

BASKETBALL MANAWATŪ

Mandatory Notification Policy



COMMITMENT to Te Tiriti O Waitangi

Basketball Manawatū is committed to upholding the mana of Te Tiriti o Waitangi and the principles of partnership, protection and participation. This policy has been prepared in line with this commitment and its text and implementation is guided by the following values and principles.

- Whanaungatanga: fostering positive relationships, connections and a sense of community between participants, particularly for people who are disadvantaged or at risk.
- Manaakitanga: participants are treated, and treat each other, with dignity and respect.
- Hauora: physical, psychological, spiritual, family and social wellbeing of participants and recognising sport and recreation should make a positive contribution to participants' wellbeing.
- Haumarutanga: the importance of protecting the safety and wellbeing of participants, particularly when they are at risk.
- Mokopunatanga: an emphasis on the wellbeing of children and young people, and ensuring future generations thrive.
- Pono: acting in a way that is trustworthy, honest and fair.
- Utu and ea: reciprocity and opportunities for repairing harm done and restoring a state of balance.

INTRODUCTION

Everyone at Basketball Manawatū has the right to:

- take part in basketball
- be safe, respected and treated fairly, equitably and with dignity
- participate in basketball activities and environments that are free from harmful behaviour, cheating and corruption.

Basketball Manawatū aims to protect these rights by having a mandatory notification process in place so that when integrity issues of serious concern arise, or when suspensions or exclusions from basketball are imposed by Basketball Manawatū, they are reported promptly and appropriately to the Commission.

PURPOSE

This policy helps to create a safe, fair, inclusive and positive environment at Basketball Manawatū and to ensure that the Commission can:

- monitor the frequency and nature of serious threats to integrity
- assess whether it needs to intervene.

This policy:

- outlines what will be considered an issue of serious concern within Basketball Manawātū and/or in basketball and the environments we are responsible for
- describes the obligations for notifying issues of serious concern to the appropriate person within Basketball Manawātū
- requires notifications of issues of serious concern and suspensions or exclusions to the Commission
- aligns with the Code of Integrity for Sport and Recreation (the Integrity Code) in relation to mandatory notifications.

PRINCIPLES OF THE POLICY

This policy and the notification requirements it describes, apply to the members, staff, volunteers and contractors of Basketball Manawātū as well as all participants involved in basketball activities, events and competitions we are responsible for.

This policy applies to any issues of serious concern that arise, or suspension or exclusion that occurs, in participating in or performing any roles or responsibilities in relation to Basketball Manawātū or basketball we are responsible for, including, but not limited to:

- participating in basketball
- relationships that are connected to basketball
- any acts or omissions that occur in Aotearoa New Zealand.

We are committed to ensuring that our members, staff, volunteers, contractors and participants are aware of and understand this policy and all other relevant processes and guidelines.

What is an issue of serious concern

An **issue of serious concern** is:

- abuse, intimidation or violence affecting one or more children, young people, or adults at risk
- child abuse, child sexual abuse or child neglect
- sexually harmful behaviour
- competition manipulation and associated activity
- any prohibited behaviour that gives rise to an imminent risk of serious harm to a participant
- an organisation breaching its obligations to safeguard children, young people and adults at risk under the Integrity Code
- an organisation retaliating, or threatening to retaliate, against a participant who makes a complaint or provides information to the Commission
- victimisation of a person in relation to making a complaint or providing information to the Commission.

The terms used to describe these issues of serious concern are further defined in Appendix 1 of this policy.

Notification obligations

Basketball Manawātū has appointed the General Manager as the person responsible for receiving notifications under this policy, and for reporting to the Commission. Their contact details are listed on the website of Basketball Manawātū:

All members, staff, volunteers and contractors of Basketball Manawātū as well as all participants involved in basketball activities, events and competitions that we are responsible for, must immediately advise the General Manager when an issue of serious concern arises.

Basketball Manawātū will notify the Commission as soon it can:

- after Basketball Manawātū becomes aware of an issue of serious concern (e.g., upon receiving a complaint or disclosure)
- if the matter is not an issue of serious concern, after a suspension or exclusion from some or all participation in basketball is imposed on a participant.

The obligation to report a suspension or exclusion applies only in the context of a sanction being given to a participant for:

- breaching the Integrity Code by failing, without reasonable excuse to:
 - i. provide information or cooperate with an investigation by the Commission
 - ii. abide by a sanction imposed on the participant under the Integrity Code
- breaching the policies of basketball Manawātū that are in place to give effect to the Integrity Code
- the victimisation of another person making a complaint or providing information to the Commission.

If the notification relates to an issue of serious concern, Basketball Manawātū will provide the Commission, at a minimum, the following information:

- a description of the issue of serious concern
- when the issue of serious concern happened, if known
- what, if any, action was taken to respond to the issue of serious concern.

Basketball Manawātū will report to the Commission as indicated above regardless of any other action Basketball Manawātū has taken, or intends to take, to resolve the matter. Basketball Manawātū will still report the above matters to the Commission if an appeal right is being exercised.

Where Basketball Manawātū suspects criminal behaviour, including but not limited to allegations of suspected abuse or sexual abuse against children, young people, and adults at risk, Basketball Manawātū will immediately report the matter to the New Zealand Police.

Basketball Manawātū may notify any other person, body or public sector agency (e.g., New Zealand Police or a professional regulatory body) if it is:

- permitted under the Privacy Act 2020 (e.g., because a person consents to their information being shared or it is necessary to prevent or lessen a serious threat to public health or public safety)
- required to do so under law.

Reporting breaches

We take our obligations to make mandatory notifications and to comply with the Integrity Code seriously.

Any person may report a breach of this policy in accordance with the complaints and dispute resolution policies of Basketball Manawātū, or to the Sport Integrity Commission by the General Manager.

Related policies

- Zero Tolerance Policy
- Safeguarding Policy
- Child Protection Policy
- Complaints and Dispute Resolution Policy
- Disciplinary Policy
- Protected Disclosures Policy
- Privacy Policy

ASSOCIATED DOCUMENTS

Integrity Code

POLICY REVIEW

Basketball Manawātū will monitor and review this policy on a bi-annual basis.

DEFINITIONS

In this policy:

adult means a person who is 18 years or over

adult at risk means any adult who needs care and support, is experiencing or is at risk of abuse or neglect, and is unable to remove or protect themselves from that risk because of those needs

children and young people means people under the age of 18 years

harm means physical or mental damage or injury resulting from a prohibited behaviour

participant includes:

- a player, competitor, or any other person who takes part in the basketball
- an official or administrator
- a coach, trainer, or other person who gives instruction in relation to basketball
- a manager, an agent, or a team staff member
- a person providing medical or paramedical services to a person who takes part in basketball or a team or group
- a parent or caregiver of a person who takes part in basketball
- any other person working with, treating, or assisting a person who takes in part in basketball or a team or group
- a volunteer providing services for basketball

prohibited behaviours means the following:

- bullying, violence, abuse, intimidation, or harassment
- child abuse, child sexual abuse or child neglect
- sexually harmful behaviour
- discrimination
- competition manipulation and associated activity
- corruption, fraud, deception or breach of trust
- retaliation against or victimisation of any person because that person makes or intends to make a complaint or disclosure to basketball, the Commission or another organisation bound by the Integrity Code

safeguarding means actions to reduce the risk of harm to children, young people and adults at risk.

Appendix 1 – Definitions relevant to issues of serious concern

Abuse, intimidation or violence affecting one or more children, young people, or adults at risk

abuse includes physical, psychological, emotional and sexual abuse

intimidation means behaviour that is intended to cause fear or distress (eg, threatening an act of violence, or watching, following or accosting a person)

violence

- (i) means the intentional use of force or aggression (including verbal) to harm a participant physically, psychologically, emotionally, spiritually, sexually or socially
- (ii) does not include:
 - (A) force or aggression that is permitted under the rules or required during a sport or recreation activity (eg, a regulation tackle in rugby union or rugby league)
 - (B) force or aggression that is not permitted under the rules or required during a sport or recreation activity, but can be, or was, resolved within the ordinary course of the sport or recreation activity (eg, a yellow or red card for a non-regulation tackle).

Child abuse and neglect

child abuse means harming (whether physically, emotionally, psychologically, or sexually), ill treatment, abuse, neglect or deprivation of any child or young person under 18 years of age

child sexual abuse means acts or behaviours where an adult, older or more powerful person uses a child or young person under 18 years of age for a sexual purpose

child neglect means the persistent failure to meet the physical and/or psychological needs of children and young people under 18 years of age, and not doing or providing the things they need to stay safe and be healthy.

Sexually harmful behaviour

sexually harmful behaviour means any verbal, visual or physical sexual contact or activity that is not freely consent to and includes:

- any non-consensual touching, contact or behaviour (verbal, visual or physical) of a sexual nature
- forcing, coercing, pressuring or manipulating a person (whether directly or indirectly) into sexual activity
- sexual attention or comments that are unwelcome and offensive and are either repeated, or of such a significant nature that it has a detrimental effect on that person, including about a person's sexual orientation, gender identity, gender expression, variations of sex characteristics, or sexual history, or sexual comments about a person's body, personality or other characteristics
- any sexual contact or conduct, including sexual attention or comments, by an adult with a child or young person under 16 years of age regardless of whether the person consents
- an adult building a relationship with a child or young person that is, or appears to a reasonable person to be, for the purposes of instigating sexual contact or sexual attention (this is commonly known as grooming)

- using a position of trust, authority or power (perceived or actual) to enter into a sexual or intimate relationship with a participant
- taking, sharing or displaying images or videos of a sexual nature without consent.

Competition manipulation and associated activity

manipulation of the result or course of a sporting competition or activity means an intentional arrangement, act or omission aimed at improperly changing the result or course of a sporting competition to remove all or part of the unpredictable nature of the sporting competition with a view to obtaining an undue benefit for oneself or for others.

sports betting activity connected with competition manipulation includes betting in relation to:

- a competition the participant is directly participating in
- any event of a multisport competition they are a participant of

misuse of inside information means:

using inside information for betting, any form of manipulation of sporting competitions or any other corrupt purpose, whether by the participant or another person or entity

- disclosing inside information to any person, with or without a benefit, where the participant knew or should have known that such disclosure might lead to the information being used for the purpose of betting, any form of manipulation of competitions or any other corrupt purposes
- giving or receiving a benefit for providing inside information, regardless of whether any inside information is actually provided

Conduct that is permitted under the rules or required during a sport or recreation activity cannot be considered improper.

inside information means information relating to any competition that a person possesses by virtue of their position in a sport or competition, excluding any information:

- already published or common knowledge
- easily accessible to interested members of the public
- disclosed in accordance with the rules and regulations governing the competition

Retaliation or victimisation in relation to complaints & dispute resolution

retaliation is when an organisation subjects, or organises to subject, a participant to any detriment or disadvantage (including any detrimental or disadvantageous effect on the participant's selection for activities, events, or competitions in sport or recreation) in circumstances in which other participants in those activities, events, or competitions are not or would not be subjected to such detriment or disadvantage because the participant:

- makes or intends to make a complaint to the Commission
- provides or intends to provide information to the Commission for the purposes of an investigation by the Commission

victimisation is when a person (A) treats, or threatens to treat, another person (B) less favourably than A would treat other persons in the same or substantially similar circumstances because:

- B (or a relative or an associate of B):
 - i. makes or intends to make a complaint to the Commission, has encouraged another person to do so, or has given information in support of, or relating to the complaint
 - ii. provides or intends to provide information to the Commission for the purposes of an investigation by the Commission, has encouraged another person to do so, has given information in support of, or relating to the investigation
- A believes or suspects that B (or a relative or an associate of B) intends to do, or has done, anything described in paragraph (a).

A's actions are not considered to be victimisation if B has knowingly made a false allegation.