



# **BASKETBALL**

## **New Zealand**

**REGULATIONS**

**BOOK 6**  
**JUDICIAL REGULATION**

**26 September 2018**

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# BOOK 6 – JUDICIAL AND DISCIPLINE REGULATION

## PART 1 - OVERVIEW OF JUDICIAL REGULATION

### 1.1 Introduction

- a. Rule 26 of the BBNZ Constitutions provides that:
- b. *"The Board shall appoint judicial and disciplinary bodies, committees, officers, commissioners and such other individuals as it considers appropriate, to carry out judicial, and disciplinary functions. The composition, powers, functions, jurisdiction, penalties and any appeal mechanism for any judicial or disciplinary body or officer shall be set out in the Regulations. The jurisdiction of any judicial or disciplinary body or officer shall be set out in the Regulations and may include but is not limited to the following matters.*
  - i. *Misconduct at, or in connection with, basketball competitions;*
  - ii. *Breaches of this Constitution, the Regulations or any policies, procedures or decisions of the Board or any committee of it;*
  - iii. *Conduct which is unbecoming of a Member or prejudicial to the Objects and interests of BBNZ and/or basketball or has brought BBNZ or basketball into disrepute; or*
  - iv. *Appeals by an Individual Member, Club or Team from a decision of an Affiliated Association, Associate Member, Club or Team if permitted by the Regulations".*
- c. This Regulation sets out the BBNZ judicial bodies and their jurisdiction to consider and impose sanctions for various types of conduct undertaken by Members and others bound by BBNZ rules and regulations.

### 1.2 Purpose of Regulation

- a. The purpose of this Regulation is to:
  - i. define the jurisdiction of BBNZ and that of the Affiliated Associations for managing judicial matters;
  - ii. set out the conduct which may be disciplined in Basketball;
  - iii. describe the composition, functions, powers, penalties, appeals and procedures for the various hearing bodies and persons with jurisdiction for judicial matters and disputes.
  - iv. establish a separate set of judicial regulations that are separate from the bodies and processes in Book 5 which deal with breaches in Books 1-4, while this Book 6 deals with Conduct referred to in this Book 6.

### 1.3 Core Principles – Ejections/Cittings/Misconduct

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

- a. The sanctions applicable to Foul Play/Misconduct shall be the same at any level of basketball;
- b. All Fixtures are equal. A Player suspended from playing the Game shall be suspended from participating in any Fixture at any level of Basketball during the period of his/her suspension;
- c. 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 Body 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;
- d. All Judicial Bodies shall meet the criteria for appointment in this Book and shall be independently appointed and shall exercise their functions independently of the parties to the Fixture and/or proceedings and of the Association under whose jurisdiction responsibility falls for the relevant Fixture and of BBNZ, and shall not perform a governance or management role in any Association involved in the Fixture and/or proceedings and BBNZ;
- e. The Game can be played in a Tournament format. This Regulation recognises that judicial procedures will be different in a Tournament context;

- f. It is recognised that due to particular circumstances Associations (and BBNZ) may wish to depart from certain provisions of these Regulations for players under the age of 13 and they have the flexibility to do so.

#### **1.4. Matches for which BBNZ has Jurisdiction**

- a. Subject to any agreement with another national body and FIBA Regulations, BBNZ shall have jurisdiction to hear and determine judicial proceedings in accordance with these Regulations arising from or in connection with any of the following Fixtures played in New Zealand;
  - i. BBNZ representative team Fixtures;
  - ii. Trial Fixtures for all BBNZ representative teams; and
  - iii. Any competition defined in Regulations 2.2(a)-(d) of Book 3.

#### **1.5 Affiliated Associations Obligations for Discipline**

- a. Rule 26.2 of the BBNZ Constitution provides that Affiliated Associations are delegated responsibility for disputes and disciplinary matters concerning their members (individuals, clubs and Teams), except as stated in the Constitution.
- b. This means that each Affiliated Associations has jurisdiction to hear and decide:
  - i. Ejections and/or citings occurring in games at competitions held by or under the auspices of an Affiliated Association;
  - ii. Allegations of Misconduct which occurs in, or in connection with, competitions held by or under the auspices of an Affiliated Association;
- c. Each Affiliated Association shall have rules and regulations (including rules that incorporate the BBNZ Code of Conduct and Fair Play) which comply with this Regulation and the Affiliated Association's constitution, and set out the jurisdiction and procedure for hearing and deciding the matters set out in Regulation 1.5(b) of this Book, including the hearing bodies. To the extent of any inconsistency between an Affiliated Association's constitution and the BBNZ Constitution or any Regulation with respect to judicial matters, the BBNZ Constitution and Regulations will prevail. If an Affiliated Association does not have such judicial rules and regulations, it may apply these judicial regulations as far as practically applicable.
- d. Each Affiliated Association shall ensure that the hearing bodies of the Association hear 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. ensuring 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 in dispute;
  - ix. making a decision supported by the evidence;
  - x. not imposing a penalty that is either excessive or inappropriate.

## PART 2 - DEFINITIONS

- 2.1 In this Regulation, unless the context requires or indicates otherwise, the following definitions will apply:
- Affiliated Association** - means a basketball organisation that is a Member of BBNZ and as described in Rule 8 of the Constitution.
- Associate Member** - means an organisation that is a Member of BBNZ and as described in rule 9 of the Constitution.
- CEO** - means the Chief Executive Officer of either BBNZ or an Affiliated Association as the context requires.
- Coach** - means a member of any Club, School, Affiliated Association or BBNZ associated for the time being for the purpose of coaching the Game in New Zealand and who is deemed to have subscribed to and be bound by the Rules and Regulations of their Affiliated Association and/or BBNZ.
- Competition** - means any competition as defined in Part 2.2(a)-(d) of the Competition Regulation.
- Club** - means any basketball organisation in New Zealand associated for the time being for the purpose of playing, coaching, administering or refereeing basketball in New Zealand affiliated to any Affiliated Association or BBNZ, including any school that fields a team or teams that participate in competitions under the jurisdiction of an Affiliated Association or BBNZ.
- Decision Maker** - means either the Technical Committee, Judicial Officer, Judicial Tribunal or Appeal Officer as the context requires.
- Ejection** - means when a Player or Coach or member of any Team is permanently ejected from the basketball court by an Official for an act of Foul Play and can take no further part in the Fixture in which he/she is ejected.
- Fixture** - means a basketball fixture in which two teams compete against each other and includes pre-season and trial Fixtures.
- Foul Play** - means where, at the venue of the Fixture:
- a. A player:
    - i. fights any person;
    - ii. strikes or attempts to strike any person with any part of their body or with the ball or any other object;
    - iii. deliberately trips any person;
    - iv. moves in under a Player who is in the air;
    - v. plays unduly roughly;
    - vi. uses abusive, threatening, obscene or offensive language or signs towards any person;
    - vii. adopts a threatening or fighting attitude toward any person;
    - viii. violently, dangerously, or otherwise, treat the Fixture equipment in such a way as might be reasonably expected to cause damage to the equipment or people in the venue;
  - b. A Person who is Officiating or coaching in a Fixture:
    - i. fights any person;
    - ii. strikes or attempts to strike any person with any part of their body or with the ball or any other object;
    - iii. deliberately trips any person;
    - iv. uses abusive, threatening, obscene or offensive language or signs towards any person;
    - v. adopts a threatening or fighting attitude toward any person;
    - vi. violently, dangerously, or otherwise, treat the Fixture equipment in such a way as might be reasonably expected to cause damage to the equipment or people in the venue;
- Game** - means the game of basketball played in accordance with the rules of the Game.
- Judicial Bodies** - means Technical Committees, Judicial Officers, Judicial Tribunals, and Appeal Officers.
- Junior Basketball** - means all levels of basketball at U13 level and below.
- Member** - means An Affiliated Association, Associate Member, Life Member, Individual Member or an Appointed Personnel as described in Rule 7 of the Constitution.

**Misconduct** - shall mean any conduct, behaviour, statements or practices on or off the basketball court during or in connection with a Fixture or otherwise and/or that is unsporting and/or cheating and/or unruly and/or ill-disciplined and/or that brings or has the potential to bring the sport of Basketball and/or any of its constituent bodies, FIBA and/or its appointed personnel or commercial partners and/or Officials and/or judicial personnel, BBNZ, Affiliated Associations, Clubs and/or any of these organisation's commercial partners into disrepute. Misconduct shall only exclude Foul Play during a Fixture that has been the subject of consideration and a finding under the regime for Ejections and/or Citings of Foul Play under Regulations 5.1 and 5.2 of this Book 6.

It is not possible to provide a definitive and exhaustive list of the types of conduct, behaviour, statements or practices that may amount to Misconduct under this Regulation. By way of illustration, each of the following types of conduct, behaviour statements or practices by any Member however or wherever undertaken are examples of Misconduct:

- a. acts of violence or intimidation within the venue in which the Fixture is being played including (without limitation) any tunnel, changing rooms and/or warm-up areas;
- b. acting in an abusive, insulting, threatening, intimidating or offensive manner towards Officials or any person associated with the teams participating in the Fixture or spectators;
- c. acts or statements that are, or conduct that is, discriminatory by reason of religion, race, sex, sexual orientation, disability, colour or national or ethnic origin;
- d. providing inaccurate and/or misleading information about the previous judicial record in any proceedings under this Book or other judicial proceedings and/or misleading information concerning the Player's future playing intentions;
- e. comments and/or conduct in connection with current and/or anticipated disciplinary proceedings and/or Fixture officiating (or any aspect thereof), which may be prejudicial to and/or adversely impact on current and/or anticipated disciplinary proceedings (including appeal hearings) and/or which are prejudicial to the interests of the Game and/or any person and/or disciplinary personnel including Judicial Bodies;
- f. failure by a Member to take reasonable steps to prevent or curtail conduct by a non-member which would be Misconduct if committed by a member, in circumstances where the Member has control over that non-member, for instance when the conduct occurs in or on the Member's premises;
- g. failure to co-operate with the citing and/or judicial process in the absence of a reasonable explanation or making a citing referral or citing complaint frivolously or in bad faith;
- h. failure or refusal by a Member to co-operate fully with any investigations conducted in connection with any complaint or dispute which is or could be brought before a Judicial Body; and/or
- i. making any comments (including to the media) that attack, disparage or denigrate the Game and/or any of its constituent bodies, FIBA, BBNZ or Affiliated Associations and/or its appointed personnel and/or Officials and/or Judicial Bodies; and/or
- j. any breach of the BBNZ Code of Conduct and Fair Play (see **Appendix A** of this Book); and/or
- k. any conduct that is harassment (as defined in **Appendix B** of this Book).

**Official** – means a referee and/or technical official appointed to a Fixture and/or anyone performing a scorebench/statistician role. 'Officiating' refers to such persons undertaking this role.

**Person** – means a member of any Club, School or Affiliated Association or anybody associated with or affiliated to an Affiliated Association or BBNZ or any person associated with any of these organisations for the time being for the purpose of playing, coaching, administering or refereeing Basketball in New Zealand and who are deemed to have subscribed to and be bound by the Rules and Regulations of their Affiliated Association, or BBNZ.

**Player** – means a member of any Club, School or Affiliated Association or BBNZ associated for the time being for the purpose of playing the Game in New Zealand and who is deemed to have subscribed to and be bound by the Rules and Regulations of their Affiliated Association or BBNZ.

**School** – means any intermediate or secondary school in New Zealand.

**Team** – means any basketball team competing in a Competition.

**Tournament** – means a series of Fixtures over a short time frame (usually a weekend or week), such Fixtures making up the entirety of the Fixtures involved in the Competition.

## PART 3 - APPOINTMENT OF JUDICIAL BODIES

### 3.1 Judicial Panel

- a. The Board of BBNZ shall appoint a pool of at least four people from time to time to be members of the BBNZ Judicial Panel. Only persons from this Panel may be appointed as Judicial Officers, members of the Judicial Tribunal, or Appeal Officers. Members should, if possible, have one or more of the following competencies:
  - i. a practising or retired barrister or solicitor of the High Court of New Zealand;
  - ii. a retired judicial officer who has held office in a New Zealand court or statutory tribunal;
  - iii. experience as a member of a judicial tribunal, preferably in relation to basketball; and/or
  - iv. extensive knowledge of the sport of basketball.
- b. No person who holds any of the following positions may be a member of the BBNZ Judicial Panel unless otherwise agreed by the BBNZ Board:
  - i. BBNZ Board Member;
  - ii. Affiliated Association Board Member; and/or
  - iii. Employee of an Affiliated Association.
- c. Members of the Judicial Panel shall be appointed for a period of up to three years, following which they shall, unless reappointed by the Board of BBNZ, automatically cease to be a member of the Judicial Panel. The Board of BBNZ may remove any member of the Judicial Panel at any time for any reason.
- d. BBNZ may:
  - i. pay for, or reimburse members of the Judicial Panel for reasonable travelling and other expenses incurred in the course of performance of duties as a member of the Judicial Panel, provided that where remuneration occurs, the expenses have been approved in advance by the BBNZ Board; and
  - ii. in its discretion remunerate a member of the BBNZ Judicial Panel for services provided.
- e. No member of the Judicial Panel will be personally liable for any act done or omitted to be done by the Judicial Panel or any member of Judicial Panel, in good faith in pursuance or intended pursuance of the functions, duties, powers, or authorities as specified in these Regulations.

### 3.2 Appointment of Tier 1 Decision Maker

- a. Subject to Regulations 3.2(b) and (c) of this Book, BBNZ may appoint a Judicial Tribunal for all Fixtures for which BBNZ has jurisdiction. A Judicial Tribunal shall consist of at least two members of the Judicial Panel. BBNZ will appoint one member to be the Chair.
- b. BBNZ may appoint, instead of a Judicial Tribunal and from the Judicial Panel, a single Judicial Officer for all Fixtures for which BBNZ has jurisdiction.
- c. If BBNZ does not appoint a Judicial Officer or Tribunal, then BBNZ will appoint up to three people (with maybe only one person) of similar senior standing to be the Technical Committee (which has the same meaning and powers as a Judicial Officer) for the purposes of judicial procedures during the Tournament or Fixture.
- d. For the avoidance of doubt, BBNZ has complete discretion whether to appoint a Judicial Tribunal, Judicial Officer or Technical Committee for any Fixture for which BBNZ has jurisdiction.
- e. For the NBL and WBC, refer to their Rules and Regulations.

### 3.3 Appointment of Tier 2 Decision Maker (Appeal Officer)

- a. When a judicial decision of a Technical Committee, Judicial Officer or Judicial Tribunal is appealed under Regulation 7.2 of this Book, BBNZ will appoint, from the Judicial Panel, an Appeal Officer who shall have power to hear and decide that appeal.

- b. When a judicial decision of an Affiliated Association is appealed to BBNZ under Regulation 7.1 of this Book, BBNZ will appoint, from the Judicial Panel, an Appeal Officer who shall have power to hear and decide that appeal.
- c. The Appeal Officer must not have been part of the Judicial Body whose decision is being appealed.
- d. The Appeal Officer should, where possible, have a legal background (i.e. someone as described in Regulation 3.1(a)(i) or (ii) above).

## PART 4 - JUDICIAL PROCEEDINGS

- 4.1 Any Technical Committee, Judicial Officer or Judicial Tribunal appointed in accordance with Regulation 3.2 of this Book shall have power to act in the name of BBNZ to hear and determine judicial proceedings for which BBNZ has jurisdiction in the following circumstances:
  - a. where a Player or Coach is ejected from a Fixture in which case Regulation 5.1 of this Book will apply;
  - b. where a citing of Foul Play is lodged pursuant to Regulation 5.2 of this Book;
  - c. where a Misconduct complaint is lodged pursuant to Regulation 5.3 of this Book; and/or
  - d. where a Fixture is called off by the Official/s for persistent or serious Foul Play or Misconduct in which case Regulation 5.4 of this Book will apply.
- 4.2 Judicial Proceedings for Junior Basketball
  - a. Whilst this Regulation applies to all levels of basketball in New Zealand including Junior Basketball, BBNZ recognise that it would not be practical to apply the full obligations and requirements under this Regulation to Players participating in Junior Basketball. For this reason, subject to Regulations 4.2(b) and (c) of this Book, Regulations in this Book will not apply to Players participating in a Junior Basketball Fixture. For the avoidance of doubt, nothing in this Regulation 4.2(a) prevents BBNZ from dealing with any Ejection, Citing or Match Called Off in a Junior Basketball Match for which BBNZ has jurisdiction.
  - b. Where BBNZ deals with an Ejection, Citing or Match Called Off in a Junior Basketball Match for which BBNZ has jurisdiction, BBNZ has discretion to determine the process it will follow in determining whether an incident of Foul Play has occurred so long as the process accords with the principles of natural justice.
  - c. For the avoidance of doubt, BBNZ shall deal with a Misconduct complaint under these Regulations against any Person in connection with any Junior Basketball Fixture and nothing in Regulations 4.2(a) and (b) of this Book preclude this.

## PART 5 – INITIAL JUDICIAL PROCEDURES

- 5.1 Ejections
  - a. When a Player or Coach is ejected in a Fixture for which BBNZ has jurisdiction, the relevant Official shall, within 48 hours of the completion of the Fixture, send to BBNZ or the NBL/WBC Tier 1 decision maker, a written report incorporating:
    - i. the date of the Fixture, the venue and the teams participating;
    - ii. the name of the Player or Coach ejected, his/her singlet number (if applicable) and his/her team;
    - iii. the circumstances in which the Player or Coach was ejected;
    - iv. the reason for the Player or Coach being ejected; and
    - v. any other information the Official considers relevant.
  - b. BBNZ will supply the Player or Coach ejected with a copy of the Official's report and any other relevant information, and advised (in writing where possible):
    - i. of the date, place and time of the hearing of the Judicial Officer or Judicial Tribunal;



- ii. that he/she will be required to attend the hearing in person or via teleconference;
- iii. that if he/she is unable to appear at the hearing he/she should personally or through his/her Associated Affiliation or School advise BBNZ forthwith;
- iv. that he/she is entitled to adduce evidence and make submissions and be represented by his Associated Affiliation, Club, School and/or legal advisor; and
- v. he/she is not entitled to play and shall be suspended from all activities on a Fixture day pending resolution of the case.
- c. Tournament Exception:  
During Tournaments, the Official's written report should be given directly to the designated Technical Committee, Judicial Officer or Judicial Tribunal as soon as practicable after the end of the Fixture, who, complying with Regulation 5.1(b) of this Book, will then arrange a hearing as soon as practicable.

*Refer to Part 6 for Hearing Proceedings of the Technical Committee, Judicial Officer or Judicial Tribunal.*

## 5.2 Citings

- a. A Technical Committee, Judicial Officer or Judicial Tribunal shall have jurisdiction to hear and determine a complaint of Foul Play against a Player or Coach ("a Citing") in respect of any act of Foul Play that has not been detected by the Officials in a Fixture for which BBNZ has jurisdiction.
- b. A Citing may be made by:
  - i. the CEO of BBNZ or his/her nominee; or
  - ii. the Coach and/or manager of either of the teams involved in the Fixture.
- c. A Citing under Regulation 5.2(a) of this Book shall be in writing and shall be sent to BBNZ within 48 hours of the completion of the Fixture and shall contain the following information:
  - i. the date and place of the alleged Foul Play;
  - ii. the name of the Player or Coach in respect of whom the Citing is made (and singlet number if applicable);
  - iii. the name of the opposing team;
  - iv. full details of the alleged Foul play; and
  - v. any evidence of the alleged Foul Play (e.g. video, eyewitness statements).
- d. On receipt of a Citing, BBNZ shall immediately refer the Citing to BBNZ's Complaints Review Officer.
- e. If the Complaints Review Officer determines that the Citing is not frivolous, vexatious or otherwise without merit and that there is sufficient evidence to continue he/she shall either:
  - i. if the Citing relates to conduct which in his/her opinion would not warrant an Ejection and is not sufficiently serious to require a hearing before the Technical Committee, Judicial Officer or Judicial Tribunal and the Player or Coach who is the subject of the Citing has not within the preceding 6 months received a caution issued under this Regulation, notify BBNZ that a written caution should be issued by BBNZ to the Player or Coach; or
  - ii. in all other cases notify BBNZ that the Citing should proceed to a hearing before the Technical Committee, Judicial Officer or Judicial Committee.
 No reasons need to be given by BBNZ's Complaints Review Officer for his/her determination.
- f. On being notified by BBNZ's Complaints Review officer that a written caution should be issued to a Player or Coach, BBNZ shall forthwith arrange for a written caution, including a copy of the Citing to be delivered to the Player or Coach and his/her Affiliated Association or School.
- g. If, within 7 days after any caution issued under Regulation 5.2(f) of this Book has been delivered to a player or Coach, the Player or Coach notifies BBNZ in writing that he/she wishes to have the Citing heard and determined by the Judicial Officer or Judicial Tribunal, BBNZ shall notify the Judicial Officer and Judicial Tribunal and shall deal with the Citing as if BBNZ had received notification from the Complaints Review Officer that it should proceed to a hearing before the Judicial Officer or Judicial Tribunal.

- h. On being notified by the Complaints Review Officer that a Citing should proceed to a hearing before the Judicial Officer or Judicial Tribunal, BBNZ shall obtain reports from Officials and such other persons who BBNZ consider may be able to provide evidence on the subject of the Citing.
- i. On receipt of notification under Regulation 5.2(e)(ii) or 5.2(g) that a Citing should proceed to a hearing, BBNZ shall notify the Player or Coach and his Affiliated Association or School of the Citing and shall send the Player or Coach and his Affiliated Association or School copies of the Citing and any reports obtained under Rule 5.2(h), and video coverage of the incident, if available, and advise the Player or Coach:
  - i. of the date, time and place of the Judicial Officer or Judicial Tribunal hearing;
  - ii. that he/she will be required to attend the hearing in person or via teleconference;
  - iii. that if he/she is unable to appear at the hearing he/she should personally or through his/her Associated Affiliation/School advise BBNZ forthwith;
  - iv. that he/she is entitled to adduce evidence and make submissions and be represented by his/her Associated Affiliation, School, Club and/or legal advisor; and
  - v. he/she is not entitled to play and shall be suspended from all activities on a Fixture day pending resolution of the case.
 BBNZ shall also notify the person/body who made the Citing of the date, time and place of the hearing.
- j. Tournament Exceptions:
  - i. During Tournaments, the designated Technical Committee, Judicial Officer or Judicial Tribunal will also take the role of the Complaints Review Officer. Citings should be given directly to the designated Technical Committee, Judicial Officer or Judicial Tribunal, who will then follow the process in Regulations 5.2 (e) – (i) of this Book.
  - ii. Citings may only be made in Tournaments within 30 minutes of the completion of the Fixture.

*Refer to Part 6 for Hearing Proceedings of the Technical Committee, Judicial Officer or Judicial Tribunal*

### 5.3 Misconduct

- a. A Judicial Officer or Judicial Tribunal shall have jurisdiction to hear and determine a Misconduct complaint against any Member of BBNZ ("a Complaint").
- b. A Complaint may be made by any person.
- c. A Complaint under Regulation 5.3(a) of this Book shall be in writing and shall be sent to BBNZ within 48 hours of the alleged misconduct and shall contain the following information:
  - i. the date and place of the alleged Misconduct;
  - ii. the name of the Member in respect of whom the Complaint is made;
  - iii. full details of the alleged Misconduct; and
  - iv. any evidence of the alleged Misconduct (e.g. video, eyewitness statements).
- d. A Complaint may be made by the CEO of BBNZ outside the 48-hour period provided for in Regulation 5.3(c) of this Book where the alleged misconduct only became known to BBNZ outside of the 48-hour period.
- e. On receipt of a Complaint, BBNZ shall immediately refer the Complaint to BBNZ's Complaints Review Officer.
- f. If the Complaints Review Officer determines that the Complaint is not frivolous, vexatious or otherwise without merit and that there is sufficient evidence to continue he/she shall either:
  - i. if the Complaint relates to conduct which in his/her opinion is not sufficiently serious to require a hearing before the Judicial Officer or Judicial Tribunal and the Member who is the subject of the Complaint has not within the preceding 6 months received a caution issued under this Regulation, notify BBNZ that a written caution should be issued by BBNZ to the Member; or

- ii. in all other cases notify BBNZ that the Complaint should proceed to a hearing before the Judicial Officer or Judicial Committee.

No reasons need to be given by BBNZ's Complaints Review Officer for his/her determination.
- g. On being notified by BBNZ's Complaints Review Officer that a written caution should be issued to a Member, BBNZ shall forthwith arrange for a written caution, including a copy of the Complaint to be delivered to the Member and his/her Affiliated Association/School.
- h. If, within 7 days after any caution issued under Regulation 5.3(g) has been delivered to a player or Coach, the Player or Coach notifies BBNZ in writing that he/she wishes to have the Complaint heard and determined by the Judicial Officer or Judicial Tribunal, BBNZ shall notify the Judicial Officer or Judicial Tribunal and shall thereafter deal with the Complaint as if BBNZ had received notification from the Complaints Review Officer that it should proceed to a hearing before the Judicial Officer or Judicial Tribunal.
- i. On being notified by the Complaints Review Officer that a Complaint should proceed to a hearing before the Judicial Officer or Judicial Tribunal, BBNZ shall obtain reports from Officials and such other persons who BBNZ consider may be able to provide evidence on the subject of the Complaint.
- j. On receipt of notification under Regulations 5.3(f)(ii) or 5.2(h) of this Book that a Complaint should proceed to a hearing, BBNZ shall notify the Member and his/her Affiliated Association or School of the Complaint and shall send the Member and his Affiliated Association or School copies of the Complaint and any reports obtained under Rule 5.3(i), and video coverage of the incident, if available, and advise the Member:
  - i. of the date, time and place of the Judicial Officer or Judicial Tribunal hearing;
  - ii. that he/she will be required to attend the hearing in person or via teleconference;
  - iii. that if he/she is unable to appear at the hearing he/she should personally or through his/her Associated Affiliation/School advise BBNZ forthwith;
  - iv. that he/she is entitled to adduce evidence and make submissions and be represented by his/her Associated Affiliation, School, Club and/or legal advisor; and
  - v. he/she is not entitled to play and shall be suspended from all activities on a Fixture day pending resolution of the case.

BBNZ shall also notify the person/body who made the Complaint of the date, time and place of the hearing.

*Refer to Part 6 for Hearing Proceedings of the Technical Committee, Judicial Officer or Judicial Tribunal*

#### 5.4 - Fixtures Called Off

- a. Where a Fixture for which BBNZ has jurisdiction is called off early by the Officials because of:
  - i. persistent or serious Foul Play by Players; and/or
  - ii. persistent or serious Misconduct by team management;
  - iii. one or both of the teams involved in the Fixture, the Officials shall, within 48 hours of the completion of the Fixture send to BBNZ a written report
- b. The report of the Officials under Regulation 5.4(a) shall incorporate the following:
  - i. the date and place of the Fixture;
  - ii. details of both teams involved in the Fixture;
  - iii. full details of the reasons why the Fixture was called off including examples of the persistent or serious Foul Play or Misconduct;
  - iv. an assessment from the Officials as to whether one or both teams or the management of one or both teams were primarily responsible for the Fixture being called off.
- c. On receipt of the report from the Officials under Regulation 5.4(a), BBNZ shall notify the Affiliated Associations or Schools to which the teams are aligned of the fact that the matter will proceed to a hearing before the Judicial Officer or Judicial Tribunal and shall send to the Affiliated Associations or Schools copies of the report of the Officials and any other evidence, if available, and advise:

- i. of the date, time and place of the Judicial Officer or Judicial Tribunal hearing at which the matter will be heard;
  - ii. that the Captain and Coach or Manager of each team involved in the Fixture called off will be required to attend the hearing;
  - iii. that the Captain and Coach or Manager of either team is entitled to adduce evidence and make submissions and be represented by their Affiliated Association or School and/or a legal advisor;
- d. For the avoidance of doubt nothing in this Regulation 5.4 precludes any alleged Foul Play or Misconduct involving any Players or Persons participating in or associated with the Fixture that was called off being dealt with separately under this Book.
- e. Tournament Exceptions:
  - i. During Tournaments, the Official's written report should be given directly to the designated Technical Committee, Judicial Officer or Judicial Tribunal as soon as practicable after the end of the Fixture, who, complying with Regulation 5.4(c) of this Book, will then arrange a hearing as soon as practicable

*Refer to Part 6 for Hearing Proceedings of the Technical Committee, Judicial Officer or Judicial Tribunal*

## PART 6 - GENERAL PROVISIONS RELATING TO JUDICIAL HEARINGS INCLUDING APPEALS

### 6.1 General

- a. Judicial Bodies constituted under these Regulations shall exercise their functions independently, including independently of the parties to the Fixture and/or proceedings.
- b. Judicial Bodies shall be fully autonomous and any decision they make shall be binding on the person subjected to the decision.
- c. All hearings will take place in private.
- d. Judicial Bodies:
  - i. shall be entitled to adjourn and/or postpone proceedings;
  - ii. shall be entitled to determine whether witnesses that give evidence are able to remain within the room in which the matter is being heard after their evidence has been given;
  - iii. may direct that an interpreter be present to partake in the proceedings;
  - iv. shall be entitled to call on experts to provide specialist advice;
  - v. shall be entitled to be assisted by a legal advisor;
  - vi. shall deliberate in private on their decisions.
- e. Hearings may be conducted fully or partly by way of video conference or teleconference.
- f. The standard of proof on all questions to be determined is one of "comfortable satisfaction" (i.e. the decision maker is comfortably satisfied that the offence/s has been committed).
- g. Facts related to any proceeding may be established by any reliable means, including admissions.
- h. A decision of a Judicial Tribunal shall be valid if taken by at least a simple majority of the members of the Tribunal. No member may abstain from any decision. Where a Tribunal has an even number of members and they are unable to reach a unanimous or majority decision then the Chairman of the Tribunal shall have a casting vote.
- i. Interested Parties: Judicial Bodies may, either on its own motion or on the application of a person whom the Judicial Body determines has sufficient interest in the matter, add a further person or persons as parties to a proceeding or an appeal, or allow a person or persons to make submissions or provide evidence in any proceeding or appeal. If this occurs, that person(s) will be bound by these Regulations as if that person(s) was a party to the proceeding.

- j. Time Rules: Where this Regulation fixes a day within a time period for doing any act or taking any step in a proceeding, then such act or step shall be taken by 5.00pm (New Zealand time) on that day, unless determined otherwise by the BBNZ Judicial Tribunal before or after the time stipulated.
- k. Evidence: Judicial Bodies may:
  - i. Receive as evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matters before it, whether or not the same would be admissible in a court of law.
  - ii. Permit a person appearing as a witness before it to give evidence by tendering a written statement.
- l. Representation: The parties may be represented or assisted in the proceeding or an appeal by a person of their choice. The name, address, email address, telephone and facsimile numbers of the person representing a party shall be communicated to BBNZ in advance of any hearing in which the representative is to act for the party.

## 6.2 Procedure at Hearings – Ejections

Unless it otherwise directs, the procedure of the Technical Committee, Judicial Officer or Judicial Tribunal at a hearing involving an Ejection will be as follows:

- a. the Technical Committee, Judicial Officer or Chairman of the Judicial Tribunal will explain the procedure to be followed;
  - b. the report of the Official will be read, and all parties to the proceedings, including the decision maker, may, through the decision maker, question the Official;
  - c. the Ejected Player or Coach will be asked to confirm if he/she admits that he/she has committed the act or acts as described by the Official;
  - d. evidence from the ejected Player or Coach, if he/she elects to give evidence, and from any witnesses to be called will be heard (the Ejected Player or Coach and witnesses may also be questioned by any party, including the decision maker);
  - e. final submissions will be heard;
- The Player or Coach subject to the judicial proceedings may admit the offence at any time in which case the Hearing should proceed immediately to hear submissions in relation to sanction.
- f. if the decision maker finds that the offence is not proven, the charge will be dismissed.
  - g. if the decision maker finds that the offence is proven, or if the Player or Coach admits the offence, then any submissions on sanctions shall be heard and then the sanction shall be determined.
  - h. The decision about the offence, and the imposition of any sanction, will occur at the same hearing, unless the decision maker considers that there are exceptional circumstances that require the question of any sanction to be delayed until a later time.
  - i. All parties to the proceeding, shall be provided with an opportunity to make submissions on the sanction.
  - j. The decision maker must determine the sanction having regard to:
    - i. any submissions on sanction on behalf of the parties to the proceeding;
    - ii. the sanctions recommended in **Appendix C** to this Regulation for Foul Play;
    - iii. any previous decisions (which are expressly not binding on Judicial Bodies); and
    - iv. the principles of natural justice.
  - k. In addition to imposing any sanction or penalty under Regulation 6.2(j) of this Book, the Judicial Body may make recommendations to the Board regarding:
    - i. the suspension or end of membership of the Player or Coach (under Rule 15 of the Constitution); or
    - ii. any rule, policy or practice of BBNZ arising out of a proceeding under this Part 6 of Book 6.

## 6.3 Procedure at Hearings – Citings/Complaints

Unless it otherwise directs, the procedure of the Technical Committee, Judicial Officer or Judicial Tribunal at a hearing involving a Citing or Complaint will be as follows:

- a. the Technical Committee, Judicial Officer or Chairman of the Judicial Tribunal will explain the procedure to be followed;
- b. the Citing or Complaint will be read;

- c. the Member who is the subject of the Citing or Complaint will be asked to confirm if he/she admits that he/she has committed the act or acts as described by the Citing or Complaint;
- d. evidence from the member who is the subject of the Citing or Complaint, if he/she elects to give evidence, and from any witnesses to be called will be heard (the member who is the subject of the Citing or Complaint and witnesses may also be questioned by any party, including the decision maker);
- e. final submissions will be heard;  
The Member subject to the judicial proceedings may admit the offence at any time in which case the Hearing should proceed immediately to hear submissions in relation to sanction.
- f. if the decision maker finds that the offence is not proven, the charge will be dismissed.
- g. if the decision maker finds that the offence is proven, or if the Member admits the offence, then any submissions on sanction shall be heard and then the sanction shall be determined.
- h. The decision about the offence, and the imposition of any sanction, will occur at the same hearing, unless the decision maker considers that there are exceptional circumstances that require the question of any sanction to be delayed until a later time.
- i. All parties to the proceeding, shall be provided with an opportunity to make submissions on the sanction.
- j. The decision maker may impose any sanction or penalty on the Member as it sees fit, including without limitation:
  - i. an order that a sum of money, whether by way of fine, compensation or reparation, be paid to any person;
  - ii. suspension or ban from participation in all, or specified, Basketball activities for a period of time;
  - iii. suspension or termination of the person's membership of a Club, Centre and/or BBNZ;
  - iv. an order that the Member undertake, or refrain from undertaking, any particular activity in respect of basketball, BBNZ or BBNZ Competitions;
  - v. the requirement for the Member to attend any kind of corrective training or course, and for a report to be received back regarding the successful completion of the same;
  - vi. a written warning;
  - vii. a requirement for an apology or acknowledgement to be given in stipulated terms;
  - viii. such other penalty as the decision maker considers commensurate with the offence; and/or
  - ix. such combination of any of the above penalties as the decision maker thinks fit.
- k. In addition to imposing any sanction or penalty under Regulation 6.3(j) , the decision maker may make recommendations to the Board regarding:
  - i. the suspension or end of membership of the Member (under Rule 15.2 of the Constitution); or
  - ii. any rule, policy or practice of BBNZ arising out of a proceeding under this Part 6 of Book 6.

#### 6.4 Procedure at Hearings – Fixture Called Off

Unless it otherwise directs, the procedure of the Technical Committee, Judicial Officer or Judicial Tribunal at a hearing involving a Citing or Complaint will be as follows:

- a. the Technical Committee, Judicial Officer or Chairman of the Judicial Tribunal will explain the procedure to be followed;
- b. the report of the Official will be read;
- c. the Captain and Coach or Manager of both teams involved in the Fixture will be asked to confirm if they admit that the act or acts of Foul Play as described by the Official occurred;

- d. evidence from the Captain and Coach or Manager of both teams, if they elect to give evidence, and from any witnesses to be called will be heard (the Captain or Coach/Manager and witnesses may also be questioned by any party, including the decision maker);
- e. final submissions will be heard;
- f. if the Technical Committee, Judicial Officer or Judicial Tribunal determine that
  - i. the persistent or serious Foul Play; and/or
  - ii. the persistent or serious Misconduct by team management or supporters of one or both teams was responsible for the Fixture being called off and the referee's reasons for taking this action were correct in the circumstances, then the decision maker shall receive and consider representations on sanctions.
- g. The decision about the offence, and the imposition of any sanction, will occur at the same hearing, unless the decision maker considers that there are exceptional circumstances that require the question of any sanction to be delayed until a later time.
- h. All parties to the proceeding, shall be provided with an opportunity to make submissions on the sanction;
- i. Taking into account the relative culpability of the teams involved in the Fixture, the decision maker shall be entitled to impose such sanction as it thinks fit on one or both of the teams concerned including, but not limited to, the following:
  - i. a caution, warning as to future conduct, reprimand;
  - ii. award the Fixture and any applicable competition points to one of the teams;
  - iii. declare the score at the time of calling off as the final score in the Fixture or declare the Fixture a nullity as if each team had forfeited;
  - iv. removal of all or any of the competition points that would otherwise have been awarded to one or both of the respective teams for the Fixture;
  - v. removal of all or any competition points for all Fixtures played during that Competition or Tournament by one or both of the respective teams for the Fixture;
  - vi. suspend one or both teams and some or all of their respective Players or Coaches for a period appropriate to the offence;
  - vii. any combination of the above.

#### 6.5 Post Hearing Procedures

- a. The decision of the Technical Committee, Judicial Officer or Judicial Tribunal shall be advised to applicable parties as soon as practicable after the conclusion of the hearing and shall be binding upon notification. Where it is considered appropriate, the decision maker may deliver a short oral decision at the conclusion of the hearing (with its reasons to be put in writing and communicated to the parties at a later date) or it may reserve its decision. An oral decision will be binding from the time of communication to the parties.
- b. All parties heard by the Technical Committee, Judicial Officer or Judicial Tribunal and any victim Player or Coach identified, or in the case of a Citing or Complaint, the complainant, shall be entitled to a copy of the written decision of the judicial body containing reasons for the decision which shall, where practicable, be sent to them (and their Affiliated Association/School) within 48 hours after it is available.
- c. In any case where a Player, Coach, or Member is adversely affected by a decision of the Technical Committee, Judicial Officer or Judicial Tribunal he/she shall be advised by the judicial body of his/her right of appeal. Such advice shall be included in the judicial body's written decision and advised at the conclusion of the hearing if an oral decision is given.
- d. No Judicial Officer, Technical Committee (or member of a Technical Committee) or member of a Judicial Tribunal should comment to the media on a decision.

#### 6.6 Player May not Play Whilst Case Pending

- a. A Player who:
  - i. has been Ejected; or
  - ii. is the subject of a Citing or Misconduct Complaint which a Complaints Review Officer has determined should proceed to a hearing; or

- iii. is a member of a team that was involved in a Fixture Called off early by the Officials because of persistent or serious Foul Play or Misconduct;
- iv. is not permitted to play any Fixture and is suspended from all on-court activities on a Fixture day until the case has been heard and finally determined before a Technical Committee, Judicial Officer or Judicial Tribunal unless he/she is specifically authorised to do so by the decision maker by which the case will be heard.
- b. The lodging of an appeal shall not have the effect of deferring any suspension imposed. Once the period of any suspension has expired the Player may, however, resume playing notwithstanding that the appeal has not been heard.

## PART 7 – APPEALS

### 7.1 Appeals Against Judicial Decisions of Affiliated Associations.

- a. An Appeal Officer may hear and decide appeals against any judicial decision of an Affiliated Association if:
  - i. the constitution, rules or regulations of the Affiliated Association expressly provide for a right of appeal to BBNZ;
  - ii. all avenues for resolving the appeal under the constitution, rules and regulations of the Affiliated Association have been exhausted;
  - iii. the appeal is made on one or more of the grounds of appeal listed in Regulation 7.1(c) of this Book; and
  - iv. the procedure for notifying the appeal (under Regulation 7.1(d) of this Book) is complied with.
- b. A party may only lodge an appeal if:
  - i. they were a party to the judicial proceedings of the Affiliated Association; and
  - ii. they were adversely affected by the decision of the Affiliated Association.
- c. The grounds for an appeal to the Appeals Officer shall be those set out in the constitution, rules or regulations of the applicable Affiliated Association. In the absence of any such grounds, the grounds shall only be one or more of the following grounds:
  - i. that natural justice was denied;
  - ii. that the decision-maker or decision-making body acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
  - iii. that substantial new evidence became available after the decision which is being appealed was made; and/or
  - iv. the sanction (if applicable) was either excessive or inappropriate.
- d. A person who has the right to appeal a judicial decision of an Affiliated Association (under Regulation 7.1(b) of this Book) and who wishes to appeal that decision (“the Appellant”) shall complete and file with BBNZ, a notice of appeal (Appendix D) and pay an appeal fee of \$1,000+GST. Such notice of appeal shall be filed with BBNZ within the time limit set out in the applicable constitution, rules or regulations of the Affiliated Association. In the absence of such time limits, within 7 days of the Appellant being notified of the decision against which the appeal is made. A copy of the notice of appeal must also be served on the Affiliated Association that made the decision appealed against (as the case may be) (“Respondent”) and the Appellant must provide BBNZ with confirmation of service.
- e. Subject to the rules of natural justice, a hearing will be held as soon as practicable. The Appeal Officer shall determine the procedure of the hearing. In appropriate cases and by agreement of the parties and the Appeal Officer, the appeal may be determined by the Appeal Officer by reference only to relevant documents, without hearing from the parties or others in person.
- f. The Appeal Officer may only admit new evidence and re hear the matter de novo if the appeal is partly or fully based on the ground for appeal in Regulation 7.1(c)(iii) of this Book.



- g. Unless directed otherwise, the parties will be required to place before the Appeal Officer, the transcript (if available) of the hearing at which the decision appealed from was made, copies of any witness statements produced to that hearing, and all other relevant documents which were before the body which made the decision appealed from.
- h. The onus of proof shall be upon the Appellant. The standard of proof is 'comfortable satisfaction' (i.e. the Appeal Officer is comfortably satisfied that at least one of the grounds in Regulation 7.1(c) of this Book is met).
- i. The decision of the Appeal Officer shall be in accordance with the applicable constitution, rules or regulations of the Affiliated Association. Unless such constitution, rules or regulations expressly or implicitly provide otherwise, the Appeal Officer may make any decision that the Affiliated Association appealed from was capable of making on the original application or may, if it considers it necessary, refer the matter back to that Affiliated Association for further consideration, with such directions (if any) which the Appeal officer decides to give. If the appeal is allowed, the Appeal Officer, in addition to making its decision, may make such orders it considers appropriate to give effect to its decision.
- j. The Appeal Officer, whether or not it allows or dismisses an appeal, may make recommendations to BBNZ and/or the Affiliated Association concerned on changes to any applicable rule, policy or procedure.
- k. There shall be no further right of appeal from a decision of the Appeal Officer in relation to an appeal under this Regulation 7.1. All such decisions shall be final and binding and shall not be questioned in any Court of law except where BBNZ and the parties expressly agree to do so in writing.

## 7.2 Appeals Against Judicial Decisions of BBNZ

- a. An Appeal Officer may hear and decide appeals against any judicial decision of BBNZ (i.e. a judicial decision of a Technical Committee, Judicial Officer, or Judicial Tribunal).
- b. A party may only lodge an appeal if:
  - i. they were a party to the judicial proceedings of BBNZ; and
  - ii. they were adversely affected by the decision of BBNZ.
- c. The grounds for an appeal to the Appeals Officer shall only be one or more of the following:
  - i. that natural justice was denied;
  - ii. that the decision-maker or decision-making body acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
  - iii. that substantial new evidence became available after the decision which is being appealed was made; and/or
  - iv. the sanction (if applicable) was either excessive or inappropriate.
- d. A person who has the right to appeal a judicial decision of BBNZ (under Regulation 7.2(b) of this Book) and who wishes to appeal that decision ("the Appellant") shall complete and file with BBNZ, a notice of appeal (Appendix D) and pay an appeal fee of \$1,000+GST. Such notice of appeal shall be filed with BBNZ within 7 days of the Appellant being notified of the decision against which the appeal is made.
- e. Subject to the rules of natural justice, a hearing will be held as soon as practicable. The Appeal Officer shall determine the procedure of the hearing. In appropriate cases and by agreement of the parties and the Appeal Officer, the appeal may be determined by the Appeal Officer by reference only to relevant documents, without hearing from the parties or others in person.
- f. The Appeal Officer may only admit new evidence and re hear the matter de novo if the appeal is partly or fully based on the ground for appeal in Regulation 7.2(c)(iii) of this Book.
- g. Unless directed otherwise, the parties will be required to place before the Appeal Officer, the transcript (if available) of the hearing at which the decision appealed from was made, copies of any witness statements produced to that hearing, and all other relevant documents which were before the body which made the decision appealed from.
- h. The onus of proof shall be upon the Appellant. The standard of proof is 'comfortable satisfaction' (i.e. the Appeal Officer is comfortably satisfied that at least one of the grounds in Regulation 7.2(c) of this Book is met).

- i. The Appeal Officer may make any decision that the initial Judicial Body appealed from was capable of making on the original application or may, if it considers it necessary, refer the matter back to that Judicial Body for further consideration, with such directions (if any) which the Appeal Officer decides to give. If the appeal is allowed, the Appeal Officer, in addition to making its decision, may make such orders it considers appropriate to give effect to its decision.
- j. The Appeal Officer, whether or not it allows or dismisses an appeal, may make recommendations to BBNZ on changes to any applicable rule, policy or procedure.

### 7.3 Appeals to Sports Tribunal

- a. Any party to a proceeding heard and determined by an Appeal Officer under Regulation 7.2 of this Book may, in limited circumstances, appeal such decision to the Sports Tribunal.
- b. An appeal may only be made on one of the following two grounds:
  - i. that natural justice was denied; and/or
  - ii. that the Appeal Officer acted outside of its powers and/or jurisdiction (i.e. acted ultra vires).
- c. Any such appeal shall be filed within 7 days from the date the party was notified of the decision of the Appeal Officer and in all other respects shall be in accordance with the rules of the Sports Tribunal.
- d. The rules of the Sports Tribunal apply for the procedure for the appeal.
- e. The decision of the Sports Tribunal is final and there is no further right of appeal.

## PART 8 - OTHER DISCIPLINE

### 8.1 Nothing in this Regulation:

- a. Waives or limits the rights under any other Regulation where there is a procedure for hearing and deciding offences that are not offences under this Book;
- b. Waives or limits the right of the BBNZ Board under Rule 15 (Termination of Membership) of the Constitution;
- c. Waives or limits any rights that BBNZ has under any agreements it has with Members, players, Officials and other personnel appointed by BBNZ (such as the agreements it enters into with members of BBNZ teams);
- d. Waives or varies any entitlements at law or under any employment agreement or contract for BBNZ to investigate, suspend and/or terminate an employee's employment or contractor's role where an issue involves a BBNZ employee or contractor.
- e. Waives or limits the rights of Affiliated Associations to determine their own judicial processes provided such processes comply with and are not inconsistent with the BBNZ Constitution or these Regulations.

## BOOK 6 APPENDICES

### **Appendix A – BBNZ Code of Conduct**

This BBNZ Code of Conduct and Fair Play sets out the standards of conduct that BBNZ considers necessary and in the best interests of the game of basketball in New Zealand.

#### **Application of this Code**

This Code of Conduct and Fair Play applies to the following:

- players
- coaches
- player support personnel including team managers, medical staff, team officials of all designations, FIBA accredited player agents
- competition officials including referees, other technical officials, medical staff, catering and hospitality staff, event management staff
- BBNZ Appointed Personnel including Officers and other individuals who are appointed to positions of responsibility by BBNZ including but not limited to officials, coaches and managers
- BBNZ staff and contractors;
- Spectators, parents and others present at a game
- Officials and other individuals appointed to positions of responsibility by Clubs or Affiliated Associations
- Any other persons who agree to be bound by the Regulations or this Code of Conduct

#### **A. Players' Conduct**

1. Players shall conduct themselves in a manner that brings credit to themselves and the game and in particular shall:
  - a. Play according to the letter and intent of the rules and regulations of basketball and of the particular game, competition or league in which they are participating.
  - b. Play in a spirit of competitive sportsmanship accepting the official's decisions without dissent.
  - c. Control their behaviour on and off the court and refrain from any violent or abusive actions and language.
  - d. Co-operate fully with their coach and teammates, remembering that they are participating in a team sport.
  - e. Respect their opponents and not participate in any baiting, verbal abuse, or intimidating activities.
  - f. Be humble in victory and gracious in defeat.
2. Players shall accept refereeing in a game with good grace:
  - a. Approaches to referees shall be by the (court) captain and/or head coach only and in accordance with the provisions of FIBA Official Basketball Rules.
  - b. Court captains (and coaches) are to approach referees in a courteous and reasonable manner.
3. Players shall refrain in a game or competition from:
  - a. continually following officials to question decisions.
  - b. dissenting from decisions, either with words or body language.
  - c. making gestures with waves of arms, indecent body language, facial expressions, and other similar actions of dissent.
  - d. "mouthing off" when officials turn their backs or the player turns away from the official.
  - e. using rude, offensive and/or threatening language.

**B. Coaches' Conduct**

1. Coaches shall conduct themselves in a manner that reinforces their place as leaders and role models, and encourage positive communication between themselves and players, referees, administrators and the general public. They shall:
  - a. perform their coaching duties on the basis of careful preparation.
  - b. ensure that their instruction is current, accurate and appropriate, and that it is based on practices for which they are qualified with acquired knowledge and skills.
  - c. have a primary concern for the health, safety and personal welfare of their players and, accordingly, should take an active role in the preventing of drug, alcohol and tobacco abuse.
  - d. treat all persons with dignity and respect thereby providing a model of fair play and sportsmanship.
  - e. observe the letter and intent of the rules and regulations of basketball, and of the particular game, competitions or league in which they are participating, and insist that players and teams under their direction do likewise.
  - f. remember that they have undertaken the responsibility of assisting their players to acquire the necessary knowledge and skills of basketball to achieve their potential, as well as promoting desirable personal traits in them.
2. Coaches shall accept refereeing decisions with good grace:
  - a. on-court approaches to referees shall be by the court captain only and in accordance with the provisions of the FIBA Official Basketball Rules.
  - b. Coaches are to approach referees in a courteous and reasonable manner.
3. Coaches shall refrain from:
  - a. continually questioning decisions;
  - b. dissenting from decisions, whether by words or body language;
  - c. making gestures by waving arms, indecent body language, facial expressions, and other similar actions; and
  - d. using rude, offensive, and/or threatening language.
4. Head coaches shall not encroach onto the playing floor during the course of a game (other than as authorised by the FIBA Official Basketball Rules) or move out of the coach's box while the game is in progress. Given that assistant coaches must normally remain seated on the team bench, assistant coaches shall not assume actions or positions reserved for head coaches.

**C. Technical Officials' Conduct**

1. Referees and other technical officials (including score bench personnel) have an important role in ensuring that acceptable behaviour is displayed by all participants on the court at all times. They shall:
  - a. be mentally and physically prepared for the entire game or event;
  - b. maintain complete neutrality at all times;
  - c. accept their role as a communicator and role model for fair play;
  - d. accept their role as a member of the "officials' team," embrace team work, co-operate with and assist fellow officials, score bench personnel and others associated with the game or event;
  - e. ensure that all players have a fair and reasonable opportunity to perform to the best of their ability, within the rules and regulations of basketball and the particular game or event;
  - f. conduct themselves in a professional manner both on and off the court;
  - g. attend organised functions as a representative of referees and officials;
  - h. remain open to constructive criticism and suggestions from the Technical Committee, or delegated authority, showing respect and consideration to those offering assistance.

**D. Parents' and Spectators'**

1. Parents and Spectators shall:
  - a. remember that although the basketball at the event may, or may not, be at an elite level, it is still sport and often junior sport, to be enjoyed by all participants;

- b. respect all participating players and officials as you would respect your own children and friends, and applaud good performance by all participants;
- c. demonstrate appropriate social behaviour by not using foul or abusive language or actions, and by not harassing players, coaches, officials or other spectators as described above; and
- d. remember that destructive criticism has no place in basketball and especially in junior basketball. It is very hurtful to the recipient and, ultimately, reflects very poorly on the game.

#### **E. Working with Children**

This section of the Code applies to anyone working with children (under the age of 18 years) in the sport of basketball who shall:

- a. apply a child centred approach where all children are treated equally and with dignity including:
  - i. activities should be appropriate for the age and development of the children in your care;
  - ii. ensure feedback to children is about their performance and not of a personal nature;
  - iii. use positive and age-appropriate language when talking to children and in their presence.
- b. create a safe and open working environment that also reduces risk to staff and volunteers including:
  - i. exercise common sense;
  - ii. do not send children off to train alone and out of sight and supervision;
  - iii. ensure that children use appropriate protective gear;
  - iv. ensure that all physical contact with children is relevant and appropriate to the activity;
  - v. seek permission to touch when doing the above;
  - vi. do not engage in any intimate, over-familiar or sexual relationships with people under the age of 18 years;
  - vii. ensure that any filming or photography of children is appropriate;
  - viii. explain the purpose and obtain consent (from parents/caregivers) prior to filming or photographing children;
  - ix. request parental consent before transporting children in a vehicle - ensure that the vehicle is insured and has a current Warrant of Fitness and registration;
  - x. ensure you have parental consent to administer first aid if required;
  - xi. do not use alcohol in the presence of children and do not offer alcohol to children under any circumstances;
  - xii. do not engage in communication with a child, on a one-on-one basis, through social media, texting or email, other than for relevant coach/athlete feedback or administration;
  - xiii. do not allow parents, coaches, other children, or spectators to engage in any type of bullying behaviour (this includes cyber/text bullying);
  - xiv. do not engage in any bullying activity.
- c. Avoid situations where you are alone with a child including:
  - i. avoid private or unobserved situations, including being alone with a child in the changing rooms
  - ii. avoid entering changing rooms - if you must enter, knock and announce yourself and try to have at least one other adult with you
  - iii. avoid driving a child unaccompanied
  - iv. do not invite or encourage children to your home
  - v. always have another adult present when staying overnight anywhere with children
  - vi. do not share a room with a child, other than your own.

## **Appendix B - Harassment**

### **1. Anti-harassment and Anti-Discrimination**

- 1.1 No persons involved in Basketball in New Zealand, shall engage in any form of harassment or unjustified discrimination (referred to in these Regulations together as Harassment) in any situation connected with basketball, including:
  - a. playing;
  - b. coaching and training;
  - c. competition;
  - d. travel;
  - e. social events; and
  - f. meetings or conferences
- 1.2 Harassment includes any unwelcome comment, conduct or gesture directed toward an individual which is or could reasonably be interpreted as insulting, humiliating, malicious, degrading or offensive, and is either repeated or of such significant nature, that it adversely affects someone's performance, contribution, or sports environment.
- 1.3 Harassment may be focussed on an individual's or group's race, colour, gender, physical characteristics, sexual orientation, disability, or any other distinguishing characteristics or personality trait.
- 1.4 In most (but not all) cases, harassment is an attempt by one person to inappropriately exert power over another person. Harassment ranges from mild conduct such as gestures or comments to conduct that may be more physical, forceful and violent.
- 1.5 Harassment is defined from the viewpoint of those being harassed. Whether the action was intended as harassment or not, does not matter.
- 1.6 Examples of harassing behaviours include:
  - a. written or verbal abuse or threats;
  - b. the display of visual materials which are offensive;
  - c. unwelcome remarks, jokes, comments, innuendo or taunting about such things as a person's looks, body, attire, age, race, religion, sex or sexual orientation;
  - d. leering or other suggestive or obscene gestures;
  - e. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
  - f. unwanted physical contact including touching, petting, pinching or kissing;
  - g. unwelcome sexual flirtations, advances, requests or invitations;
  - h. sending offensive emails, letters or phone calls;
  - i. deliberately excluding people with the intention of isolating or hurting them; or
  - j. physical or sexual assault.
- 1.7 Sexual harassment is any unwelcome behaviour of a sexual nature. This includes:
  - a. threatening people to get them to co-operate in a sexual activity;
  - b. punishing people because they would not co-operate in a sexual activity;
  - c. sexual behaviours that interfere with people's performance;
  - d. sexual behaviours that create an intimidating, hostile or offensive environment;
  - e. sexualised behaviour of a repeated/significant nature that has a detrimental effect.
- 1.8 Harassment is not:
  - a. appropriate compliments;
  - b. behaviour based on mutual attraction;
  - c. friendly banter which is mutually acceptable; or
  - d. constructive coaching and feedback.

Where a person is advised that their behaviour does not fall into one of the categories in this Rule 1.8, they must immediately cease to act in such a manner toward the person who has advised them of this.

## Appendix C – Sanctions for Foul Play

The following are **recommended** sanctions for some Foul Play and Misconduct offences:

<b>Foul Play</b>	<b>Suggested Minimum Suspension</b>	<b>Suggested Maximum Suspension</b>
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 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 Fixtures	5 Fixtures
Deliberately tripping an opponent	2 Fixtures	7 Fixtures
Moving in under a player who is in the air	2 Fixtures	7 Fixtures
Biting	12 Fixtures	208 Fixtures
Deliberate Contact with Eyes or the Eye Area	12 Fixtures	208 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	52 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

<b>Foul Play towards Officials</b>	<b>Suggested Minimum Suspension</b>	<b>Suggested Maximum Suspension</b>
Verbal Abuse of Match Officials	6 Fixtures	52 Fixtures
Threatening or Offensive Actions or Words at Match Officials	12 Fixtures	260 Fixtures
Physical Abuse of Match Officials	24 Fixtures	Life

<b>Other</b>	<b>Suggested Minimum Suspension</b>	<b>Suggested Maximum Suspension</b>
Participating in the Game while suspended	3 Fixtures	10 Fixtures

## **Appendix D – BBNZ Notice of Appeal**

### **Regulations: Book 6, Part 7 – Appeals**

Appeals may relate to varying subject matters and are dealt with as listed below:

1. Appeal against Judicial Decisions of Affiliated Associations – dealt with by BBNZ's Appeal Officer (refer 7.1)
2. Appeals against Judicial Decisions of BBNZ – dealt with by BBNZ's Appeal Officer (refer 7.2)
3. Appeals to Sports Tribunal - Any party to a proceeding heard and determined by an Appeal Officer under Regulation 7.2 of this Book may, in limited circumstances, appeal such decision to the Sports Tribunal (refer 7.3).
4. To lodge an appeal under Regulation 7.1 and 7.2 a BBNZ Notice of Appeal (appendix D) must be completed and submitted to BBNZ within the stated time period.

**Name of person lodging the appeal:** \_\_\_\_\_

**Are you lodging the appeal on behalf of the club of the Appellant?** Yes / No  
If yes, written authority from the Appellant concerned must accompany the Notice of Appeal.

**The decision being appealed against:**

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**The date of the decision being appealed against:** \_\_\_\_\_

**The specific grounds for the appeal:**

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**Signed:** \_\_\_\_\_

**Club Position** (if applicable): \_\_\_\_\_

### **Timeframes for lodging notice of appeal:**

1. Appeal against Judicial Decisions of Affiliated Associations – Notice of appeal must be accompanied by \$1,000+GST. Such notice of appeal shall be filed with BBNZ within the time limit set out in the applicable constitution, rules or regulations of the Affiliated Association. In the absence of such time limits, within 7 days of the Appellant being notified of the decision against which the appeal is made (refer 7.1d).
2. Appeals against Judicial Decisions of BBNZ – Notice of appeal must be accompanied by \$1,000+GST. Such notice of appeal shall be filed with BBNZ within 7 days of the Appellant being notified of the decision against which the appeal is made.
3. Appeals to Sports Tribunal - Any such appeal shall be filed within 7 days from the date the party was notified of the decision of the Appeal Officer and in all other respects shall be in accordance with the rules of the Sports Tribunal (refer 7.3).