Kenton Storm, dated 23 November 2022<sup>5</sup>;

---

<sup>1</sup>Available at: <https://www.basketballengland.co.uk/integrity/policies/discipline-expected-behaviours/disciplinary-code/>.

<sup>2</sup> PP. 3-4 of the case bundle.

<sup>3</sup> P. 5 of the case bundle.

<sup>4</sup> PP. 5-7 of the case bundle.

<sup>5</sup> PP. 8-9 of the case bundle.

- e) Statement by Mr Matthew Langley, Coach for Kenton Basketball Club, dated 18 November 2022<sup>6</sup>; and
- f) Statement by Mr Langley, the Participant charged and a Player for Kenton Basketball Club, dated 18 November 2022<sup>7</sup>.

13. The evidence submitted in defence of the charge consisted of:

- a) Statement by Mr Langley, the Participant charged and a Player for Kenton Basketball Club, undated<sup>8</sup>;
- b) Statement by Mr Langley, the Participant charged and a Player for Kenton Basketball Club, dated 18 November 2022<sup>9</sup>;

## V. THE STANDARD OF PROOF

14. In accordance with Rule 7.6 of the Disciplinary Code: *The applicable standard of proof will be the civil standard of the balance of probability unless stated elsewhere in the applicable regulations.*

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

## VI. FINDINGS & DECISION

### A. GENERAL CONSIDERATIONS

16. The Commission reminded itself that the burden of proving a charge falls upon the BE.

17. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission to consider. We must assess the credibility of the witness (that is whether a witness is attempting to tell the truth) and the reliability of the witness (that is

---

<sup>6</sup> PP. 10-11 of the case bundle.

<sup>7</sup> PP. 12-14 of the case bundle.

<sup>8</sup> PP. 16-17 of the case bundle.

<sup>9</sup> PP. 18-20 of the case bundle.

whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon).

18. Where there are discrepancies between witnesses, it is for us to decide which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for us to assess if the discrepancy is important. Having considered which evidence we accept and reject, we then must decide if, on the balance of probabilities, the alleged breach of the Disciplinary Code is established.
19. In assessing liability, the Commission was mindful of the issues to be determined in the present case. The issues were whether the Commission was satisfied to the requisite standard that the evidence before it proved that the Alleged Comments made a reference to a protected characteristic that was improper.

## **B. FINDINGS**

20. In the present case the allegation was that Mr Langley, the Participant charged and a Player for Kenton Basketball Club, had made discriminatory comments based on Gender at Ms Riley.
21. According to the evidence provided to the Commission the allegation was that Mr Langley had said "*women shouldn't be in sport nor should women play basketball*", and/or "*girls are weak and can't understand the game*", or similar.
22. The Commission was satisfied that the referred words were improper, abusive and offensive and made a reference to Gender.
23. The Commission noted that according to Ms Riley the comments allegedly made by Mr Langley were that "*women shouldn't be in sport nor should women play basketball*" and that "*he doesn't pay to play against girls as they are weak and can't understand the game.*" However, according to Mr Lindoe's statement the comments were that "*he does not want to play against girls and does not pay £25 to train against them*" and that "*he does not want to go hard and hurt them*".
24. The Commission noted that the comments made by Mr Langley were said at Mr Lindoe. The Commission considered that had Mr Langley made the comments Ms Riley accused

him of doing, Mr Langley would have heard them and put them in his statement, but that did not happen. This was particularly important because Mr Lindoe is not an impartial witness but rather one linked to Team Sunderland and Ms Riley, thus not having any sentiment of loyalty towards Mr Langley.

25. On this basis, the Commission considered that Ms Riley's version of the events was an exaggeration of what had indeed happened, therefore preferred Mr Lindoe's account.
26. Finally, the Commission considered that the comments stated in Mr Lindoe's statement did not have an abusive and/or offensive and/or improper nature.
27. Accordingly, the Commission concluded that, on the balance of probabilities, Mr Langley did not say the Alleged Comment.
28. As a result of the aforementioned, the Commission found, on the balance of probabilities, the Charge not proven.

#### **VII. SANCTION**

29. As the Commission found the Charge not proven there was no sanction to be imposed on Mr Langley.

#### **VIII. RIGHT TO APPEAL**

30. This decision is subject to the right of appeal under the relevant appeals procedure provided for in the Disciplinary Code.

**André Duarte Costa**

**Gerry Daish**

**Tom Cleeve**

5 March 2023