



ANTI - DISCRIMINATION POLICY

Background

1. Basketball Tasmania is committed to eliminating discrimination in all forms within its organisation. Basketball Tasmania regards the notion of social justice as a serious and important issue. Basketball Tasmania upholds the principle of equal opportunity and believes that the sport of basketball should be accessible by all Tasmanians.
2. To ensure that this issue is addressed, Basketball Tasmania will uphold the principles established in both State and Commonwealth Government Legislation and will provide a process of resource should a member of the organisation have his or her rights violated.

Introduction

3. This policy is deemed to apply to the following:
 - a. Basketball Tasmania employees,
 - b. Basketball Tasmania selected and appointed coaches, officials and players,
 - c. Constituent Associations affiliated with Basketball Tasmania,
 - d. League Association affiliated with Basketball Tasmania, and
 - e. Players and officials while participating in Basketball Tasmania sanctioned events and programs.
4. For the purposes of this Policy, each of the above mentioned parties will be collectively known as Participants of Basketball Tasmania.
5. This policy applies to all activity conducted by or on behalf of Basketball Tasmania eg. State Championships, State selections and employment etc.

Legislation

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

- a. the Anti-Discrimination Act 19 (Tasmania);
- b. the Racial Discrimination Act 1976 (Commonwealth);
- c. the Sex Discrimination Act 1984 (Commonwealth);
- d. the Disability Discrimination Act (Commonwealth); and
- e. the Human Rights and Equal Opportunity Commission Act 1987 (Commonwealth).

Definition

7. The following definitions apply in respect to this policy.

- a. **Discrimination** - means treating someone unfairly because they happen to belong to a particular group of people - for example 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 Tasmania 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 jokes and sexual propositions.

Note: In the absence of a Federal Policy regarding participation by transgender individuals, Basketball Tasmania will follow the guidelines set down by FIBA for International Competition which requires players to be available for a femineity 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 when 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 “unfair 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, marital status or because they are pregnant.

All of the 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

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

Internal Procedure

9. Basketball Tasmania has an internal procedure to process complaints. This process ensures that the rights of all parties to the complaint are protected.

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

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

Complaints Procedure

- **Members** - the complaint should be filed, in writing, to the Chairperson of the Ethics Committee.
- **Non-Members** - the complaint should be filed, in writing, to the General Manager, Basketball Tasmania who may wish to refer the matter to the Ethics Committee for action.
- 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.

- All parties concerned will be informed by the Chairperson that a complaint has been received. The member named in the complaint will be given an invitation to respond, in writing within a reasonable time frame.
- The committee will review all information and may investigate any/all circumstances of the complaint.
- The committee may choose to:
 - accept a written response and mediate an understanding between the parties involved in the dispute
 - schedule a full hearing where all parties to the complaint may address the committee.
- The committee will make the decision whether or not disciplinary action should be taken and what form this action should take.
- All parties will be informed of the decision in writing,

External Procedure

12. If a member has a complaint against one of the Ethic Committee or does not feel comfortable approaching this committee the complaint can be forward to General Manager, Basketball Tasmania, the Anti-Discrimination Board or Federal Human Rights and Equal Opportunity Commission depending on whether the matter is covered by State or Commonwealth law.

Time Frame

13. Basketball Tasmania make 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 not possible, all parties will be notified in writing of the progress of the complaint.

Disciplinary Action

14. Disciplinary action may include the following:
- a. A letter to remind the member of the accepted standards of conduct expected by Basketball Tasmania.
 - b. A letter of reprimand which becomes part of the members professional record and may have influence on future recommendations made by the Basketball Tasmania Board.
 - c. Suspension of eligibility to participate in Basketball Tasmania activity for a set period of time.
- Such other or further action as may be deemed appropriate by the Board of Basketball Tasmania.

Appeals Procedure

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

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

17. The appeals Committee will meet within Six (6) weeks of appeal being received.