

BASKETBALL OTAGO DISCIPLINARY & JUDICIAL POLICY



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DISCIPLINARY MATTERS

PURPOSE

- i. Define the jurisdiction of Basketball Otago for managing judicial matters
- ii. Establish the parameters around the composition, functions, powers, penalties, appeals and procedures for the various hearing bodies and persons with jurisdiction for judicial matters and disputes.

RATIONALE FOR THIS POLICY

A 'Zero Tolerance Policy' has been adopted by the Board of Basketball Otago and will be enforced at all tournaments, leagues and other events run under the auspices of Basketball Otago.

Judicial Regulations protocols will be established to further explain the full functions, process and powers of the judicial system established by Basketball Otago.

CORE PRINCIPLES – EJECTIONS/CITING'S/MISCONDUCT

The principles set out below are mandatory in judicial regulations at all levels of the game:

- i. All games are equal. A player suspended from playing the game shall be suspended from participating in any game at any level of Basketball during the period of his/her suspension.
- ii. The principles of natural justice shall be adhered to in all judicial proceedings. Such principles include players who are the subject of a hearing before a Judicial panel shall have the right to know the evidence against them, shall have the right to be heard, to be represented, to produce evidence and defend themselves before independent adjudicators.
- iii. This Judicial Regulation Protocols recognizes that judicial procedures will be different in a Tournament context.

DISCIPLINARY MATTERS POLICY

Basketball Otago will ensure that the disciplinary hearing bodies of the association are set up and decide matters in accordance with the principles of natural justice and procedural fairness. This includes but is not limited to the hearing body:

- i. Conducting the hearing in a manner that is fair and appropriate to the circumstances,
- ii. Providing the parties adequate notification of the date, time, and place of the hearing
- iii. Ensuring adequate notification of the specific charges and allegations that are made against the defendant (i.e. the person against whom the allegation is made),
- iv. Ensure the defendant and their representatives, is given an adequate opportunity to be heard and to prepare and present their case,
- v. Ensuring the defendant is provided with and given proper opportunity to consider, challenge or contradict any evidence that is relied upon to support allegations against them, and that the defendant is also fully aware of the nature of these allegations,
- vi. Having a lack of actual bias
- vii. Not acting outside its powers or jurisdiction
- viii. Inquiring into the matters of dispute
- ix. Deciding supported by the evidence
- x. Not imposing a penalty that is either excessive or inappropriate and allows alongside of the Basketball New Zealand Judicial Policy.

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POLICY IMPLEMENTATION

Basketball Otago have agreed that the following implementation process will be followed –

- i. Once the Competition Manager receives a Referee report, or protest/complaint; a Disciplinary Committee will determine if further action should be taken
- ii. If it is to be determined that further action is to be taken, acknowledgement of the complaint is to be sent by the General Manager within 24 hours of the protest or complaint being received.
- iii. All judicial referrals will be dealt with within seven (7) days and the outcome and updates to be communicated by the General Manager to all parties within 24 hours of the decision reached by the Disciplinary Committee.

JUDICIAL MATTERS

1. Purpose

The purpose of this judicial policy is to provide a thorough way which all allegations of misconduct arising from Basketball Otago related activities and/or by persons over which Basketball Otago has jurisdiction can be dealt with effectively and fairly.

2. Core Principles – Ejections/Citing's/Misconduct

The principles set out below are mandatory in judicial regulations at all levels of the game:

- i. The sanctions applicable to Foul Play/Misconduct shall be the same at any level of basketball;
- ii. All fixtures are equal. A player suspended from playing the games will be suspended from participating in any fixture at any level of basketball during the period of his/her suspension.
- iii. The principles of natural justice shall be adhered to in all judicial proceedings. Such principles include, players who are the subject of a hearing before any committee/panel shall have the right to know the evidence against them, shall have the right to be heard, to be represented, to produce evidence and defend themselves before independent adjudicators;
- iv. All Judicial Bodies shall meet the criteria for appointment in this policy and shall be independently appointed and shall exercise their functions independently of the parties to the fixture and/or proceedings.
- v. When the game is played in a Tournament format, this regulation recognises that judicial procedures will be different in a tournament context;
- vi. It is recognised that due to particular circumstances, Basketball Otago may wish to depart from certain provisions of these regulations for players under the age of 14 and they have the flexibility to do so.

3. Competitions for which Basketball Otago has Jurisdiction

- i. Basketball Otago affiliated competitions and tournaments
- ii. Basketball Otago trials and programmes

4. Code of Conduct

All members are expected to adhere to the Basketball Otago Code of Conduct, which includes but is not limited to:

- i. Respect for all players, coaches, referees, and staff.
- ii. Adherence to the rules and regulations of the game.
- iii. Commitment to fairness and sportsmanship.
- iv. Zero tolerance for violence, discrimination, or harassment.

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The full version of the Basketball Otago Code of Conduct can be found on our website and copies have been distributed to schools and club contacts.

5. Appointment of the Judicial System

5.1. The Judicial System will consist of three tiers

- i. **Disciplinary Panel** – Minor infractions will be dealt with by this committee.
- ii. **Judicial Panel** – for more major incidents, the disciplinary committee will submit the case to the Judicial Panel for further investigation.
- iii. **Appeal Tribunal** – All parties heard above judicial panel by the appropriate body will have the right to appeal the decision to the Appeal Tribunal.

5.2. The members will be chosen for their experience and standing in the basketball community, and shall have the following qualities:

- i. A sound knowledge of the game;
- ii. An understanding of procedures; and
- iii. An understanding and experience of the principles of natural justice

*** No members who hold a direct position on a Basketball Otago affiliated club/school may be a member of the disciplinary committee or judicial panel.*

6. Disciplinary Committee

Basketball Otago Disciplinary Committee will consist of 3 members and oversee the minor infractions

- i. General Manager of Basketball Otago
- ii. Competitions and Officials Manager of Basketball Otago
- iii. Independent Representative

Definition of “minor infractions” can consist of but not limited to, swearing at officials, other players/coaches, or Basketball Otago staff and/or volunteers; ejections from the stadium due to unsportsmanlike conduct or getting two technical fouls in a day/game and a breach of our Code of Conduct and Zero Tolerance Policy.

7. Judicial Panel

Basketball Otago appoint 5 members on the Basketball Otago Judicial Committee which will consist of the following representatives –

- i. General Manager of Basketball Otago
- ii. Basketball Otago Board Member (*not currently involved in an affiliated club of Basketball Otago*)
- iii. Senior Referee Representative
- iv. Independent Representative
- v. Sport Otago Representative

For all other matters and/or situations being an affiliated association to Basketball New Zealand, we refer to the Basketball New Zealand Judicial Regulation, Book 6. As stated, if an Affiliated Association does not have such judicial rules and regulations, it may apply Basketball New Zealand judicial regulations as far as practically applicable.

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8. Judicial Proceedings

When the office receives an official report this will go to the disciplinary committee for investigation. From there they will determine whether the report needs to be escalated to the judicial panel or can be dealt within the committee.

Major offences that will bypass the disciplinary committee and straight to judicial is as follows but not limited to:

A person who is a part of the game commits an offence, before, during or after the game –

- i. Fight (where two players or more are involved)
- ii. Strike or attempt to strike a player, coach, official, or other person with a clenched fist
- iii. Strike a player, coach, official, or other person with an open palm
- iv. Strike a player, coach, official, or other person with the ball or other objects.
- v. Deliberately trip a player, coach, official, or other person
- vi. Move in under a player who is in the air
- vii. Play unduly rough
- viii. Use abusive or offensive language or signs, threatening or obscene language towards a player, coach, official, or other person
- ix. Adopt a threatening attitude towards a player, coach, official, or other person.
- x. Adopt a fighting attitude towards an official
- xi. Participate in Basketball whilst suspended.
- xii. Carry out unsportsmanlike conduct
- xiii. Carry out unsportsmanlike conduct disputing decisions with officials
- xiv. Pause an official with an open palm, shoulder, or hip.
- xv. Violently, dangerously, with anger or otherwise treat the game equipment or fixtures in such a way that it causes serious damage to the equipment or fixtures or people in the venue.
- xvi. Wager anything of value in connection with any game or event conducted by or under the auspices of Basketball Otago or Basketball New Zealand.
- xvii. Offer, give, solicit, accept, or agree to offer, give, solicit, or accept anything of value to or from any person with the intent to influence any player's effort in a game.
- xviii. Engage in aggravated behaviour
- xix. Engage in conduct contrary to the integrity of the game of basketball

A person who is refereeing, officiating, or coaching in a game commits an offence if, before, during, or after the game they:

- i. Carry out unsporting conduct arguing with or between players, coaches, referees, or officials
- ii. Strike or attempt to strike, kick, elbow, or trip a player, coach, official or other person.
- iii. Intentionally trip a player, coach, referee, or official.
- iv. Adopt a threatening attitude towards a player, coach, referee, or official.
- v. Adopt a fighting attitude towards a player, coach, referee or official.
- vi. Use abusive, threatening, or obscene language towards a player, coach, officials, or other person.
- vii. Pause a player, coach, referee, or official with open palm, shoulder, or hip.
- viii. Strike a player, coach, referee, or official with the ball or other objects.
- ix. Wager anything of value in connection with any game or event conducted by or under the auspices of Basketball Otago or Basketball New Zealand.

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- x. Offer, give, solicit, or accept, or agree to offer, give, solicit or accept anything of value to or from any person with the intent to influence any player's effort in a game.
- xi. Engage in aggravated behaviour.
- xii. Engage in conduct contrary to the integrity of the game of basketball.

A person commits an offence if they engage in unsporting conduct as covered by the Basketball Otago Zero Tolerance Policy and/or Code of Conduct and/or Fair Play Policy.

9. Judicial Proceedings for Junior Basketball

Whilst regulation applies to all levels of basketball in Otago, including Junior Basketball, Basketball Otago recognises that it would not be practical to apply the full obligations and requirements under this Regulation to Players participating in Junior Basketball.

Where any disciplinary matters occur in a Junior Basketball match, Basketball Otago has the jurisdiction to determine the process and outcome.

10. Reporting Process

The Judicial Procedure Flowchart (Appendix A) indicates the series of events of when a written report is submitted by an official, volunteer, player, coach, staff, to the Basketball Otago Competition and Officials Manager and/or Basketball Otago General Manager.

Report must be submitted (Appendix B) to the Basketball Otago office within 24 hours of the incident happening with all relevant information necessary, and any supporting evidence.

11. Investigation Process/Disciplinary Committee

Upon receiving a complaint, the Disciplinary Committee will:

- i. Acknowledge the complaint within 24 hours.
- ii. Conduct a preliminary review to determine if a full investigation is warranted and needs to be referred to the Judicial Panel.
- iii. If a full investigation is warranted, the player, coach, volunteer, official, will be stood down effective immediately pending investigation.
- iv. Collect evidence and conduct interviews with relevant parties.
- v. Ensure confidentiality and impartiality throughout the process.
- vi. Issue out any sanctions, if necessary.

12. Hearings

If necessary, a hearing will be scheduled to allow the accused party an opportunity to present their defence.

- i. **Representation:** Both the complainant and the accused may have representation at the hearing.
- ii. **Evidence:** All relevant evidence will be presented and reviewed by the Disciplinary Committee.
- iii. **Decision Timeline:** The committee will issue a decision within 7 days of the hearing's conclusion, and this will be communicated by the General Manager to all parties within 24 hours of the decision reached by the Judicial Committee.

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Sanctions and Penalties

Sanctions will be proportional to the severity of the violation and may include:

- i. **Verbal or Written Warning:** For minor infractions.
- ii. **Suspension:** Temporary removal from games, practices, or events.
- iii. **Expulsion:** Permanent removal from the organization in cases of severe or repeated misconduct.

Recommended Sanctions can found in Appendix C or referral to the Basketball New Zealand Judicial Regulations.

Appeal Process

An appeal can be lodged in writing with the form set out in appendix 2 and can also be found on the Basketball Otago website and with your club/school contact.

A bond of \$300.00 NZD is payable to Basketball Otago via internet banking or via invoice.

The offender may appeal to the Appeal Tribunal on the grounds that:

- i. The General Manager unreasonably refused a request to change the hearing date without reasoning.
- ii. The offender was not given the opportunity to adequately respond to the allegations against them.
- iii. The procedure adopted. By the Judicial Committee was unfair or discriminated against the offender
- iv. There was bias on the part of one of the judicial members
- v. The sanction was unreasonable having regard to the nature of the offence.
- vi. The sanction was unreasonable having regard to the offenders previous conduct
- vii. New and relevant information is now available, which was not reasonably available at the time of the hearing.

The appeal shall be lodged within five (5) days after the date which the written decision from the Judicial Committee has been sent to the parties from the hearing.

The appeal shall be lodged via email to the Basketball Otago Chairperson.

Within 24 hours of receipt of the appeal, the Chairperson shall notify the person who has lodged the appeal of the deposit to be paid for the appeal.

The deposit shall be paid directly to Basketball Otago within 24 hours after such notification.

If the deposit is not paid within the required timeframe, the appeal shall be deemed abandoned provided that the Appeal Tribunal shall have the power to extend the time for payment, if deemed appropriate.

On lodgement of the appeal, the Basketball Otago Chairperson shall notify the board and an Appeal Tribunal will be formed.

The Basketball Otago Chairperson shall form the tribunal and fix a time, date, and place for the hearing of appeal.

Particulars thereof shall be notified by the Basketball Otago Chairperson to all parties to the proceedings heard by the Judicial Committee.

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On appeal, the Appeal Tribunal may direct Basketball Otago to be represented, and Basketball Otago shall appear by counsel or by representative at the hearing of the appeal in such capacity, as the Appeal Tribunal requires providing assistance in the discharge of its duties.

When the parties have been notified of the time, date, and place of the hearing of the appeal, the Basketball Otago Chairperson shall forward to the Appeal Tribunal:

- i. Notice of Appeal; and
- ii. The report of the Judicial Committee proceedings
- iii. Any other relevant documentation deemed appropriate for them to consider.

If successful with the appeal, the deposit will be refunded.

13. Policy Review

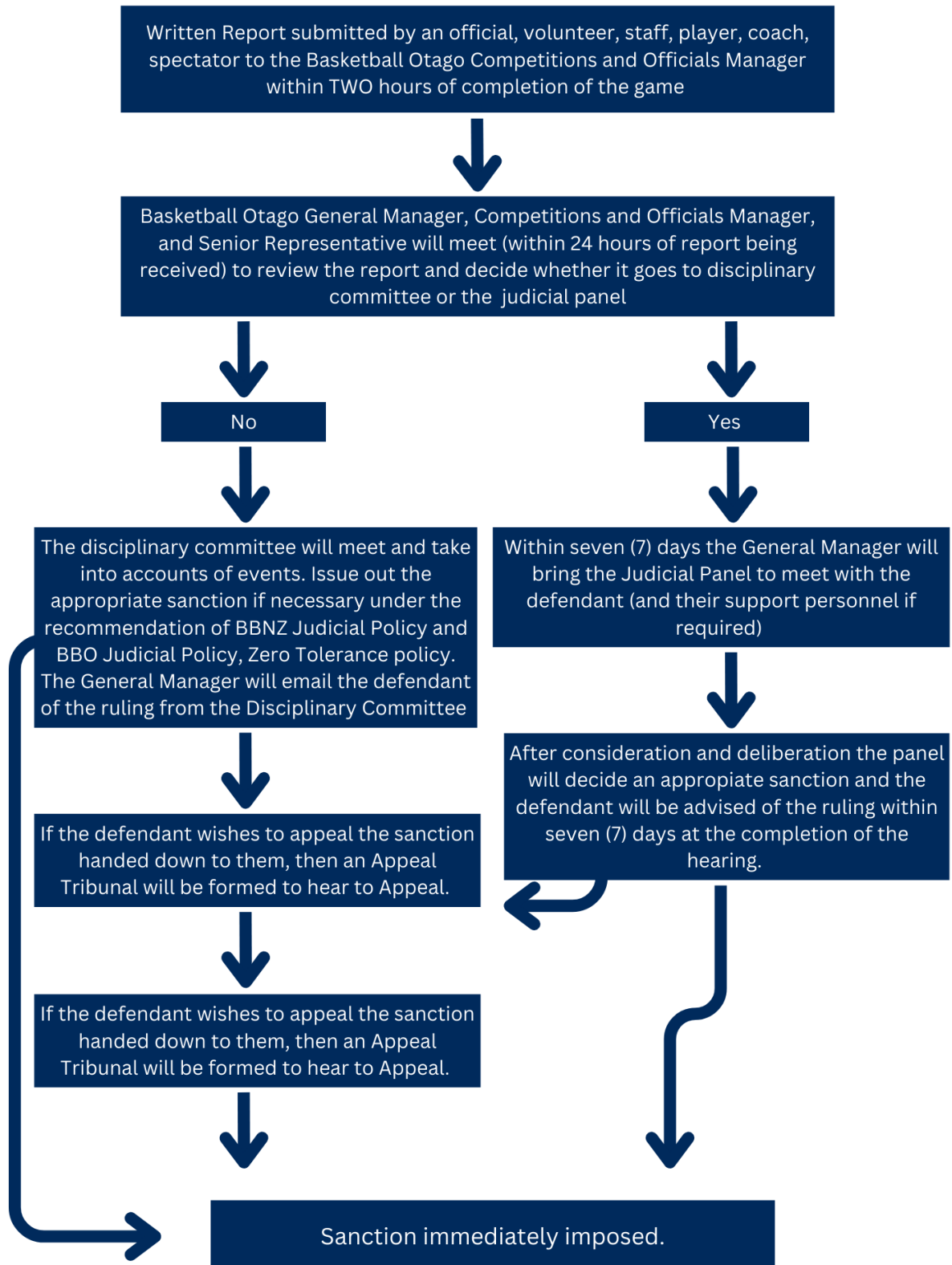
This policy will be reviewed annually to ensure it remains current with organizational standards and legal requirements.

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Appendix A – Judicial Procedure Flow Chart



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Appendix B – Basketball Otago Incident Report

Competition			
Game Details			
Date of incident		Report Filer	

Who does this incident involve?	Referee	Player	Coach	Spectator
Name of person/description				
Associated Team				

Incident Description (please go into as much detail as possible)	
What was the steps that you did prior to the incident happening?	
Were there any witnesses we can call? Please add contact info.	

Name		Signature		Date	
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Appendix C – Notification of Appeal Form

Name of person lodging the appeal –	
Affiliation (School/Club) –	Contact Number –
Role (Coach, Manager, Player, Spectator, Official etc.) –	Email –
Are you lodging the appeal on behalf of the appellant? <i>If yes, written authority from the Appellant concerned must accompany the Notice of Appeal.</i>	
The decision being appealed against –	
The date of the decision being appealed against –	
The specific grounds for the appeal –	
Signed –	
Date –	
Position (if applicable) –	

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Appendix C – Sanctions

Foul Play	Suggested Minimum Suspension	Suggested Maximum Suspension
Kicking	6 Fixtures	52 Fixtures
Attempt to kick	2 Fixtures	10 Fixtures
Elbowing	6 Fixtures	40 Fixtures
Attempt to elbow	2 Fixtures	5 Fixtures
Striking another player with a hand, arm, or fist	2 Fixtures	24 Fixtures
Attempt to strike with a clenched fist	2 Fixtures	6 Fixtures
Striking another Player with the knee	3 Fixtures	52 Fixtures
Striking another Player with the head	4 Fixtures	104 Fixtures
Striking opponent with the ball or other objects	1 Fixture	5 Fixtures
Deliberately tripping an opponent	2 Fixtures	7 Fixtures
Attempt to trip an opponent	2 Fixtures	7 Fixtures
Moving in under a player who is in the air	2 Fixtures	208 Fixtures
Biting	12 Fixtures	208 Fixtures
Deliberate contact with eyes or the eye area	12 Fixtures	52 Fixtures
Spitting at players	4 Fixtures	52 Fixtures
Verbal abuse of players based on religion, race, colour, national, or ethnic origin, sexual orientation or otherwise	4 Fixtures	15 Fixtures
Using abusive or offensive language or signs, threatening or obscene language	1 Fixtures	15 Fixtures
Any other acts not previously referred to which are contrary to good sportsmanship	1 Fixtures	5 Fixtures

Foul Play towards Officials/Volunteers/Staff	Suggested Minimum Suspension	Suggested Maximum Suspension
Verbal Abuse to Match Officials	6 Fixtures	52 Fixtures
Threatening or Offensive Actions or Words to Match Officials	12 Fixtures	260 Fixtures
Physical Abuse to Match Officials	24 Fixtures	Life

Other	Suggested Minimum Suspension	Suggested Maximum Suspension
Participating in the game while suspended	3 Fixtures	10 Fixtures