

THE NATIONAL COUNTY FA SERIOUS CASE PANEL
Sitting on behalf of Oxfordshire Football Association

A NON-PERSONAL HEARING

of

**OXFORD BROOKES UNIVERSITY
(CASE ID: 10622362M)**

DECISION AND REASONS

Introduction

1. On 9th January 2022 the Football Association convened a National CFA Serious Case Non-Personal Hearing on behalf of Oxfordshire FA to adjudicate on disciplinary charges levied against Oxford Brookes University (“OB”).
2. The following panel member was appointed to hear this matter:
Mr Richard Stubbs, member of the National CFA Serious Case Panel
3. By charge letter dated 2nd December 2021 OB was charged in relation to the behaviour of its supporters towards the opposing team’s goalkeeper in a match between OB Futsal v Staffordshire University Men’s (Stoke) Futsal (“SU”) on 7th November 2021.
4. OB is charged with:
 - 4.1. A breach of FA Rule E20 – Failure to ensure players/officials/spectators conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour; and
 - 4.2. It is alleged that the charge is aggravated due to a reference to race and/or nationality.
5. It is alleged that OB supporters made the comment “fucking black keeper” towards the SU goalkeeper during the match.
6. On 16th December 2021 North pleaded guilty to the charge and asked that it be dealt with as a non-personal hearing in their absence.
7. I therefore have to determine the appropriate sanction for the admitted misconduct based on my findings and other relevant matters.
8. The applicable FA Rule E20 states:

“Each Affiliated Association, Competition and Club shall be responsible for ensuring:

E20.1 That its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending or taking part in a Match in which it is involved, whether on its own ground or elsewhere...

The Evidence

9. I was provided with evidence including an extraordinary incident report from the referee, Mr Thomas-Foy and a later email from him. I also received an email from Mr Trevor Goodwin, Head Coach of SU, an email from Mr Mohit Godwani, SU goalkeeper, emails from Harrison Sharpe and Liam Gooch, SU players, an email from Ms Emma O’Hara, OB Sports Coordinator, an email from Mr Enrique Guillen, OB Head Coach, an email from Mr Goncalo Abreu, OB Captain, emails from Mr Tom Wilcox and Thomas Lewis, OB students and emails from Mr Stephen Davis, OB Sport Duty Manager.
10. I had regard to all of the evidence before me, that any particular evidence or document is not referred to below does not mean that it was not taken into consideration in reaching my findings.
11. The referee stated in his report that Mr Godwani, the SU goalkeeper reported that he heard himself referred to as a “fucking black keeper” by some OB spectators. He said that he did not hear the remark but that there was one group of OB supporters who were rowdy and were jeering and sarcastically clapping the opposition to wind them up. He states that he was aware that Mr Godwani was one of two SU players who were particularly targeted as they were getting riled up. He mentioned that the OB supporters sit very close to a bar and that he thought that most of them had had a drink and that

after the report of the racist comment from Mr Godwani he spoke to all the spectators who moved away from the pitch to the bar to watch the rest of the game. The referee states that later in the game an OB foul resulted in both players falling to the floor and tempers flaring with OB and SU players getting physical and an OB substitute entering the pitch and engaging in a physical confrontation with Mr Godwani. The referee states that the interventions of the captains together with him restored order after about a minute.

12. Mr Godwin, SU Coach, reports that there was abuse from OB students before the game when the OB team was asked for ID to confirm that they were eligible to play and that during the match the referee came to him after Mr Godwani had spoken to him about the OB supporters shouting at him and that when the incident at the end of the game took place he heard an OB supporter shout “ref get that fucking black keeper off”.
13. Mr Godwani states that in the second half he heard an OB supporter saying “fucking black keeper” and told the referee what had been said. He states that the crowd were drunk.
14. Mr Sharpe states that he was aware that as the OB supporters drank more the abuse from them got more personal and that he heard the term “fucking black keeper”. Mr Gooch states that he the OB supporters abused the SU players during the game and that Mr Godwani was visibly upset in the second half and stated that he had been called “a fucking black keeper”.
15. Ms O’Hara was not present at the game but confirms that OB have informed all student athletes that the conduct of student-athletes and their friends who come to support them had been the cause of much distress and was not acceptable. She confirmed an internal investigation had been commenced.
16. Mr Guillen confirms that he was aware during the match that Mr Godwani said that he had been racially abused but that those he asked had not heard anything. Mr Abreu also states that he did not hear anything. Messrs Wilcox and Lewis also state that they did not hear anything.

17. Mr Lewis states that “it is amusing that after a tough-to-take defeat, and their players giving just as much verbal abuse, if not more, they throw racism claims our way as their attempt at retribution.” I do not share Mr Lewis’ amusement and note that the claims were raised during the game and are admitted by OB.
18. In one of his emails Mr Davis reports that following the game, “Ethan on reception” was talking to the referee and that he mentioned that someone from the crowd from OB was being racist towards the SU goalkeeper.
19. OB have accepted the charge against them and I remind myself that it is for the club to either accept or deny the charge against them, and so OB has accepted that the term “fucking black keeper” was used by one of its spectators.

Sanction

20. I considered the relevant rules under FA Rule E20, E21, E22, Disciplinary Regulations 40 and 41 and the Sanction Guidelines issued by the FA.
21. Given the guilty plea I was provided with OB’s record, which had no other misconduct offences on it and I therefore took OB’s clean record into account as a mitigating factor.
22. I considered that there were aggravating features present in relation to this charge, which were that the comments were aggravated due to the reference to the colour of Mr Godwani and the apparent lack of contrition from the OB supporters. Whilst reference in the report was made to the physical confrontation at the end of the game, the only mention in the charge is of the words admitted to have been used towards Mr Godwani and I therefore impose a sanction based on the charge only and do not include these matters as further aggravating features. I also note that the game was not abandoned and it appears that the conduct improved after the referee spoke to the supporters who appeared to have been drinking.
23. Taking into account the mitigating features of the guilty plea and the club’s record and the aggravating features referred to above, in my view the appropriate sanction is at the upper end of the mid range bracket/the lower end of the high culpability bracket.

24. I consider that taking into account all of the circumstances and applying the sanction guidelines for E20 breaches for teams outside the NLS Leagues, the appropriate sanction is:

- i. A £75 fine; and
- ii. 7 penalty points.

25. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Mr Richard Stubbs

9th January 2022