



Anti-Discrimination Policy

Board of Directors NSW Basketball Association

REVISED: 27 Jan. 06

Position Statement

The Basketball NSW Board is committed to a policy of non-discrimination in all forms within its organisation. Basketball NSW regards the notion of social justice as a serious and important issue. Basketball NSW upholds the principle of equal opportunity and believes that the sport of basketball should be accessible by all Australians.

To ensure that this is addressed, Basketball NSW will uphold the principles established in both State and Commonwealth Government Legislation and will provide a process of recourse should a member of the organisation have his or her rights violated

WHO THIS POLICY APPLIES TO

This policy is deemed to apply to the following:

- Basketball NSW employees
- Basketball NSW selected and appointed coaches, officials and players
- Constituent Associations affiliated with Basketball NSW
- League Associations affiliated with Basketball NSW
- Players and officials while participating in Basketball NSW sanctioning events and programs

For the purpose of this Policy, each of the abovementioned parties will be collectively known as PARTICIPANTS of Basketball NSW

This policy applies to all activity conducted by or on behalf of Basketball NSW eg State Championships, State selections and employment etc

ACKNOWLEDGEMENT OF LEGISLATION

In adhering to the above commitment Basketball NSW shall have regard to both State and Commonwealth legislation including the following:

- The Anti-Discrimination Act 1977 (NSW)
- The Racial Discrimination Act 1976 (Cwlth)
- The Sex Discrimination Act (Cwlth)
- The Disability Discrimination act (Cwlth)
- The Human Rights and Equal Opportunity Commission Act 1987 (Cwlth)

DEFINITION

Discrimination means treating someone unfairly because they happen to belong to a particular group of people – for example, because they are female, because they come from a particular ethnic group or because they have a disability. Discrimination is often the result of prejudice or negative stereotyping based on ignorance, fear or simple naivety.

EXAMPLES OF DISCRIMINATION

Basketball NSW is committed to eliminating discrimination in all its forms. Forms of discrimination may include, but are not limited to:

Sex Discrimination

This occurs where someone is treated unfairly or harassed because they are female and not male or male and not female.

Sexual harassment is a type of sex discrimination. The following types of unwanted or unwelcome behaviour may be sexual harassment – suggestive behaviour, staring or leering, wolf whistling, sexual joke and sexual propositions

Note: In the absence of a federal Policy regarding participation by transgender individuals Basketball NSW will follow the guidelines set down by FIBA for International Competition which requires players to be available for a femininity test. Therefore players must participate in competitions for their original sex

Race Discrimination

This occurs when someone is treated unfairly or harassed because of their race, colour, nationality, ethnic or ethno-religious background

Homosexual (lesbian or gay) Discrimination

This occurs when someone is treated unfairly or harassed because of their sexual preference

Disability Discrimination

This occurs where someone is treated unfairly or harassed because they have a physical, intellectual, psychiatric, sensory or other form of disability or illness that has affected their body or brains structure or functioning. In accordance with legislative requirements employers and others must make adequate services and facilities available unless it would cause them "unjustifiable hardship" to do so.

Age Discrimination

This occurs when someone is treated unfairly or harassed because of their age

Other Forms of Discrimination

Other forms of discrimination may include incidents where someone is treated unfairly or harassed because of their religion, martial status or because they are pregnant

All of the above aforementioned forms of discrimination are against the law where they occur in relation to employment, education, access to goods or services, accommodation or registered clubs.

GRIEVANCE PROCEDURE

The procedure outlined below does not replace or limit avenues of assistance that are available through State and Commonwealth Human Rights Commissions or Discrimination Boards.

Internal Procedure

Basketball NSW has in internal procedure to process complaints. This process ensures that they rights of all parties to the complaint are protected.

All complaints received from Basketball NSW members will be heard by an Ethics Committee of three (3) members (one of which is Chairperson). The Ethics Committee can co-opt an "expert" in an advisory non-voting capacity as required.

The Ethics Committee will meet within six (6) weeks of the complaint being received plus will meet annually to monitor policy and complaints, to up-ate policy in accordance with legislation and to make recommendations to the Basketball NSW Board regarding changes.

Complaints Procedure

1. Participant – the complaint should be filed, in writing, to the Chairperson of the Ethics Committee
Non Participants – the complaint should be filed in writing, to the General Manager, Basketball NSW who may wish to refer the matter on to the Ethics Committee for action
2. If complaints brought by one member against another are determined to be frivolous or vexatious in nature by the committee, then action may be taken against the member filing the original complaint
3. All parties concerned will be informed by the Chairperson that a complaint has been received. The participant named in the complaint will be given an invitation to respond, in writing within a reasonable time frame.
4. The committee may refer to the BNSW tribunal for reportable offences and penalties for guidance.
5. The committee will review all information and may investigate any/all circumstances of the complaint
6. The committee may chose to:
 - Accept a written response and mediate an understanding between the parties involved in this dispute
 - Schedule a full hearing where all parties to the complaint may address the committee
7. The committee will make the decision whether or not disciplinary action should be taken and what form this action should take
8. All parties will be informed of the decision in writing

External Procedure

If a Participant has a complaint against one of the Ethics Committee or does not feel comfortable approaching this committee the complaint can be forwarded to the General Manager, Basketball NSW, Anti-Discrimination Board or Federal Human Rights and Equal Opportunity commission depending on whether the matter is covered be State or Commonwealth law.

Time Frame

Basketball NSW makes a commitment to respond to each complaint quickly. All parties involved can expect to be informed of the Ethics Committee decision and disciplinary action within eight (8) weeks of the complaint being filed. If this is not possible, all parties will be notified in writing of the progress of the complaint.

DISCIPLINARY ACTION

Disciplinary action may include the following:

1. A letter to remind the Participant of the accepted standards of conduct expected by Basketball NSW
2. A letter of reprimand which becomes part of the Participant's professional record and may have influence on future recommendations made by the Basketball Australia Board
3. Suspension of Eligibility to participate in Basketball NSW activity for a set period of time.

Such other or further action as may be deemed appropriate by the board of Basketball NSW.

APPEALS PROCEDURE

An Appeals Committee (made up of three (3) people), one of which is Chairperson) will hear appeals from any Participant who has received disciplinary action which they feel is unjust.

Appeals must be forwarded, in writing, to the Chairperson of the Appeals Committee within one month of the notification of disciplinary action.

The Appeals Committee will meet within six (6) weeks of appeal being received.