



*National Framework for Ethical Behaviour and Integrity in Basketball – Appendix 1A*

*Code of Conduct for Elite Level Participants*

Date adopted by BA Board                      2 December 2022

Date Effective                                      1 January 2023

## Contents

<b>1. Introduction.....</b>	<b>1</b>
<b>2. Application of Code of Conduct .....</b>	<b>1</b>
<b>3. Who is bound by this Code of Conduct .....</b>	<b>2</b>
<b>4. ABPA .....</b>	<b>3</b>
<b>5. Code of Conduct .....</b>	<b>3</b>
<b>6. Prohibited Conduct .....</b>	<b>4</b>
<b>7. Reporting Process .....</b>	<b>4</b>
<b>8. Investigations, Hearings and Sanctions .....</b>	<b>5</b>
<b>9. Agreed Sanction.....</b>	<b>Error! Bookmark not defined.</b>
<b>10. Provisional Suspension – Urgent or Exceptional Matters .....</b>	<b>Error! Bookmark not defined.</b>

## 1. Introduction

- 1.1 This Code of Conduct governs the conduct of all Elite Level Participants.
- 1.2 Elite Level Participants share the status and profile of the Competitions and Events in which they participate. They have a responsibility to conduct themselves, whether on or off the court, in a manner that will not diminish the regard in which the sport of basketball or its participants are and should be held by the public.
- 1.3 This Code of Conduct aims to promote and strengthen the reputation of the sport of basketball in Australia, in each State and Territory of Australia and throughout the world by establishing a standard of performance, behaviour and professionalism for its Elite Level Participants. This Code of Conduct seeks to discourage conduct that could impair public confidence in the honest and professional conduct of Competitions and Events or the integrity, reputation or good character of basketball, Basketball Australia, Member Organisations, Authorised Providers, Clubs, Athletes, Administrators, Coaches, Officials or Athlete and Team Support Personnel.

## 2. Application of Code of Conduct

- 2.1 This Code of Conduct is to be read in conjunction with the provisions set out in the Basketball Australia *National Framework for Ethical Behaviour and Integrity in Basketball* (the '**Framework**') and, except as otherwise defined in this Code of Conduct, all capitalised terms in this Code of Conduct have the definitions set out in Clause 29 of the Framework.
- 2.2 Nothing in this Code of Conduct limits the responsibilities set out in the Framework or any other code or policy promulgated by Basketball Australia that is otherwise applicable to an individual or individuals, including without limitation under the Gambling and Match-Fixing Policy, Anti-Doping Policy and Improper Use of Drugs and Medicines Policy.
- 2.3 This Code of Conduct is deemed to be a Code of Conduct under applicable Collective Bargaining Agreements or Players Agreements (**CBAs**) in place with the Australian Basketball Players' Association (**ABPA**).
- 2.4 Member Organisations, Authorised Providers and Clubs must respect and enforce any sanction or suspension imposed on Elite Level Participants under the Framework within their Competitions or Events.
- 2.5 Member Organisations, Authorised Providers and Clubs must respect the process set out in the Framework and must avoid taking any action that is inconsistent with the Framework, provided that, subject to Clause 2.4, nothing in this Code of Conduct is intended to override any rights or obligations of any Member Organisation, Authorised Provider, Club or Player under any applicable contracts of employment.

- 2.6 This Code of Conduct applies throughout the whole of each calendar year, including during any offseason periods and applies to conduct both on and off the court and in relation to basketball and non-basketball activities.
- 2.7 In relation to on-court behaviour, this Code of Conduct shall apply only when Basketball Australia or any applicable Member Organisation or Authorised Provider match review or tribunal procedures are, in the opinion of Basketball Australia, unable to adequately deal with the relevant Prohibited Conduct.

### 3. Who is bound by this Code of Conduct

- 3.1 This Code of Conduct applies to any Elite Level Participant.
- 3.2 For the purposes of this Code of Conduct, an **'Elite Level Participant'** means any Athlete, Athlete and Team Support Personnel, Coach or Official who is:

- 3.2.1 employed, contracted by or engaged by Basketball Australia or any Member Organisation or Authorised Provider; or
- 3.2.2 selected to represent or play for, or to participate in or in relation to (whether for compensation or otherwise), any international, national or state/territory team or squad, or any professional level team or squad, in any Event or Competition (open age or under age or otherwise) played under the auspices or control of Basketball Australia or any Member Organisation or Authorised Provider,

including but not limited to Athletes, Athlete and Team Support Personnel, Coaches, and Officials who are employed, contracted or selected to play or participate in or for or in relation to any of the following:

- 3.2.3 the National Basketball League (NBL) or any matches or events associated with the NBL;
- 3.2.4 the Women's National Basketball League (WNBL) or any matches or events associated with the WNBL;
- 3.2.5 any Australian national basketball team or squad or any matches or events associated with any Australian national basketball team, including senior, wheelchair, 3x3 and junior national teams (including, without limitation, the currently-named Rollers, Gliders, Gems, Emus, Crocs and Sapphires); or
- 3.2.6 Basketball Australia's Centre of Excellence.
- 3.3 For the purposes of this clause 3, "selected" shall apply only to a player who is under contract or has been selected to play, train or represent in any capacity (including in any appearance) and has agreed to play, train or represent in any capacity (including in any appearance), or player has indicated publicly that they intend to play or train if selected.

## 4. ABPA

- 4.1 Without limiting the rights of any Hearing Panel, where an Alleged Offender is permitted to be represented under this Code of Conduct and the Alleged Offender has selected the ABPA to be that representative, BA will not oppose that representation.
- 4.2 Any notices issued under this Code of Conduct to an Alleged Offender then playing in the NBL or WNBL or then selected to play or train for, or represent the Boomers or Opals shall be provided to the ABPA, solely in circumstances where such Alleged Offender requests or consents to BA doing so, in writing. Upon the Alleged Offender being issued with a notice, the BA Integrity Unit will advise the player of their right to advise the APBA and seek their assistance.

## 5. Code of Conduct

- 5.1 The game of basketball will be played according to the spirit of fair play and Elite Level Participants must not seek to gain an unfair advantage or in any way manipulate a result.
- 5.2 Violence has no part in the sport of basketball. Violence, intimidation or threats of any kind, whether on or off the court are, at all times, unacceptable and Elite Level Participants must not engage in this type of conduct.
- 5.3 Elite Level Participants must treat people and property appropriately at all times while competing in any Event or Competition or while representing Basketball Australia, any Member Organisation or any Authorised Provider.
- 5.4 Elite Level Participants shall behave at all times in a manner that upholds the highest standards of integrity and dignity and must not engage in conduct that is, or make comments (including written, verbal or via social media or other digital media platform) that are, unbecoming to the sport of basketball or that brings the sport of basketball, any Event or Competition, Basketball Australia, any Member Organisation or any Authorised Provider or the Elite Level Participant themselves into public disrepute or that is or is likely to be otherwise harmful to the interests or reputation of the sport of basketball, any Event or Competition, Basketball Australia, any Member Organisation, the Elite Level Participant themselves or any Authorised Provider.
- 5.5 It is understood that Elite Level Participants are competing or participating in a professional arena and are expected to cooperate in generating positive publicity and the provision of entertainment. Accordingly, this Code of Conduct does not restrict Elite Level Participants from making public comments about other Participants, provided those comments are not defamatory, obscene, profane, libellous, slanderous or which do or are likely to have the result of bringing the sport of basketball, any Event or Competition, Basketball Australia, any Member Organisation, another Participant, the Elite Level Participant making the public comment, or any Authorised Provider into disrepute.

- 5.6 Elite Level Participants must respect cultural, racial, ethnic, religious, physical, intellectual, gender, marital and sexual orientation differences at all times. Both on and off the court, Elite Level Participants must refrain from:
- 5.6.1 any form of abuse, harassment, discrimination or vilification, or any conduct which might reasonably be regarded as abuse, harassment, discrimination or vilification towards others or any other person;
  - 5.6.2 any conduct (whether through the use of language, gestures or otherwise) that is reasonably likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify any reasonable person in the position of an Elite Level Participant or any other person (including a spectator or other person at any Event or Competition) on the basis of their race, religion, culture, colour, descent, national or ethnic origin, sex, gender, sexual orientation, disability, marital status and/or maternity status; and
  - 5.6.3 unnecessary or obvious dissension, displeasure, disapproval or intimidation of officials and their decisions (this may take the form, but is not limited to, derogatory or abusive words or gestures toward, or the use of violence or threats of violence against, a match official).
- 5.7 Elite Level Participants must not physically or sexually or verbally assault another person or sexually harass another person, including but not limited to unwanted, unwelcome or uninvited behaviour.
- 5.8 Elite Level Participants must not victimise, threaten or retaliate against any other person because that person has raised a complaint or made a report or is participating in any investigation or hearing under this Code of Conduct or the Framework.
- 5.9 Without limiting the application and effect of any other applicable Basketball Australia policy, Elite Level Participants are expected to consume alcohol and properly prescribed medications in a responsible manner and shall be responsible for their conduct associated with any misuse of these substances.

## 6. Prohibited Conduct

- 6.1 Any behaviour that is inconsistent with any provision or part of any provision set out in Clause 5 of this Code of Conduct will be a breach of this Code of Conduct and therefore also Prohibited Conduct under the Framework.

## 7. Reporting Process

- 7.1 All instances of Prohibited Conduct must be reported in accordance with the Framework.

## 8. Further Application of the Framework

- 8.1 All investigations, suspensions, proceedings, hearings, sanctions, appeals and other matters relating to dealing with any Prohibited Conduct described in this Code of Conduct will be governed by, and will be conducted and determined in accordance with, the Framework.