

BASKETBALL MANAWATŪ

Prohibited Behaviour 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 including members, participants and those who work for and with us 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 putting in place minimum standards of behaviour to ensure the basketball activities and environments we organise and oversee are fair, inclusive, positive and safe.

What this policy does

This policy helps to create a fair, inclusive and safe environment at Basketball Manawatū.

The policy:

- describes our commitment to building a culture of integrity
- describes the behaviours that are prohibited at Basketball Manawatū and in basketball and the environments we are responsible for
- gives effect to our obligations under the Code of Integrity for Sport and Recreation (the Integrity Code).

Who this policy applies to

This policy applies to the members, staff, volunteers and contractors of Basketball Manawātū as well as all participants (as defined below) involved in basketball activities, events and competitions we are responsible for.

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

When this policy applies

This policy applies to a person who is bound by it when they are participating or performing any roles or responsibilities in relation to Basketball Manawātū or basketball activities, events and competitions we are responsible for including, but not limited to:

- participating in basketball
- communication about or related to Basketball Manawātū or basketball including online and social media communication
- relationships that are connected to Basketball Manawātū or basketball
- any acts or omissions that occur in or outside of 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 guidance.

Definitions

In this policy, participant includes:

- a player, competitor, or any other person who takes part in 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 part in basketball or a team or group
- a volunteer providing services for basketball

Our integrity commitment

Basketball Manawatū wants all people to have positive, safe and enjoyable experiences within the basketball activities, events, competitions and environments we organise and oversee.

Basketball Manawatū expects those bound by this policy to:

- obey the laws that apply to them
- follow the principles of fairness, and encourage others to do the same
- respect the rights, dignity and value of others
- be considerate and treat everyone fairly and equitably
- be a positive role model
- communicate with others in a way that is honest and considerate
- be committed to enhancing the quality of the basketball environment
- behave professionally, responsibly and ethically at all times
- behave in a way that is not discriminatory, bullying, harassing, racist, sexist, violent, abusive or otherwise inappropriate or harmful to others
- act in good faith towards Basketball Manawatū
- show commitment to the purpose and values of Basketball Manawatū
- act consistently with the policies, rules and processes of Basketball Manawatū
- promptly report to Basketball Manawatū any actual or suspected breaches of this policy or any other Basketball Manawatū policies they are bound by.

Prohibited behaviours are not tolerated

Basketball Manawatū does not tolerate behaviour that undermines the safety of participants in Basketball Manawatū and the safety and fairness of basketball.

A person who is bound by this policy must not engage in or attempt to engage in any of the following prohibited behaviours, which are further defined in Appendix 1 to this policy:

- bullying, violence, abuse, intimidation, or harassment
- child abuse, child sexual abuse or child neglect
- sexually harmful behaviour
- any form of 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 Manawatū, the Sport Integrity Commission or another organisation bound by the Integrity Code.

A prohibited behaviour can be an act or an omission and includes behaviour that happens online or through electronic means.

A person breaches this policy if they engage in, or attempt to engage in, a prohibited behaviour.

A person who breaches this policy may be disciplined under the disciplinary policy of Basketball Manawatū.

What is not a prohibited behaviour

Occasional differences of opinion, conflicts and problems in relationships do not necessarily represent bullying or harassment. Fair management, coaching, managing under-performance, or other legitimate actions in line the policies and procedures of Basketball Manawatū do not constitute a prohibited behaviour.

Some examples of behaviours that do not constitute abuse, bullying or harassment include:

- one-off or occasional instances of forgetfulness, rudeness or tactlessness
- friendly, occasional banter, light-hearted exchanges, non-sexual mutually acceptable jokes and compliments
- issuing reasonable instructions, in a reasonable way, and expecting them to be carried out
- warning or disciplining someone in line with the policies of Basketball Manawatū
- insisting on high standards of performance in line with agreed upon expectations
- legitimate feedback about activity/sporting or work performance (not expressed in a hostile, harassing manner).
- expressing opinions that are different from others
- targeted diversity policies or reasonable accommodation and provision of work aids for disabled people
- queries reasonably made to determine eligibility to participate in competitive sporting events or activities a single incident of low-level unreasonable behaviour.

Force or aggression will not be a prohibited behaviour if it is permitted under the rules or required during a sport or recreation activity, or if it is not within the rules but was resolved within the course of the sport or recreation activity.

A behaviour that does not meet the definition of prohibited behaviour set out in this policy may still be inappropriate, harmful, and contrary to the values of Basketball Manawatū or may constitute a breach of Basketball Manawatū policy or rule.

Reporting prohibited behaviours

We take allegations and complaints about instances of prohibited behaviour seriously.

Any suspected or actual breaches of this policy should be reported promptly and in accordance with the complaints and dispute resolution policies of Basketball Manawātū or to the Sport Integrity Commission by the General Manager.

Related policies

- Safeguarding policy
- Child protection policy
- Complaints and dispute resolution policy
- Disciplinary policy
- Protected disclosures policy
- Privacy policy

Review of policy

This policy must be reviewed by [insert date no later than one year after approval date – should be an annual review].

Appendix 1 – Definitions of prohibited behaviours Bullying, violence, abuse, Intimidation and harassment in sport and recreation

Abuse includes physical, psychological, emotional and sexual abuse.

Bullying

- a. means unreasonable behaviour directed towards a person or people that does, or is likely to, lead to physical or psychological harm
- b. includes repeated behaviour but may be a serious single incident.

Examples of bullying in sport and recreation include:

- name-calling, insults, swearing, or sarcasm
- punishment that is out of proportion, unfair or dangerous
- frequent teasing or horseplay that goes too far and causes a person distress
- physical violence, rough touching that is not justified in a contact sport
- spreading gossip or rumours, including on social media and online platforms
- withholding information, assistance or equipment that a person needs to perform.

Harassment

- a. means unwelcome or unwanted behaviour that is offensive, threatening, or degrading (including harassment that is sexual in nature) and that has had, or is likely to have, a harmful effect on the person or group the behaviour is targeted at
- b. includes unwanted and repeated contact with a person but may be a serious single incident.

Examples of harassment in sport and recreation include:

- sexual harassment (e.g., sending unwanted sexually suggestive emails or texts)
- racial harassment (e.g., telling insulting jokes about a person's culture or the country they're from).

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

- a. means the intentional use of force or aggression (including verbal) to harm a participant physically, psychologically, emotionally, spiritually, sexually or socially

- b. does not include:
 - i. force or aggression that is permitted under the rules of a sport or recreation activity (e.g., a legal body position in a screen)
 - ii. 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 (e.g., intentional push to the back of a player resulting in a game disqualification foul in basketball).
 - iii.

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 consented to and includes:

- a. any non-consensual touching, contact or behaviour (verbal, visual or physical) of a sexual nature
- b. forcing, coercing, pressuring or manipulating a person (whether directly or indirectly) into sexual activity
- c. 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
- d. 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
- e. 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)
- f. using a position of trust, authority or power (perceived or actual) to enter into a sexual or intimate relationship with a participant
- g. taking, sharing or displaying images, recordings or videos of a sexual nature without consent.

Discrimination

Discriminatory behaviour includes:

- a. slurs, derogatory language or other offensive behaviour directed at a person or group of people because of a prohibited ground of discrimination under the Human Rights Act 1993
- b. excluding, neglecting, or refusing to participate with other people based on a prohibited ground of discrimination
- c. inciting or encouraging others to behave in a discriminatory manner
- d. any other prohibited behaviour in the Integrity Code (e.g., bullying, harassment, sexually harmful behaviour, or retaliation) directed at a person or group of people based on a prohibited ground of discrimination.

It does not include an act or omission covered by an exception in the Human Rights Act 1993 (e.g., competitive sporting events or activities that only disabled people take part in) or is a reasonable query to determine eligibility to participate in competitive sporting events or activities.

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

Misuse of inside information means:

- a. 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
- b. 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.
- c. 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:

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

Corruption, fraud and other forms of deception or breach of trust

Corruption, fraud and other forms of deception or breach of trust in sport and recreation includes:

- a. offering, promising or giving an undue benefit to a person in a position of trust or authority
- b. the solicitation, acceptance or receipt of an undue benefit by a person in a position of trust or authority
- c. abusing or misusing a position of trust or authority to obtain an undue benefit
- d. obtaining a benefit, or causing loss or injury to another person, through deception
- e. an intentional failure to disclose a conflict of interest or manage a conflict of interest
- f. using or disclosing confidential information to obtain a benefit.

For the purposes of the definition above:

- a. **benefit** includes a financial benefit, valuable consideration, office, employment, or any other benefit, whether direct or indirect
- b. **undue benefit** means any benefit that is improperly or unlawfully obtained, accepted, offered, given, or agreed to
- c. **conflict of interest** is when a person's personal interests or obligations conflict with the responsibilities of their job or position.

Retaliation or victimisation in relation to complaints and 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:

- a. makes or intends to make a complaint to the Commission
- b. 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:

- a. 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
- b. 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 victimisation if B knowingly made a false allegation or otherwise acted in bad faith.

If victimisation occurs and A is not bound by the Integrity Code, then the victimisation is unlawful under section 66(3) of the Human Rights Act 1993.