



Reports and Complaints in Basketball

.....making basketball safer



Introduction

This booklet is designed to assist people to understand the process of management of basketball competitions and reports and complaints arising out of incidents connected with basketball. Basketball Victoria is the peak body controlling the game in the State but most competitions are conducted by local associations or leagues sanctioned by Basketball Victoria.

Management of stadiums is often by some body other than the local associations, which usually rent the stadiums for the time needed to conduct the competition. Accordingly, it is sometimes confusing for people to find the right avenue to pursue when something goes wrong or a situation is not as it ought to be.

People who are the subject of reports often have difficulty finding out what the process is and how the Tribunal works. Information is supplied here to assist anyone connected in some way with a Tribunal hearing.

Basketball Victoria is committed to ensuring that all participants have a safe and enjoyable experience when they are involved in any basketball activity. It has developed Codes of Conduct for participants to follow. There are also Tribunal By-laws and a Tribunal to deal with most instances of misbehaviour in the basketball environment. Basketball Victoria also has a specialist Member Protection Tribunal and By-laws specifically to deal with any discrimination, vilification and harassment on the grounds of race, gender, religion, nationality, sexual orientation and other similar grounds.

OFFICIAL ROLES

Stadium Management

Usually the body conducting the competition is not the same one which manages the stadium. The stadium management employs a team of people to perform the maintenance, supervise the cleanliness of the courts and other facilities, collect the entry fees and sometimes to conduct the catering and other facilities such as food and drink machines.

They have a responsibility to ensure that competitions are conducted in a safe environment. They may decide that a person's behaviour is such that it is unacceptable. That person may be asked to leave the stadium. They have the right to do so. If you can't resolve the situation, you must leave and stadium management may call the police to take action if you do not. In that event you become a trespasser. The requirement to leave the stadium includes all surrounding areas of the stadium, including the car park.

If you have a problem which appears to be within the jurisdiction of stadium management, you should take that issue up with the supervisor on duty or through the local association. Sometimes the responsibility for some of these matters has been passed to other people, such as catering contractors or the basketball association through the leasing arrangements. Stadium management will be able to direct you to the appropriate person to take the matter up with. If you are not satisfied after contacting the other person or body, you should take it up again with stadium management, preferably in writing.

If you still do not receive satisfaction, you may contact Basketball Victoria. Details on how to contact Basketball Victoria are at the end of this booklet.

Competition Managers

Domestic competitions are conducted by your local basketball association. Representative competitions are conducted by Basketball Victoria or, more usually, by leagues established by Basketball Victoria to conduct competitions on its behalf.

In addition to the conduct of the competition, the competition manager is responsible for the protection of facilities and for referees. Various elected and employed officials provide the administration of the competitions. Like the stadium managers, competition managers, through their officials, may ask a person to leave the stadium.

If you have a difficulty with any issue under the control of the competition manager, you should take it up with an official of the manager. If you are not satisfied with the response you receive, you may contact Basketball Victoria. A Judiciary Committee has been established under the Tribunal By-laws to rule on disputes between persons and

bodies under the jurisdiction of Basketball Victoria. Before you contact Basketball Victoria, you should read the Tribunal By-laws to ensure your difficulty is one which can be dealt with by the Judiciary Committee.

However, Basketball Victoria will not involve itself in issues such as team selection (other than State Teams) or court time as these are usually the prerogative of the coach.

Copies of the Tribunal By-laws are available from your local association, Basketball Victoria or on Basketball Victoria's web site.

If you have a complaint about an official of the competition manager, you should firstly take it up with the competition manager. In the absence of a satisfactory response, contact Basketball Victoria.

Referees

Referees are appointed by the competition managers. They control the game and have extensive powers on the court to penalise and report teams, players, spectators and any other persons involved in basketball. The referees are supervised by a referees' adviser or supervisor. The adviser may make a report of the conduct of a referee to the Referees' Tribunal. They also have a local branch of the Victorian Basketball Referees' Association, which both looks after their interests and may also initiate a report against a referee. Any person in good standing with Basketball Victoria may lodge a report about a referee's behaviour. However, the VBRA will not entertain a complaint about a referee's competence. This should be taken up with the local referee adviser/supervisor.

As a player, you must not call into question a decision of a referee unless you are the team's nominated Court Captain. The Court Captain may seek clarification of a decision only at an appropriate break in the game and in a polite and calm manner. Disputing a decision of a referee in an inappropriate manner or other than through the Court Captain may lead to a report to the Tribunal.

If you are dissatisfied with the behaviour of the referee, you should take the matter up with the referees' adviser or an official of the competition manager.

Complaints and Investigations

Under the Tribunal By-laws, an association may appoint one or more persons to investigate an incident or a complaint arising out of basketball. This process is available to anyone connected with basketball. It may involve a complaint in a game where a reportable offence occurred but no official saw it happening. The incident need not necessarily occur at the stadium but could be anywhere, as long as it is connected with basketball. For example, members of a team travelling together for a representative game may be the subject of a report or investigation for their behaviour.

Offences committed on social networking sites, by email or text messages may also be reported to the Tribunal.

The investigation may be conducted in any manner the investigator wishes. If you are involved in an investigation, either as the person complaining, as a witness or as the person under investigation, and you do not co-operate or you hinder the investigation, you may be reported to a Tribunal and banned or suspended for up to 20 weeks. Following the investigation, the investigator or the association may make a report of misbehaviour to a Tribunal.

How to Make a Report

Any game official, including referees and accredited scorebench officials and officials of associations may make a report. A report may also be made following an investigation. The report must be on the form from time to time issued by Basketball Victoria. The person who is subject to the report and other people involved and other officials must be told of the report as soon as possible after the decision to make the report. However, the decision to make a report need not necessarily be made immediately the incident giving rise to the report occurs. The official may decide to consider the question of a report later or even to look at evidence, such as video evidence, that may be available, or to seek advice from a senior official.

The report form must be completed in all parts and the narrative to describe the incident or incidents leading to the report should be as detailed as possible. If there is doubt about whether particular offences apply, advice should be sought. This can be within the association or direct from Basketball Victoria. If it is believed that a particular offence may apply, the prudent course is to lay the charge - it can always be omitted later. It is difficult, but not impossible, to add further offences or to amend them, but this may cause a delay in the hearing by the Tribunal and should be avoided by careful consideration of the initial report.

Once the report form has been completed, it must be lodged with the competition official who has been designated to accept reports. The official must then organise a time and place for the hearing and notify the various people involved, including the person or team charged, the officials and witnesses. The person or team charged will be given access to a copy of the Report Form to enable them to see precisely what is alleged and the charges.

Junior officials may appoint an adult representative to assist in the presentation of the report at the Tribunal. Other officials in the game must also attend, unless excused by the Tribunal, and the reporting official may present one further witness unless the Tribunal gives permission beforehand for more witnesses to be called.

The Tribunal

The Tribunal is made up of independent persons. Usually three people sit on a hearing, but can hear a case with a minimum of two members. Most Tribunal members have no other formal association with basketball, or at least with the local association. However, sometimes this cannot be avoided. Persons who have been reported have the right to ask particular members of the Tribunal to disqualify themselves if it is believed that they may not receive a fair hearing. However, there must be good, demonstrable grounds for the objection.

The Tribunal has the right to impose fines or bonds and to suspend persons from basketball and to ban them from involvement in the game and entering stadiums. Any penalty imposed applies Australia-wide.

Reported Person or Team

The person or team reported to the Tribunal must always be advised of the report and be given access to a copy of the report so that it is clear what charges are to be heard and the allegations made which have led to the charges.

Legal representation or advocates are not allowed before the Tribunal, but juniors may have an adult adviser present to assist before the Tribunal. This adviser cannot give evidence to the Tribunal on behalf of the junior but will be allowed to consult with and advise the junior, ask questions of other witnesses and make submissions to the Tribunal on behalf of the junior. However, juniors are encouraged to carry out as much of that role as possible.

Reported persons or teams may bring with them one witness but other witnesses may be allowed, at the discretion of the Tribunal.

Procedure of the Tribunal

The procedure outlined must be followed by all Tribunals. Failure by a Tribunal to follow the procedure may be grounds for an appeal if the failure has caused “significant detriment” to the person or team reported.

If a reported person or team does not attend the hearing and has no reasonable excuse, the Tribunal will normally proceed to hear the matter and may impose a penalty of up to 20 weeks’ suspension, in addition to any other penalty imposed. This extra penalty may be imposed without further notice to the person or team concerned. Officials who fail to attend may also be the subject of penalties imposed by the Referees’ Tribunal.

Hearings are normally open to anyone who wishes to attend. This means that interested observers, including representatives of the media, may be present when charges are heard. Hearings will only be closed in exceptional circumstances.

The reported person may arrange to tape the hearing as long as the tribunal is given 48 hours' notice. The original tape remains with the Tribunal but arrangements can be made for the reported person to have a copy.

The Tribunal opens the hearing by introducing themselves and asking if there is any objection to any member hearing the charges. All persons with an interest in the matter should be present at the opening and identify themselves and their role.

Following the introductions the charges will be read, the person or team charged will be asked if they understand them and the reporting person will be asked if they represent what was intended. The person or team will then be asked to plead to the charges.

Following this, all witnesses, apart from the persons charged and the person who has made the report will be asked to leave the room until they give their evidence. Once they give their evidence they may remain in the hearing room.

Hearings are normally conducted informally but are subject to the direction of the Tribunal as to how they are conducted. Evidence is not given under oath, but giving false evidence may be an offence in itself. Normally, the person reporting and their witness will give evidence, followed by the reported person and their witness. An opportunity will be given to ask questions of the witnesses.

All persons will be asked to leave the room while a decision is made but will be invited back to hear the decision. If the person is found guilty after a plea of not guilty, the tribunal will give them an opportunity to address it on the question of penalty including any mitigating circumstances and a good previous record.

Penalties

The Tribunal By-laws set out the maximum penalty for each offence. The Tribunal may impose any penalty up to the maximum. Extra penalties of up to 16 weeks may be imposed if injury to persons or damage to stadium property has occurred, or for contempt of the Tribunal or for any other special reason.

Players cannot be fined but teams and others may be fined up to \$500. Players, other persons and teams may be placed on good behaviour bonds up to \$500. If further offences are committed before the bond expires, the bond will be forfeited.

Appeals

Appeals against Tribunal findings are only available in limited circumstances:

- Significant new evidence has become available
- The penalty exceeds the maximum in the By-laws
- Failure to follow procedure to the significant detriment of a person

Appeals may be a complete rehearing of the case or an investigation into a specific aspect of it.

Member Protection

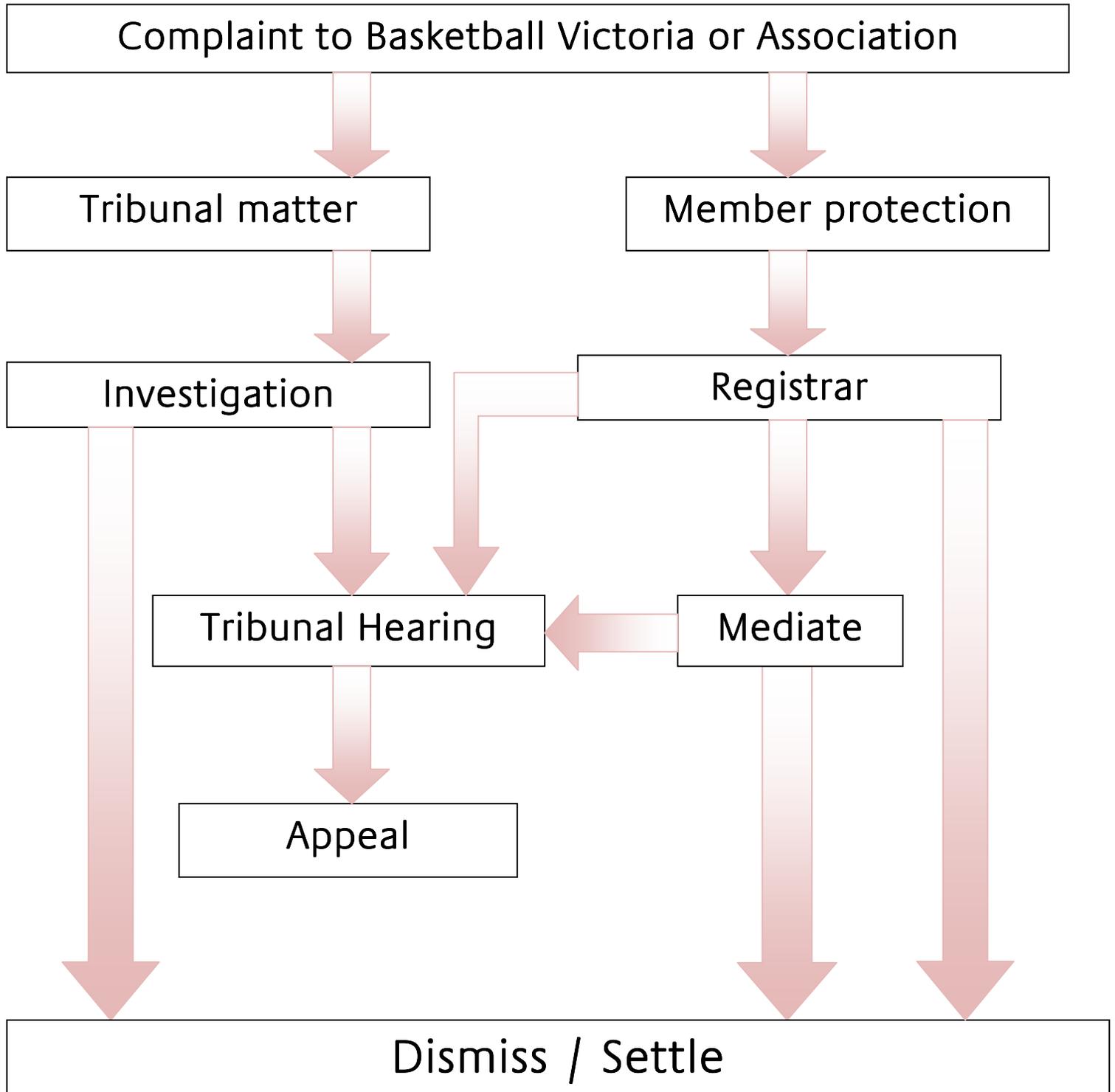
Basketball Victoria is committed to making basketball free of all issues of discrimination, vilification or harassment. The Member Protection Bylaws outlaw discrimination, vilification and harassment based on race, religion, ethnicity, gender, sexual orientation and a range of other matters. A number of people associated with basketball have been trained and accredited by the Australian Sports Commission as Member Protection Information Officers who are always available to assist victims of discrimination, vilification and harassment. Their role is to explain the options available to the victim and to assist the victim to make a decision on what course the matter should take.

A special Member Protection Tribunal has been established to deal with these matters. It is normally chaired by a lawyer. It has wide powers to impose a range of orders on offenders including suspensions and bans and on the worst offenders in sexual harassment matters to place them on an Australia -wide list prohibiting them from being involved in basketball. A copy of the Member Protection Bylaws is available on the Basketball Victoria web site.

Any person who is the subject of Harassment, vilification or discrimination may make a complaint to the Member Protection Tribunal, either direct to Basketball Victoria or via their local basketball association. At that point the complaint may be dismissed as trivial or vindictive or referred to mediation or to a hearing of the Member Protection Tribunal.



Complaints Procedure Flow Chart





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