

IN THE MATTER OF

ENGLAND BOXING

&

MR WAYNE HEYWOOD

DISCIPLINARY PANEL DECISION

INTRODUCTION

1. This is the decision of the Disciplinary Panel, consisting of Mr Lawrence Selby (Chair) and Mr Tom Watkins, in the matter of Mr Wayne Heywood, pursuant to the “Disciplinary and Appeals Procedures” [the “Procedure”], of September 2010.

JURISDICTION

2. Section 6.1 of the Procedure states:

“The Disciplinary Panel shall be made up of 3 members. In extra ordinary circumstances, 2 members may sit however, the Respondent must give

written authority to allow this."

3. Mr Heywood provided his written authority for the Panel to consist of only 2 members, given the late withdrawal of Ms Janet Vitti.
4. Furthermore, Mr Heywood also provided his written authority for the Hearing to proceed as a "Virtual Hearing", namely with some parties participating via FaceTime and conference call.
5. In all the circumstances, the Panel was most grateful to Mr Heywood for his co-operation and assistance, in both these regards.

PARTIES

6. The following participated in the Hearing, on Saturday 16 July 2016:
 - Mr Lawrence Selby (Panel Chair) – 9 Bedford Row, London
 - Mr Tom Watkins (Panel Member) – via FaceTime
 - Mr Gordon Valentine (EB National Compliance Manager) – 9 Bedford Row, London
 - Ms Charlotte Mitchell-Dunn (on behalf of the Complainant, Mr Gio Brugnoli) – 9 Bedford Row, London

- Mr Wayne Heywood (Respondent) – via conference call

THE CHARGES AND PLEAS

7. Mr Heywood faced five [5] charges, which are dealt with, in turn, below.
8. It is not proposed to rehearse the facts of each charge in any detail; (i) they are well known to all parties and (ii) they are, in essence, self-explanatory.

Charge 1

Between July 2015 and May 2016, by entries on his Facebook page, Mr Heywood breached AIBA Disciplinary Code 3.1e, in that he failed to behave with respect to others, namely Mr Ching-Ku Wu, President of AIBA.

Charge 2

Between July 2015 and May 2016, by entries on his Facebook page, Mr Heywood breached AIBA Disciplinary Code 3.1e, in that he failed to behave with respect to others, namely Directors of England Boxing.

Charge 3

Between July 2015 and May 2016, by entries on his Facebook page,

Mr Heywood breached AIBA Disciplinary Code 6.3, in that he attempted to undermine the honour of another member, subject to this Code, namely Mr Ching-Ku Wu, President of AIBA, through inappropriate discourse.

Charge 4

Between July 2015 and May 2016, by entries on his Facebook page, Mr Heywood breached AIBA Disciplinary Code 6.3, in that he attempted to undermine the honour of another member, subject to this Code, namely Directors of England Boxing, through inappropriate discourse.

Charge 5

Between July 2015 and May 2016, Mr Heywood posted comments derogatory, on FaceBook, in contravention of the England Boxing Officials Code of Conduct, signed by him on 13 April 2014. This being against the interests of England Boxing.

All 5 Charges being contrary to the England Boxing Code of Conduct.

9. Pursuant to section 10.2 of the Procedure, the Charges were put to Mr Heywood, who declined, as is his right, to enter any plea.

MATTERS TO BE DETERMINED

10. In the circumstances of this Hearing, and given there was no dispute that:

- The postings had been made by Mr Heywood;
- Mr Heywood was bound by the AIBA Disciplinary Code;
- Mr Heywood was bound by the Code of Conduct of England Boxing Limited (which incorporated AIBA's Regulations);
- Mr Heywood was bound by the England Boxing – Official's Code of Conduct;

the consideration for the Panel was:

- a) Whether any of these postings, on a proper interpretation, viewed objectively and given their everyday meaning, satisfied the Charges, as alleged ["the language test"];
AND
- b) If the language test was proved, whether the target of the language was properly identified, so as to satisfy the Charges, as alleged ["the target test"].

11. The Panel confirmed that:

- (a) the applicable standard of proof required for this case was the civil standard, namely, the balance of probability – ie was it more likely than not that Mr Heywood had committed the offences;

(b) it was for England Boxing to satisfy the Panel of Mr Heywood's guilt.

THE EVIDENCE

12. The following is a summary of the principal evidence/submissions provided to the Panel.

13. 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 the Panel did not take such point, or submission, into consideration when the members considered the matter.

14. For the avoidance of doubt, the Panel carefully considered all the evidence and materials furnished with regard to this case.

15. Ms Mitchell-Dunn, on behalf of the Complainant:

- Outlined those posts in support of her case;
- Referenced previous correspondence from the Complainant warning the Respondent: (i) as to his conduct – namely social media postings; and (ii) to cease from such conduct.

16. Mr Heywood, on his own behalf:

- Argued that not all the postings were either disrespectful;

- undermining of the honour of another; or derogatory;
- Explained that, in any event, he believed his right to free speech/freedom of expression outweighed any mischief caused by any of the postings which, under questioning from Ms Mitchell-Dunn, he admitted having posted;
 - Accepted that the following postings were disrespectful; and/or undermining of the honour of another; and/or derogatory:
 - Accompanying a picture of President Wu, “Village idiot has destroyed Amateur Boxing”;
 - References to “... Wu has(d) a head full of cocoa beans ...”;
 - “The clown who is head of AIBA head full of magic it’s corrupt at that level whoever keeps putting the most money in will keep winning and bribery is rife.”;
 - “England Boxing yet again take away from regions so they can line there pockets to pay obviously extortionate expenses bills well over 25k now and guess what I was originally down to ref them b4 that shower took over and have been kicked off again certain board members are a disgrace and deserve what’s coming and what you get.”
 - Confirmed (a) signing an “England Boxing – Officials Code of Conduct”, dated 13 April 2014, and (b) being bound by the “Code of Conduct of England Boxing Limited”, dated 25

November 2015.

17. Ms Mitchell-Dunn then summarized the case for the Complainant and Mr Heywood then summarized his case.
18. The Panel then retired to consider its decision against Mr Heywood.

FINDINGS

19. The Panel had no difficulty in concluding that, even on Mr Heywood's own admissions, Charges 1, 3 and 5 were proved.
20. In relation to Charges 2 and 4, the Panel was not satisfied that, even in those instances where the language test was met, the subject test was proven. Accordingly, the Panel found Charges 2 and 4 not proven.

MITIGATION

21. The Hearing then reconvened and the Panel announced its decision.
22. The Panel was advised that Mr Heywood had no previous disciplinary offences of any kind but had been subject to an Interim Suspension, dating back to 28 February 2016.
23. Mr Heywood was then offered the opportunity to put forward

any mitigation, on his behalf. He highlighted the following:

- His long service to amateur boxing;
- His frustration at his perception of the current status of grassroots boxing;
- His acceptance that, although he had a right to express his views, he had to ensure that any such expressions were temperate and within acceptable parameters.

SANCTION

24. The Panel then retired to consider sanction.

25. The Panel considered the following to be to Mr Heywood's credit, and took them into account when deciding the appropriate sanction:

- Mr Heywood had no previous misconduct offences of any kind;
- Mr Heywood had expressed acceptance for his conduct, during the course of the Hearing;
- Mr Heywood's long service to Amateur Boxing.

26. In all the circumstances, and having considered all its available options, the Panel concluded that the appropriate sanction was:

- a requirement to change current practices (re social media

- activity);
- a 12 month suspension from officiating at Elite Championships
 - suspended for 7 months.

[NB. For the avoidance of any doubt, the Panel's decision allows for Mr Heywood's return to officiating at Elite Championships from 29 July 2016.]

27. No financial penalty was imposed.

28. No order as to costs was made.

29. The Panel was reconvened and the Sanction was announced.

APPEAL

30. This decision is subject to the right of appeal under the relevant Procedure and Mr Heywood was informed of the same.

MISCELLANEOUS

31. Mr Heywood was asked whether he considered that the hearing had been fair. He confirmed that he did.

Signed:



Dated: 25 July 2016

Lawrence JC Selby

Chair