

FA NATIONAL SERIOUS CASE PANEL

DISCIPLINARY COMMISSION

on behalf of Amateur Football Association

CORRESPONDENCE HEARING

of

MHFC

[Case ID: 11611863M]

THE DECISION AND REASONS OF THE COMMISSION

<u>Content</u>	<u>Page</u>	<u>Paragraphs</u>
1. Introduction	3.....	1 - 2
2. The Charge	3.....	3 - 7
3. The Reply	4.....	8
4. The Commission	4.....	9
5. The Hearing & Evidence	4.....	10 - 20
6. Standard of Proof	7.....	21
7. The Findings & Decision	7.....	22 - 29
8. Previous Disciplinary Record	9.....	30
9. Mitigation	9.....	31
10. The Sanction	9.....	32 - 36

Introduction

1. On 06 February 2024, Amateur Football Association (“Amateur FA”) received a complaint about a social media post made by MHFC, with the social media account name “*muntershuntersfc*”, and tagging Camden & Islington United FC “*@candiunited*”.
2. Amateur FA investigated the reported incident.

The Charge

3. On 19 February 2024, Amateur FA charged MHFC (the “Club”):
 - 3.1. with misconduct for a breach of FA Rule E1 – Failed to comply with Rules and Regulations of the Football Association; and
 - 3.2. it was alleged that MHFC and its members have acted in a manner that is contrary to FA Rule E1.2, and it was further alleged that the language and/or behaviour made reference to gender. This referred to the social media post on Instagram included within the charge evidence titled ‘*MHFC Screen Recording*’ and the word “*railed*” put in reference to females shown on the post, plus the tagging of Camden & Islington United club “*@candiunited*” on the post showing a female in a state of undress, or similar.

4. The FA Rule E1 and E1.2 states¹:

“E1 The Association may act against a Participant in respect of any Misconduct, which is defined as being a breach of the following:

[...]

E1.2 the Rules and regulations of The Association and in particular Rules E3 to E28 below [...]”

5. The relevant section of FA Rule E3 states²:

“E3.1 A Participant shall at all times act in the best interest of the game and shall not act in any manner which is improper or brings the game into disrepute or use any

¹ p. 143 of FA Handbook

² p. 143 of FA Handbook

one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

E3.2 A breach of Rule E3.1 is an "Aggravated Breach" where it includes a reference, whether express or implied, to any one or more of the following: - ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability. [...]"

6. Amateur FA included with the charge letter the evidence that they intended to rely on in this case.
7. The Club was required to respond to its charge by 04 March 2024.

The Reply

8. On 04 March 2024, the Club responded online by accepting the charge and requested the case to be heard in their absence as a Correspondence Hearing.

The Commission

9. The Football Association ("The FA") appointed me, Thura KT Win, as a Chair Panel member of National Serious Case Panel, to this Discipline Commission as the Chair Sitting Alone to adjudicate this case.

The Hearing & Evidence

10. I adjudicated this case on 14 March 2024 as a Correspondence Hearing (the "Hearing").
11. I had received and read the bundle of documents, including a videoclip of the social media post titled '*MHFC Screen Recording*', prior to, and at, the Hearing.
12. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all the evidence and materials furnished with regard to this case.

13. The correspondences in the bundle made references to the Club name and other issues which are not matters for me and if any criminal offences may have been committed then those would be the matters for the Police in the first instance.
14. For avoidance of doubt, the matter before me is the relevant content of the 'MHFC Screen Recording' ("videoclip"), as alleged in the charge.³
15. In summary, the London Football Sunday Football League (the "League"), in which MHFC and Camden & Islington United play in, contacted Amateur FA via EMail, on 06 February at 17:57, in which it was stated that (I quote the relevant text):

"... Camden & Islington United contacted us yesterday to report this mater, and we promptly instructed MHFC to remove their posts. They complied with our request and apologised to us. Subsequently, we notified Camden & Islington United and they requested the mater to be escalated with the AFA [Amateur FA].

Additionally, I have attached a screen recording that illustrates the concern raised by Camden & Islington United..."

16. Under the "Camden & Islington United Complaint" submitted via the League, it stated that (I quote the relevant text):

"... they [MHFC] have chosen to draw our club into this content, unprovoked, and without any relevance to the leagues or cups we play in. This was not football-related content: this was a group of people who happen to play football together, posting deeply offensive and potentially libellous or criminal content, on a public Instagram account that also contains posts explicitly mentioning your brand..."

A post that shows the faces of two clearly identifiable young women, posing for a picture, with the caption 'Railed': it has come to our attention that the term 'railed', which is used several times on their story referencing specific women clearly identifiable in images, is a slang term for having sex with someone. We were unaware of this terminology when we first wrote to you, but to be clear: these women's faces are now being posted on a public account that is effectively named 'ugly women', which has been shared widely (to the extent it has reached several members of our community) with the claim (whether

³ para 3.2

true or not) that they had sex with members of MHFC. There is no suggestion that these women agreed to their image, or private data, to be used in this regard.

In short, many men and women within our community have notified us that they find the content on MHFC's social media page, and their decision to associate us with it, deplorable and extremely offensive..."

17. In an EMail response to Amateur FA, on 09 February 2024 at 16:58, MHFC stated that (I quote the relevant text):

"... We weren't aware pictures and videos were being taken and being posted on social media. All the posts were deleted straight after next morning and when asked, we removed all the content which could come across as offensive immediately. In addition, we didn't mean to offend anyone or being rude to the opposition. One of the members of our team who has access to social media account posted it, however we are not sure who did it exactly..."

18. To a subsequent request by Amateur FA to "provide names of all parties who had or have access to the account. This is an FA investigation and is confidential", MHFC responded, on 09 February 2024 at 18:10, and stated (I quote the relevant text):

"Apologies, I can't disclose this information as it is private. Please, also find attached MHFC statement regarding this situation..."

19. This MHFC statement, included, stated that (I quote the relevant text):

"Within the realm of football, misogyny is a topic that warrants serious attention and proactive measures. It is imperative to emphasise that all individuals associated with the team firmly uphold principles of fairness and equality for both men and women in and out of football. The recent article published by The Guardian Sport and the public statement by Camden and Islington United (Candi) may paint a somewhat distorted picture, therefore it is necessary to delve deeper into the context and underlying facts of the situation, which we believe to have been misrepresented and/or omitted in a potentially defamatory manner..."

Regarding the social media content (photo's) that has been brought into the limelight for the FA's investigation, it depicts consenting adults engaging in public displays of affection, specifically, the act of kissing girls in a public bar / nightclub. We believe this

to be important information that was omitted in both pieces published on this investigation, as 'offensive' and 'potentially criminal', the terms used in Candi's statement, suggest serious wrongdoing. Not only is this deeply misleading, but slanderous and defamatory - unsubstantiated claims such as this could have adverse consequences for both parties. While one may question the appropriateness or discretion when uploading content such as this to social media, it is a far stretch to label it as misogynistic. Misogyny entails a deep hatred or prejudice towards women, a sentiment clearly absent when considering the broader context of this investigation, now provided. It's also worth highlighting that MHFC has previously attracted female spectators when playing in a cup final last year - the team name did not deter them nor subject them to any form of misogyny...

We are not a professional institution, we are a bunch of mates who enjoy kicking a ball and having a pint afterwards.

When navigating these matters a nuanced approach is required, distinguishing genuine instances of misogyny from, what we believe in our case, harmless banter. We hope that the actual challenges facing football can be tackled and an environment of fairness and inclusivity for all participants and supporters alike can be fostered."

20. That concluded all relevant evidence in this case.

Standard of Proof

21. The applicable standard of proof required for these cases is the civil standard of the balance of probability. This standard means, I would be satisfied that an event occurred if I considered that, on the evidence, it was more likely than not to have happened.

The Findings & Decision

22. The Club had accepted the charge⁴ and "credit for guilty plea" would be given.
23. I agree with the complaint from Camden & Islington United that the videoclip "was not football-related content"⁵, but the post tagging Camden & Islington United, "@candiunited", had brought it into the football arena.

⁴ para 8

⁵ para 16

24. The Club had stated that the images depicted “*consenting adults engaging in public displays of affection, specifically, the act of kissing girls in a public bar / nightclub*”⁶, but whether these were “*consenting adults*” or whether the females in the images consented to their images being posted on the social media, as raised in the complaint, are not matters for me, but the Police should individual wishes to pursue such complaints.
25. However, tagging the videoclip to “@candiunited”; the caption “@candiunited we are coming”; with images of young females and the word “*railed*”, which the Club had not denied its meaning being “*a slang term for having sex with someone*” as asserted by Camden & Islington United; I found it was more likely than not to have given the impression that the contents and messages of the videoclip were aimed at the members of Camden & Islington United and they are improper, offensive, abusive and insulting to members of Camden & Islington United, especially to their female members or associates.
26. Whilst the Club stated that they believed it was a “*harmless banter*”⁷, I found this conduct to be a breach of FA Rule E3.1⁸ and an Aggravated Breach, as defined by FA Rule E3.2⁹, as the breach of FA Rule E3.1 includes a reference, whether express or implied, to gender.
27. Therefore, a charge for breach of FA Rules E1 (and E1.2)¹⁰ is proper in the circumstances. I found the charge¹¹ PROVEN, and the Club had subsequently ACCEPTED¹² the charge correctly.
28. I assessed the nature and seriousness of the offence and the culpability to be at the top end of high level within the scale of the offence.
29. When asked by Amateur FA to “*provide names of all parties who had or have access to the [social media] account. This is an FA investigation and is confidential*”¹³, I found the Club’s response “*Apologies, I can’t disclose this information as it is private*”¹⁴ to be failing to cooperate with Amateur FA in their investigation and I deem it to be a degree of aggravating factor.

⁶ para 19

⁷ para 19

⁸ see E3.1 in para 5

⁹ see E3.2 in para 5

¹⁰ paras 3 and 4

¹¹ para 3

¹² para 8

¹³ para 18

¹⁴ para 18

Previous Disciplinary Record

30. After finding the Club had accepted the charge correctly, I sought its previous disciplinary record. The Club has one team and no previous disciplinary record in the current and over the past five seasons.

Mitigation

31. In addition to accepting the charge, there was no, what I would deem to be, specific mitigation presented by the Club. However, the Club had complied with the League's request to promptly remove the post when asked¹⁵ and apologised to the League¹⁶ for which a degree of credit would be given.

The Sanction

32. The Sanction Guideline range for a breach of FA Rule E1.2 at high level of seriousness in the level of football the Club is playing at is a fine between £75 and £200.

33. As I assessed the nature and seriousness of the offence and the culpability to be at the top end of high level¹⁷, I considered that the appropriate and proportionate starting point will be at £180.

34. With giving one-third off as *credit for guilty plea*¹⁸, it would reduce the fine to £120. A degree of aggravating factor found¹⁹ would increase the fine, but the Club's good disciplinary record²⁰ and a degree of credit for mitigation found²¹ would help reduce the fine. I decided that a fine of £100 would be an appropriate and proportionate penalty in this case.

35. After taking into consideration all circumstances in this case, the Club is fined a sum of £100 (one-hundred pounds).

36. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

¹⁵ paras 15 and 17

¹⁶ para 15

¹⁷ para 28

¹⁸ para 22

¹⁹ para 29

²⁰ para 30

²¹ para 31

Signed...

Thura KT Win JP LLM MCI Arb (Commission Chair)

24 March 2024