



## **GENERAL MANAGER OPERATIONS & PROCEDURES MANUAL**

## **JUDICIAL REGULATIONS**

**Adopted August 2023**

To be available to all players & teams who compete in our Basketball Manawatu competition.

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Original Doc.	August 2020	Mike Ryan General Manager Basketball Manawatu
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Next Review Date	August 2026	General Manager

## 1. PURPOSE

1.1 The purpose of this Judicial Regulations Manual is to provide a way through which all allegations of misconduct arising from Basketball Manawatū (BM) related activities and/or by persons over which BM has jurisdiction can be dealt with effectively and fairly.

## 2. Scope

2.1 This Judicial Regulations Manual covers all persons, bodies and organisations over which BM has jurisdiction.

## 3. Structure of the Judicial System

3.1 This Judicial system is essentially a three-tier process.

3.1.1 Minor infractions will be dealt with by a **Disciplinary Committee** set up to review them. These are usually, but not always, Zero Tolerance infractions.

3.1.2 For more major incidents a full **Judicial Committee** will be convened to consider dealing with infractions.

3.1.3 All parties heard by the above judicial committee by the appropriate body will have the right to appeal the decision to the **Appeal Tribunal**.

## 4. Makeup of the Disciplinary Committee.

4.1 This 'Disciplinary committee' deals with what may be considered "minor infractions", e.g. swearing at officials, other players/coaches, or BM staff &/or volunteers; ejections from the stadium due to unsportsmanlike conduct or getting two Technical Fouls.

4.2 This committee will be made up of the Basketball Manawatū General Manager, the Basketball Manawatū Competitions & Events Coordinator, and the Basketball Manawatū Referee Coordinator, or in the latter's absence the Basketball Manawatū Referee Educator, or another senior referee.

## 5. Setting up a Judicial Committee.

5.1 As a local basketball association we have been charged by BBNZ to set up a Judicial Committee to deal with alleged offences committed by persons, teams or bodies during events and competitions over which we have jurisdiction.

5.2 Regional or local tournaments offered by BM will have a Technical Committee that will also have the role and powers of a Judicial Committee.

## 6. Forming the Judicial Committee.

6.1 Procedures for forming the Championship Technical Committee are outlined in the BBNZ Tournament Procedures Manual & in the Basketball Manawatū's constitution.

6.2 The BM General Manager shall, in consultation with the BM Board Chairperson, regarding the appointment of a Judicial Committee for all circumstances coming under clause 5.1 above.

6.3 The Committee 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. and understanding of procedures; and
- iii. an understanding and experience of the principles of natural justice.

6.4 The Committee shall consist of the BM General Manager plus three other members. These remaining members will be chosen from the following: Board/life members, and/or senior referees. As an alternative, one of the three volunteer committee members may include an independent appointee, who has some of the qualities as shown in 6.3 above.

6.5 The Basketball Manawatū board shall identify/appoint a number of potential members that the GM can call on to be a part of the Judicial Committee.

6.6 Glory League footage of any game that is involved in a judicial hearing should not be released to teams at this point in time. Later release of the game footage will be at the discretion of the Basketball Manawatū management taking into account protection of Basketball Manawatū's brand as well as the "safety" of all of those who were involved.

## **7. Major Offence (Requiring a full Judicial Committee).**

7.1 A person who is playing in a game commits an offence if before, during or after that game they:

- i. Fight (where two players involved)
- ii. Strike or attempt to strike a player, coach, official, or other person with clenched fist.
- iii. Strike a player, coach, official or other person with 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 roughly.
- 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 open palm or shoulder or hip.
- xv. Violently, dangerously or with anger or otherwise treat the game equipment or fixtures in such a way as might be reasonably be expected to cause 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 BM or BBNZ.
- 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 efforts in a game.
- xviii. Engage in aggravated behaviour
- xix. Engage in conduct contrary to the integrity of the game of basketball

7.2 A person who is refereeing, officiating, or coaching in a game commits an offence if, before, during, or after that 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, official or other person.
- vii. Pause a player, coach, referee or official with open palm or 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 BBNZ.
- 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 efforts in a game.
- xi. Engage in aggravated behaviour.
  - I. Engage in conduct contrary to the integrity of the game of basketball.

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

## **8. Making a Report That an Offence has Occurred.**

8.1 A report that a person has committed the offence may be made by:

- i. An official in relation to conduct that occurred during a game they officiated.
- ii. A floor controller in relation to conduct occurring at any facility when an event is being conducted under the auspices of BM &/or BBNZ or in relation to conduct occurring during a game.
- iii. Any other person not covered by (i) or (ii) that witnessed the offence.

## **9. Making a Report.**

A report shall be in writing on one of the official BM Disciplinary Forms (Appendix 1, 2 or 3), signed by the person making the report and it shall include:

- i. Glory League footage of the incident (if it occurred during a game)
- ii. The name of the person making the report
- ii. The capacity in which the person makes the report
- iii. The name of the person who has been alleged of making the offence
- iv. What offence, or offences, it is alleged the person has committed
- v. A description of how the offence was allegedly committed
- vi. The name of any known witnesses

## **10. After a Report is Made.**

10.1 A report must be lodged with the BM General Manager within an hour of the completion of the game or event.

10.2 The General Manager will sign the report and write the date and time that it was received.

10.3 On receipt of a report, the General Manager shall initially discuss the complaint with the Disciplinary Committee, and if it is deemed warranted he/she will then inform the Judicial Committee members of the complaint and they will determine whether the report requires a hearing or not.

## **11. Without Merit.**

11.1 If it is determined that the report is without merit, it will be dismissed, and the General Manager shall inform the report's author accordingly.

11.2 Cautionary Report

If the General Manager determines that the report relates to conduct that:

- i. is not sufficiently serious to require a hearing,
- ii. and the alleged offender has not within the period of the six months preceding the complaint received a written caution,
- iii. but is sufficiently serious to warrant a written caution,

Then the General Manager is required to action a written caution which will be issued by the Association to the alleged offender.

## **12. Approved Report.**

12.1 If the report has merit and is sufficiently serious to require a hearing, he/she shall notify those involved that the report will proceed to a hearing.

12.2 The General Manager does not have to give reasons for the determination. He/she may obtain information from officials, in helping with the determination.

12.3 In the case of general offences, if the report seems to satisfy the requirements in clauses 6.1, 6.2 and 6.4, the General Manager will notify those involved that a hearing will proceed.

12.4 If the report does not seem to satisfy the requirements in clauses 6.1, 6.2 and 6.4, but can be classed as a complaint, the General Manager will deal with it according to the appropriate administrative procedure.

12.5 If the report does not seem to satisfy the requirements in clause 6, and cannot be classed as a complaint, the General Manager will dismiss the report.

### **13. Notification of Report Without Merit.**

13.1 The General Manager shall inform the person who made the report and the alleged offender that the report has been dismissed.

#### 13.2 Cautionary Report

The General Manager shall arrange for a written caution to be emailed to the alleged offender and the alleged offender's school if appropriate.

13.3 Upon receipt of the written caution, the alleged offender has the right to have the report heard by the Judicial Committee.

13.4 The alleged offender must inform the General Manager of his/her wishes in writing, and within 48 hours of receipt of the written caution.

13.5 If the report is to go to a hearing, it will now be treated as an approved report.

#### 13.6 Approved Report

The General Manager shall obtain statements from officials, and other persons who he/she considers may be able to provide evidence bearing about the approved report. Such statements will be added to the approved report.

13.7 The General Manager will acknowledge the receipt of an approved report within two working days.

13.8 Upon notification of an approved report, the General Manager and the Chairperson of the BM Board shall appoint a Judicial Committee in accordance with clause 6.

13.9 The General Manager will send to the person it is alleged committed an offence:

- i. a copy of the approved report.
- ii. notice of rights in Judicial proceedings (see Appendix 4).
- iii. election to admit offence (see Appendix 5).

### **14. Referral to Judicial Committee.**

14.1 The General Manager will refer the matter to a hearing under clause 12.2 unless the person who it is alleged committed an offence acknowledges that they committed the offence and waives the right to a hearing in relation to whether they committed an offence.

14.2 If the person acknowledges they committed an offence and waives the right to a hearing, the General Manager will refer the matter to the Judicial Committee to proceed pursuant to clause 13.5.

14.3 The General Manager will wait a maximum of two days after receiving the material in clause 10.3 and then will:

- i. set a date for the hearing which is at least three days in the future.
- ii. advise in writing the alleged offender and the person making the report of the date for the hearing. (as per Appendix 6)

14.4 Either the alleged offender or the person making the report may request in writing for the hearing date to be changed. Any request must be made at least two days before the date set for the hearing. The General Manager will change the date of the hearing if the request is reasonable.

14.5 At least three days before the date set for the hearing, the person making the report will advise the General Manager of the names of any witnesses to the alleged offence. These witnesses are not restricted to people named in the report of the offence.

14.6 The General Manager will notify these witnesses of the date of the hearing and will send the list of witnesses to the alleged offender.

## **15. Conducting a Judicial Committee Hearing.**

15.1 In this clause the person alleged to have committed an offence is referred to as "the alleged offender".

15.2 The alleged offender has a right to a hearing unless the circumstances in clause 13.1 apply.

15.3 The Judicial Committee will conduct the hearing as quickly and with as little formality and technicality as proper consideration of the matter permits.

15.4 At the start of the hearing the General Manager will:

- i. Identify the members of the Committee and give the alleged offender the opportunity to object to any Committee member on the grounds of bias or perceived bias. If an objection is made the GM will consider any submission made by the alleged offender and any response made by the Committee member (in the presence of the alleged offender) before deciding upon the objection.
- ii. Read the report of the offence to the alleged offender.
- iii. If the complaint relates to or supported by Glory League video footage this will be shown to all present at the hearing.
- iv. Ask the alleged offender whether they have had an opportunity to consider the report of the offence and prepare for the hearing. If the alleged offender indicates that they have not been able to do so the hearing will be adjourned for a period not exceeding two days.
- v. Ask the alleged offender whether the allegations in the report are admitted.
- vi. If the alleged offender admits the allegations in the report, pursuant to either clause 12.1 or clause 13.3 (d), the Committee members will read the report of the offence and then consider the sanction to apply pursuant to clause 16.
- vii. If the alleged offender does not admit the allegations in the report:
- viii. The person who made the report will give evidence of the events giving rise to the alleged offence. They may refer to their report of the offence and may be questioned by the alleged offender or their representative or any of the Committee members.
- ix. After the person who made the report of the offence has given evidence they will be asked to identify any witnesses.

- x. These witnesses, if available, will give evidence of the events giving rise to the alleged offence. The alleged offender, or their representative or any of the Committee members, may question the witnesses. No witness will be present when another witness is giving evidence.
- xi. After these witnesses have given evidence the alleged offender, or their representative, will be given the opportunity of making an initial statement. They may then identify any witnesses who shall give evidence. No witness will be present when another witness is giving evidence. The Committee members, or the person making the report, may question these witnesses.
- xii. If either the person making the report or the alleged offender identifies a witness who is not available to give evidence at the hearing, a written and signed statement from that witness may be produced or the hearing may be adjourned (after hearing all available evidence) to enable that witness to give evidence;
- xiii. The alleged offender or their representative may then make a closing statement.

15.5 After viewing any Glory League video footage and/or hearing all the evidence, the Committee members will consider whether, on the balance of probabilities, the offence was committed. Only the Committee members shall be present during this consideration. If the Committee members are not satisfied that any offence was committed the report will be dismissed.

## **16. Sanctions Applied for Offences.**

16.1 For any offence described in clause 6.1 the Judicial Committee will apply one or more of the following sanctions:

- i. Ban the person from competing, refereeing, or officiating in any events and competitions conducted by or under the auspices of Basketball Manawātū or BBNZ, using the Schedule of Penalties (Appendix 8).
- ii. Suspend the person from membership of BM and consequently BBNZ.

## **17. Notification of Decision**

17.1 The General Manager as Chairperson of the Judicial Committee will provide the person making the report of the offence and the offender with a report of the Judicial Committee proceedings (in accordance with Appendix 4)

17.2 Apart from the report referred to in clause 13.2, the Judicial Committee does not have to provide reasons for their decision.

## **18. Appeals of Decisions made by the Basketball Manawātū Judicial Committee**

18.1 Any party to any matter which has been determined by the BM Judicial Committee may appeal (“the appellant”) such decision to the Chairperson of the Board of Basketball Manawātū.



18.2 An appeal may only be made on one of the following grounds:

- i. That natural justice was denied.
- ii. That the BM Judicial Committee acted outside of its powers and/or jurisdiction (i.e. acted ultra vires)
- iii. That substantially new evidence has become available after the decision, which is being appealed was made
- iv. In respect of a decision relating to misconduct involving the appellant, that penalty was either excessive or inappropriate.

18.3 Any such appeal shall be filed within seven (7) working days from the date the appellant was notified of the decision of the BM Judicial Committee and in all other respects shall be in accordance with the rules of the New Zealand Sports Disputes Tribunal

18.4 The decision of the Appeal Tribunal of Basketball Manawātū shall be final and there shall be no further right of appeal

18.5 The rules of the Appeal Tribunal set out the procedure for the appeal and there shall be no further right of appeal

## **19. Making an Appeal.**

19.1 An appeal must be in writing and is to be in the form as set out in Appendix 6.

19.2 The \$200-00 “Bond” is payable to Basketball Manawātū; this may be made by either Credit Card or EftPos.

19.3 An appeal must be signed by or on behalf of the person lodging the appeal and shall specify:

- i. the decision appealed against
- ii. the date of the decision appealed against, and
- iii. the specific grounds of the appeal.

19.4 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.
- 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 tribunal members.
- v. the sanction was unreasonable having regard to the nature of the offence.
- vi. the sanction was unreasonable having regard to the offender’s previous conduct.
- vii. new and relevant information is now available, which was not reasonably available at the time of the hearing.

## **20. After an Appeal is Made.**

20.1 The appeal shall be lodged within seven (7) days after the date on which the written decision from the Judicial Committee has been sent to the parties heard at the hearing.

20.2 The appeal shall be lodged when the BM Chairperson (as the lead of the BM Association).

20.3 Within 48 hours of receipt of the appeal the Chairperson shall notify the person who has lodged the appeal of the deposit to be paid on the appeal.

20.4 The deposit shall be paid directly to the Chairperson within 48 hours after such notification.

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

20.6 On lodgement of the appeal, the BM Chairperson shall notify the Chair of Appeal Tribunal, or where for any reason they are not available, any member of the Appeal Tribunal.

20.7 The Chairperson or member shall fix a time, date, and place for the hearing of the appeal.

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

20.9 On any appeal, the Appeal Tribunal may direct BM to be represented and BM 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.

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

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

## **21. Forming the Appeal Tribunal of Basketball Manawatū.**

21.1 As per the Basketball Manawatū's constitution, the board shall identify/appoint a number of potential members the GM can call on (three members) to be a part of the Appeal Tribunal

21.2 The Appeal Tribunal members are generally chosen for their experience and standing (not necessarily in the basketball community), and shall have the following qualities:

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

21.3 The Appeal Tribunal shall consist of three or four members, who were not involved in the preceding Judicial hearing.

21.4 The members of the Appeal Tribunal must be independent of the appeal and have no vested interest in the outcome of the appeal.

## 22. Process on How Appeal Tribunal Hearings are Conducted.

22.1 An appeal brought shall be by way of re-hearing subject to the provisions outlined below.

22.2 Where any question of fact arises on the appeal before the Tribunal, it shall be determined by reference to the report of the Judicial Committee proceedings provided that the Appeal Tribunal in its discretion may re-hear or review the whole or any part of evidence given before the Judicial Committee, as it considers appropriate.

22.3 The Appeal Tribunal shall have full discretionary power to hear and receive such further evidence on appeal as it thinks fit.

22.4 Where any party entitled to be heard on an appeal wishes to put before the Appeal Tribunal evidence not heard by the Judicial Committee, that party shall:

- i. notify the BM Chairperson of the fact not less than 48 hours prior to the hearing of the appeal; and
- ii. send to the BM Chairperson within the time specified in paragraph (a) hereof a written outline of the nature of the evidence proposed to be given which shall be immediately sent by the BM Chairperson to other parties to the appeal.

22.5 The Appeal Tribunal shall be entitled to receive such evidence as it thinks fit notwithstanding the evidence may not be legally admissible.

22.6 Where evidence is given before the Appeal Tribunal there shall be no cross-examination or questioning of witnesses except to the extent that the Appeal Tribunal in its discretion permits.

22.7 The decision of the Appeal Tribunal shall be advised to the parties as soon as practicable after the conclusion of the hearing. Where it considers it appropriate the Appeal Tribunal 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.

22.8 All parties heard by the Appeal Tribunal shall be entitled to a copy of the written decision of the Appeal Tribunal which shall be sent by the BM Chairperson as soon as practicable after it is available.

22.9 Any other person shall be entitled to a copy of the written decision of the Appeal Tribunal upon payment of such fee (if any) as the BM Chairperson fixes.

22.10 Except as provided by these Rules, the Appeal Tribunal shall have power to regulate its own procedure. The Appeal Tribunal shall have power to vary or increase any penalty imposed in any case.

22.11 The Chairman of the Appeal Tribunal or any member thereof may exercise any power exercisable by the Appeal Tribunal in relation to an appeal from time to time.

22.12 The hearing of an appeal by the Tribunal shall be fully recorded. The BM Chairperson shall hold the record of the proceedings and all papers produced at the hearing.

22.13 The Appeal Tribunal may, in its discretion, order that the deposit paid on the lodgement of an appeal be refunded.

22.14 The Appeal Tribunal shall have full discretionary power to regulate its own procedure.

22.15 The decision of the Appeal Tribunal on an appeal shall be final and binding on all parties to the appeal hearing.

### 23. Meaning of words in this Policy

In this policy:

- ❖ “BM” means Basketball Manawātū
- ❖ “BM Chairperson” means the BM Board Chairperson
- ❖ “BBNZ” means Basketball New Zealand Inc, the sport’s governing body in New Zealand
- ❖ “alleged offence” means an offence that has been identified but has not yet been tried and/or proven
- ❖ “first tier Judicial procedure” means the procedure that is first used to deal with alleged offences.
- ❖ “principles of natural justice”
- ❖ “player” means any person who plays in a game or event conducted by or under the auspices of BBNZ.
- ❖ “coach” means any person who coaches in a game or event conducted by or under the auspices of BM
- ❖ “official” means any person who officiates in a game or event conducted by or under the auspice of BBNZ. This covers referees, umpires, table officials, floor controllers, and tournament controllers. This list is not exhaustive.
- ❖ “other person” means anyone else that may be reasonably covered.
- ❖ “aggravated behaviour” means behaviour that is flagrant and particularly injurious to the success of the game, event, league, or venue.
- ❖ “conduct contrary to the integrity of the game of basketball” means behaviour that is severely damaging to the reputation of the game, BBNZ and BM.
- ❖ “unsporting conduct” means conduct that violates BBNZ’s Fair Play Policy or Code of Conduct in such a way as may be considered an offence as determined by the appropriate Judicial Committee.
- ❖ “chairperson” means the chair of the Judicial Committee appointed pursuant to clause 6. “chairperson” may also mean the chair of the BM Appeal Committee appointed pursuant to clause 19.



## Game Day Complaint/Dispute Form

I, \_\_\_\_\_ am hereby lodging a complaint/dispute on behalf of,

\_\_\_\_\_ against, \_\_\_\_\_

The incident occurred on \_\_\_\_/\_\_\_\_/\_\_\_\_ at (Time & Venue) \_\_\_\_\_

The complaint is based on BBNZ Regulations:

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Description of complaint/dispute: Were any Referees or Association Representatives present who may have witnessed these events? If, so, who?

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

Date: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

## ZERO TOLERANCE REPORT FORM

Name of Offender: -					
Team: -		Competition: -			
Role: -	Player	Coach	Asst. Coach	Manager	Supporter
Contact Details: -			Email: -		

Date Incident Occurred: -		Glory League Footage: -	Yes	No
Name of Person Making This Report: -			Role/Position: -	

Reason/s for Zero Tolerance Report			
Recommendation of Disciplinary Committee: -			
What steps were taken to address the inappropriate behaviour?			
Date Player Advised: -		By Whom: -	
Signature: -			Date: -

**PLEASE NOTE: This completed form must be submitted within 30 minutes of the game's completion and if possible, please ensure the offender/s team/s are advised of the Zero Tolerance Report including the process that will follow.**

## Incident Report Form



**Note:** This form should be completed as soon as possible by the designated person in charge of the training/event and be forwarded to the General Manager within 48 hours. Where the Police are called and attend the incident, the General Manager must be contacted immediately.

<b>Name</b>		<b>Date of Birth</b>
<b>Address</b>		<b>Telephone</b>
		<b>Club</b>
<b>Location of Incident</b>		<b>Date and Time of Incident</b>
<b>Description of Incident - What led up to it? What happened? – (please be brief, non-judgemental, factual. If necessary, you can use the reverse side of this document)</b>		<b>What immediate action was taken?</b>
<b>Other people involved in incident</b>	<b>People notified of Incident</b>	<b>Details of any loss or damage to equipment or property</b>
Name: Address: Capacity:	Name: Address: Capacity:	
Name: Address: Capacity:	Name: Address: Capacity:	<b>Any follow-up action required</b>
Name: Address: Capacity:	Name: Address: Capacity:	<b>Ideas on how this incident may be prevented in the future</b>

Name (of Person Completing Form) ..... Signature .....

Role:

Date:

Comments

## Appendix 4

**NOTICE OF RIGHTS IN JUDICIAL PROCEEDINGS**

## Notice of Rights in Judicial Proceedings

To: [Name of alleged offender] It has been alleged that on [date] you committed the following offence/offences:

[List of offences]

A copy of the report made by [person making the report] is attached to this notice. You are entitled to a hearing before the Judicial Committee to determine whether you committed this offence [these offences]. If you admit that you did commit the offence [any of the offences] you may waive the right to this hearing by completing the attached election to admit offence and returning it to me within five (5) days.

If you do not complete the election to admit offence within five (5) days, or if you do not admit that you committed the offence, a hearing before the Judicial Committee will be convened. You will be notified of the time and place of that hearing.

At the hearing:

- i. you have the right to question the person making the report or any witnesses they call.
- ii. you have the right to call witnesses to give evidence on your behalf
- iii. another person, who may represent you.

The maximum recommended sanction for the offence it is alleged you committed is [insert sanction]. If the Judicial Committee find that the offence was committed they may impose any sanction up to that maximum. They may also decide, having regard to your prior good record, or restorative justice actions to impose a lesser or no sanction at all. Any prior established offences will be considered in determining a sanction.

During any period of suspension, you may not play, act in any coaching capacity, officiate or table officiate at a basketball game conducted under the auspices of Basketball Manawatū. This also includes sitting on the Team bench during any game held during the suspension period.

If you admit that you committed the offence, the Judicial Committee will still be convened to determine the sanction.

And as mentioned above, you have the right to address that Judicial Committee and may be represented by another person (this may include a legal representative).

General Manager and Chairperson of the Judicial Committee  
Basketball Manawatū



## Appendix 5

**ELECTION TO ADMIT OFFENCE**

I [name of person] have read the attached report that alleges that I committed the following offence/offences:

[List of offences]

And :-

1. I admit that I committed that offence and do not want there to be a hearing to determine whether I committed that offence or not.
2. I acknowledge that the maximum sanction for that offence is [insert sanction] and that this may be imposed upon me.
3. I understand that during the period of suspension I will not be able to play, act in any coaching capacity, officiate or table officiate at a basketball game conducted under the auspices of Basketball Manawātū. And that I am not able to sit on the Team bench during any game held during the suspension period.
4. I also understand that any sanction will be recognized by Basketball Manawātū, every association, regional and BBNZ bodies in New Zealand.
5. I have had five (5) days to consider whether to make this election and understand that if a hearing were held I could, if I chose, be represented by a lawyer.

[Name of person]

Date



## Judicial Citing Form

The Basketball Manawatū Judicial Committee is citing [Insert name].

For an incident that occurred on [Insert date] on [Insert venue name] during the match played between [Insert details of match]

The citing is based on BBNZ Regulations (Sept 2018): Section [Insert details]

Evidence provided to the hearing includes information supplied by [Insert details of evidence].

The hearing was being conduct at the [Insert details of where and when judicial meeting will be held].

Present at this meeting: -

[Insert Judicial members names & roles].

Signed:

Dated:

Position/Title:

## Notification of Appeal Form



**Note: This form should be completed within seven (7) days of notification of the Judicial Committee's decision & should be forwarded to the Chairperson of Basketball Manawatu.**

<b>Name of Appellant</b>	
<b>Address of Appellant</b>	<b>Telephone Contact Details of Appellant</b>
<b>Role of Appellant</b>  Coach    Manager    Player  <i>(Please circle one of the above)</i>	<b>Email Details of Appellant</b>
<b>Name of Person Who Suspension Was Given to: -</b>	
<b>Team/School Name: -</b>	
<b>Date of Notification of Original Judicial Ruling: -</b>	
<b>Suspension Originally Given: -</b>	
<b>Reason for Lodging this Appeal</b> The appeal is made to the Appeal tribunal Basketball Manawatu on the grounds that: <ol style="list-style-type: none"> <li>1. The General Manager as chairperson of the Judicial Committee unreasonably refused a request to change the hearing date.</li> <li>2. The offender was not given adequate opportunity to respond to the allegations against them.</li> <li>3. The procedure adopted by the Judicial Committee was unfair and discriminated against the offender.</li> <li>4. There was bias on the part of one/or more of the Judicial Committee members.</li> <li>5. The sanction was unreasonable having regard to the nature of the offence.</li> <li>6. The sanction was unreasonable having regard to the offender's previous conduct</li> <li>7. New and relevant information is now available, which was not reasonably available at the time of the hearing.</li> </ol> <p><i>(Please indicate the number of one of the above grounds for this appeal) _____</i></p>	

Signature: - .....

Date: - .....

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YES

NO

Receipted

YES

NO

## Appendix 8

## Schedule of Penalties

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

NB: - The first two are dealt with directly by the Disciplinary Committee, unless it is felt that it warrants being heard by the full Judicial Committee.

<b>Foul Play Suspension</b>	<b>Suggested Minimum Suspension</b>	<b>Suggested Maximum Suspension</b>
Verbal Abuse of Match Officials	1 Game	2 Games
Verbal Abuse of Other Players &/or Coach	1 Game	2 Games
Kicking	6 Games	52 Games
Attempt to kick	2 Games	10 Games
Elbowing	6 Games	40 Games
Attempt to elbow	2 Games	5 Games
Striking another Player with a hand, arm, or fist	2 Games	24 Games
Attempt to strike with clenched fist	2 Games	6 Games
Striking another Player with the knee	3 Games	52 Games
Striking another Player with the head	4 Games	104 Games
Striking opponent with the ball or other objects	1 Games	5 Games
Deliberately tripping an opponent	2 Games	7 Games
Moving in under a player who is in the air	2 Games	7 Games
Biting	12 Games	208 Games
Deliberate Contact with Eyes or the Eye Area	12 Games	208 Games
Spitting at Players	4 Games	52 Games
Verbal Abuse of Players based on religion, race, colour, nationality or ethnic origin, sexual orientation or otherwise	4 Games	52 Games
Using abusive or offensive language or signs, threatening or obscene language	1 Games	15 Games
Any other acts not previously referred to which are contrary to good sportsmanship	1 Games	5 Games
<b>Foul Play towards Officials</b>	<b>Suggested Minimum Suspension</b>	<b>Suggested Maximum Suspension</b>
Excessive verbal Abuse of Match Officials	6 Games	52 Games
Threatening or Offensive Actions or Words at Match Officials	12 Games	260 Games
Physical Abuse of Match Officials	24 Games	Life
<b>Other</b>	<b>Suggested Minimum Suspension</b>	<b>Suggested Maximum Suspension</b>
Participating in the Game while suspended	3 Games	10 Games

## Judicial Procedures Flowchart

