

Disciplinary Commission ("The Commission")

On behalf of Surrey FA ("SFA")

In the matter of Adam Streeter ("AS")

(Case number 11603141M)

Hearing Summary including Written Reasons

INTRODUCTION

1. This is a hearing summary and includes written reasons for the decision of the Disciplinary Commission (The Commission) which sat on Wednesday 20th March 2024.
2. The FA appointed Mr. Michael O'Brien as Chair of the Commission.
3. The following is a record of the salient points which the Commission considered. It is not intended to be, and should not be taken to be, a verbatim record of the hearing.

THE CHARGE

4. Following a game between Manorcroft United ("MU") v Tongham FC ("TFC") on 13/2/24, SFA raised an E3 charge against AS on the 13/3/24:

FA Rule E3 - Improper Conduct (including foul and abusive language)

Improper Conduct - aggravated by a persons Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability

It is alleged that AS used abusive and/or indecent and/or insulting words or behaviour contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to sexual orientation. This refers to the comment "queer" or similar.

5. The charge sheet advised that, should the Commission find the charge proven, then the FA's recommended sanction guidelines indicate a suspension of 6 – 12 games.
6. AS denied the charge and requested a hearing based on correspondence.

EVIDENCE

7. The Commission had before it the following evidence and/or statements:
 - A statement from match referee, CS, who stated 'Homophobic comment from TFC Manager (Use of the word "Queer") during the fixture. Safeguarding incident in regards to TFC's Club Linesman - alleged verbal insults targeted towards him such as "Fat Twat". The club assistant is 17 years old'. A further clarifying statement was submitted whereby CS stated 'During the match I heard the word "queer" come from the area where the benches were situation. I could not identify who the culprit was as I was not facing towards where the homophobic language originated from however, my observer for the fixture EK, identified the culprit from the TFC managed team. She informed me of this after the match and stated I should fill out a report and she would do her own'.

- A statement from Referee Observer, EK, who stated 'I can confirm that I heard the manager of TFC say to a MU player in front of the dugouts 'Little queer'. I can't remember if it was due to a foul tackle or a throw in. It happened in the second half but I do not know when'.
- A statement from TFC Club Official, RS, who stated 'In relation to the allegation referenced to discriminatory language; as someone who was involved from the touchline in the away dugout, I was deeply surprised, shocked and disappointed to have been made aware that such a complaint was made. In the incidents which involved both sets of players, I can honestly say I did not witness any language deemed to be of a discriminatory nature, and certainly not from the first team manager at TFC, who not only holds extremely high personal standards for his conduct but also tries to instill these standards into the playing teams and club as a whole. Professionalism and conduct is of upmost importance to all those at TFC and as such is a regular topic of conversation and expectation of those associated with the club, particularly as the club tries to improve this perception externally'.
- A statement from AS, who stated 'Firstly I am extremely disappointed in the allegations that have arisen about me, as these allegations are very serious and completely wrong. If you look back at my records I had to deal with a similar situation with one of my players. He got a big ban along with a fine, so it would be silly for me to ever think of saying a discriminatory word like Queer. Plus I wouldn't even say that word, it's not in my vocabulary. I'm very disappointed by this allegation and it's making me feel like giving up on football all together, this is defamation of my character. The Game was very heated at MU but the game was a good battle, where MU took 3 points and we shook hands and moved on. What disappointed me was one of MU's coaches abused our Lino, one of them calling him a FAT something and their Home fans abused him nearly the whole game, potentially this is where the alleged comment came from as many insults were said towards our Linesman, but as I have clearly stated, not from me. The referee did nothing even though I told him many times what was happening, trying to support the referee and officials in this. MU Manager with 15 mins to go told the home fans to stop as it's out of order, but only after I said to him and the ref, I will pull my team off the pitch if this carries on. He then again with 10 minutes to go told them again, so I thanked him for that and that's why I didn't take my team off the pitch. They got the 3 points and game was done everyone shook hands. Some of my players were annoyed at the home fans for abusing the Lino but nothing kicked off. We went back to changing rooms got changed, we made sure we left changing room tidy and went back to Tongham. Club Linos are so hard to find and ours who is 18 years old is a respectable young man, comes every week in his own time to run the line for us as and he is part of our club. To be abused like he was is disgusting behavior and so disrespectful to him and the game'.
- A statement from LO, TFC Chairman, who stated 'I attended this game and other than the 10 minutes I spent standing behind our young linesman, to protect him from the vile comments being aimed at him from MU supporters who incidentally were drinking alcohol pitchside, I spent the rest of the game just to the left of the away dugout. I didn't hear the word queer mentioned by anyone from our team or supporters.... I would like to say something about young AS, he joined us several years ago and along with others has rejuvenated our Club, both on and off the pitch. We had a similar allegation a few years back and both AS and myself were involved in getting that resolved, which it did, resulting in a lengthy ban and fine for the player concerned. AS swore then that the Club would not be subjected to another such incident and made his feelings clear to every player that signed for TFC. I just cannot see how AS could be accused of such a comment with his knowledge of the consequence of such comments'.

8. The foregoing is a summary of the key evidence provided to the Commission. It does not purport to contain reference to all the points made or all evidence considered, however the absence in these reasons of any particular point, or submission, should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials furnished with regard to this case.

DETERMINATION

9. The Commission considered all the evidence presented, and found, using the applicable standard of proof which is balance of probability, that the charge of contravention of FA Rule E3, was proven. In coming to this decision, The Commission assessed that two independent sources had heard the word queer come from the TFC bench area. Although there were two others who state that they didn't hear the word used, one of them was not present throughout and, in any event, it is quite possible that if even if the individuals were present at the time, they may not have heard the comment, or, they could have heard it and are choosing to testify otherwise to assist a colleague. All things considered, The Commission were satisfied that the word queer was very probably used (in an inappropriate manner) from somebody in that vicinity. The Commission then assessed that, although there would probably have been several individuals in that area, EK had identified AS as the individual who had made the comment. Given that The Commission was satisfied that the word was probably used, it was deemed to be likely that either i/ AS had made the comment as identified by EK; or ii/ Somebody else in that area had made the comment and EK had wrongly attributed it to AS. The former was considered to be more likely. EK had positively identified AS as the person making the comment and had enough awareness of the incident to know who it was directed at. The chances of EK being correct in attributing the comment to AS were deemed to be more likely than the chance of EK being mistaken.

10. The Secretary gave the Commission the disciplinary record of AS over the last five years, which showed one case of Improper Conduct against a Match Official - (including abusive language/behaviour) from February 2023 for which AS was issued a fine of £45.

11. In terms of aggravating factors, The Commission considered the fact that AS is team manager to be aggravating. AS should be setting an example and is therefore held to a high standard. In terms of mitigating factors, The Commission did not find any.

OUTCOME

12. The sanction imposed by the Commission is as under:

- 8 game suspension
- An order that the Participant completes an education programme before the time-based suspension is served or within 28 days of the Disciplinary Commission's decision, whichever is the later
- 6 Club disciplinary points

13. There is a right of appeal against these decisions in accordance with the relevant provisions set out in the Rules and Regulations of the Football Association.

Michael O'Brien (Chairman), 20th March 2024