

# **THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

*SITTING ON BEHALF OF OXFORDSHIRE FOOTBALL ASSOCIATION*

## **NON – PERSONAL HEARING**

**OF**

**STEPHANIE CULLEY**

**EAST OXFORD FC**

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### **THE DECISION AND REASONS OF THE COMMISSION**

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#### **Introduction**

1. These are the written reasons of Brian Coddington (“Chair” or the “Commission”) having considered the matters on papers as Chair alone on a Non – Personal Hearing basis.
2. These written reasons contain a summary of the principal evidence before the Chair and do not purport to contain reference to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Chair did not take such point, piece of evidence or submission into consideration when determining the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials furnished in this matter.

#### **The Charge**

3. By a Misconduct Charge Notification dated 09/11/23, (the “Charge Notification”) issued by the Oxfordshire FA against Stephanie Culley, (SC), SC was charged with a breach of FA Rule E3 - Improper Conduct (including foul and abusive language) (Charge 1).

4. Further, SC was also charged with a breach of FA Rule E3.2 - Improper Conduct - aggravated by a person's Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability (Charge 2).
5. More particularly, it is alleged that SC posted a reel from Instagram into a WhatsApp message which was a video clip of a man asking "what was the most thing sold in the 1800's and the black man has put his hand up to answer and the question and the voice in the video says correct".
6. On 22/11/23 SC pleaded NOT GUILTY to the Charges. SC was content for the matter to be dealt with by way of correspondence. Accordingly, the matter has been dealt with by me, as Chair alone, on a Non-Personal Hearing basis.

#### Evidence

7. An e mail was submitted via the online reporting system from Lamarr Spencer (LS) on 5/10/23. This e mail was initially sent to the league that LS managed a team in, who subsequently forwarded it to the Oxfordshire FA. This e mail gave details of the circumstances which have resulted in the above charges being raised
8. An e mail from James Bruce (JB) of East Oxford FC (EO) on 20/10/23 attaching a statement from SC, 4 character witness statements in support of SC, (although only 3 are evident) and an Agenda and redacted minutes from a meeting of the club held on 16/10/23
9. A reference (unattributed) to the FA Rules, Appendix A, relating specifically to FA Rules E.3 and E.4.
10. A post charge submission via an e mail from JB on 22/11/23. This states that SC takes full responsibility for what happened but is pleading not guilty "as the alleged rules are factually incorrect" and the reason why the charge has been denied.

#### Determination

11. As aforementioned, SC pleaded not guilty to the Charges.

12. SC admits and it is beyond any doubt, that the offending message cum video link was sent, without any information as to its content, on 4/10/23.
13. SC further accepts that she should not have sent it and failed to consider the impact that it might have had on LS
14. SC admits within her submission her error in “making such a bad mistake”
15. The assertion proffered re the not guilty plea and that “the alleged rules are factually incorrect” is not accepted. Indeed F.A. Rule E3.1, which is included in SC’s response, begins with “A participant shall at all times act in the best interests of the game .....
16. SC is clearly a participant and having accepted that status in turn accepts the F.A. Rules
17. I therefore find that, on the balance of probability, Charges 1 and 2 are PROVEN.
18. There are other details within the responses relating to these charges that refer to other actions by other people as a result of the initial actions of SC. For the avoidance of doubt, only those issues relating to the case of SC, the person charged, have been considered.
19. In respect of the Charges, which the Commission has found proven, I have had regard to the FA Sanction guidelines, which are referred to on the Misconduct Charge Notification. The sanctioning range is 6-12 matches. 6 matches is the standard minimum, a Commission may impose a suspension in excess of 12 matches where there are significant aggravating factors. A participant found to have committed an aggravated breach will be subject to an education programme.
20. I have considered the mitigation submitted, of which there is much. SC shows what I consider to be genuine remorse throughout her submission stating, amongst others, “in hindsight something I should have thought more about before sending”; “making such a bad mistake”; posting an online apology; “learnt an important lesson”, “embarrassed and ashamed”.
21. There is further character references submitted in favour of SC.
22. This however does have to be considered against the nature of the offence and the impact that it clearly had upon the recipient of the message.

23. Having found the case Proven, the Commission then considered the previous disciplinary history of SC. This showed no misconduct offences, other than this case and only 1 caution on record. This has been afforded some credit

24. The charge was denied. The Commission could not afford any credit for this.

25. Taking all the above into account, and in considering a sanction that in my discretion strikes the correct balance between all the above factors, I impose the following sanction:

- A 7 match suspension to be imposed;
- A mandatory F.A. Education Programme to be undertaken. This is to be completed before the conclusion of the match based suspension, failing which the participant will be suspended Sine Die until such time as the course is completed;
- 9 Disciplinary Penalty Points to be awarded against the club.

### **Outcome**

26 For the reasons set out above:

- i. Charges 1 and 2 are found PROVEN
- ii. SC shall receive a suspension of 7 matches from all football activity.
- iii. SC shall undertake an F.A. Education programme. This is to be completed before the conclusion of the match based suspension, failing which the participant will be suspended Sine Die until such time as the course is completed.
- iv. The club shall be awarded 9 Disciplinary Penalty Points.

27 This decision is subject to the right of appeal under the relevant FA rules and Regulations

Mr. Brian Coddington

25.11.2023