PART A – OVERVIEW AND JURISDICTION

Executive Summary

The manipulation of sports competition threatens the integrity of sport. The involvement of organized crime in the manipulation of sports is a serious and increasing concern. In response, the International Olympic Committee (IOC) created the Olympic Movement Code on the Prevention of Manipulation of Competitions (IOC Code). The IOC Code is the international framework for a harmonized effort to eliminate the manipulation of sports competitions.

This Competition Manipulation Policy (the “Policy”) provides the necessary tools and resources to prevent, deter and detect the manipulation of sports competitions in Canada to protect the integrity of the sport of basketball in Canada.

Section 1.0 Introduction

Canada Basketball (“Canada Basketball”) maintains a longstanding commitment to fair and ethical sport. The adoption and implementation of this Policy by Canada Basketball will help ensure that the Canadian basketball system is prepared to pre-emptively deter and robustly respond to corrupt attacks on the integrity of the sport of basketball.

This Policy establishes rules and a consistent scheme of enforcement and sanctions applicable to all Organizational Participants who are subject to the Policy.

All terms within this Policy that are capitalized are defined in the Definitions section below.
**Section 2.0 Definitions**

**Canada Basketball Competition**: any sports competition, tournament, game, Competition, or event, organized, recognized, or sanctioned in accordance with the rules of Canada Basketball or its affiliated organizations such as FIBA.

**Benefit**: the direct or indirect receipt or provision of money or other Consideration, including, but not limited to, bribes, gains, gifts, and other advantages including, without limitation, preferential treatment, winnings and/or potential winnings because of a Wager. This does not include official prize money, appearance fees or payments to be made under sponsorship or other contracts. Sporting advantage is also a benefit.

**Bet or Betting**: any form of speculation involving a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a Canada Basketball Competition.

**Consideration**: anything of value, including money.

**Corruption Offence**: any conduct by an Individual to improperly impact the outcome of a Canada Basketball Competition.

**Organizational Participants** are those who are employed by, contracted by, otherwise engaged in activities with Canada Basketball, including, but not limited to:

   a. Athletes;
   b. Coaches;
   c. Agents
   d. Officials;
   e. Volunteers;
   f. Managers;
   g. Administrators;
   h. Committee members;
   i. Parents and guardians of minor athletes
   j. Contractors
   k. Employees and Directors.
**Information in the Public Domain**: information which has been published or is a matter of public record or can be readily acquired by a member of the public and/or information which has been disclosed according to the rules or regulations of a Canada Basketball Competition.

**Inside Information**: information about the likely participation or likely performance of an athlete in a Canada Basketball Competition or concerning the conditions, status, outcome, or any other aspect of a Canada Basketball Competition which is known by an Individual by virtue of their position in relation to Canada Basketball or a Canada Basketball Competition and is not Information in the Public Domain or accessible to the public.

**Manipulation of a Canada Basketball Competition**: an intentional arrangement, act or omission aimed at an improper alteration of the result, the course of or any aspect of a Canada Basketball Competition to remove all or part of the unpredictable nature of the Competition with a view to obtaining a Benefit for the Individual or for others.

**Sport Organization**: any of the following entities: a national sport governing body; a national multi-sport organization; a National Sport Centre; a National Sport Institute; and any other sport organization in Canada.

**Wager**: A Bet involving money or Consideration or any other form of financial speculation.
Section 3.0 Jurisdiction

3.1 Application to Canada Basketball

Canada Basketball is committed to protecting the integrity of sport of basketball in Canada. This Policy is applicable to all Organizational Participants.
RULES

RULE 1  APPLICATION

1.1  Application

These rules shall apply to all Organizational Participants.

Organizational Participants are deemed to know they are subject to this Policy and have accepted and agreed to be bound by this Policy.

It is the responsibility of every Individual to understand their obligations under this Policy.

1.2  Other Applicable Laws or Regulations

Organizational Participants should be aware that the conduct prohibited in the Policy may also constitute a criminal offence and/or a breach of other applicable laws or regulations.

Organizational Participants must comply with all applicable laws and regulations.

RULE 2  CORRUPTION OFFENCES

Organizational Participants may not, in any manner, attempt to directly or indirectly control, impact, or influence the outcome or any other aspect of a Canada Basketball Competition in an improper manner. Doing so is a Corruption Offence under the Policy.

Allegations regarding a possible Corruption Offence shall be dealt with as a Complaint under Canada Basketball’s Discipline and Complaints Policy.

The following are examples of Corruption Offences:

2.1  Betting

2.1.1  Betting by the Individual in relation:

a)  to the Individual’s sport; or

b)  to any event of a multisport Competition in which the covered Person is accredited to participate.

A multisport competition would include Canada Games, the Olympics, Commonwealth Games, etc. This would prohibit the individual from betting on an Olympic basketball match at the Olympics if they were accredited to participate in the Basketball tournament at the Olympics, as an example.
2.1.2 No Individual shall, directly or indirectly, solicit, encourage, or facilitate any other person to Wager on the outcome or any other aspect of any Canada Basketball Competition on the Individual’s behalf.

2.2 Bribery

2.2.1 No Individual shall, directly or indirectly, solicit or accept any Benefit for the purpose of directly or indirectly influencing the outcome of a Canada Basketball Competition.

2.2.2 No Individual shall, directly or indirectly, solicit or accept any Benefit with the intention of influencing an athlete’s best efforts in any Canada Basketball Competition.

2.2.3 No Individual shall, directly or indirectly, offer or provide any Benefit to any other Individual with the intention of influencing an athlete’s performance in any Canada Basketball Competition.

2.3 Manipulation of a Canada Basketball Competition

2.3.1 No Individual shall engage in the Manipulation of a Canada Basketball Competition, directly or indirectly, using any means, by attempting to control, impact or influence the outcome or any other aspect of a Canada Basketball Competition.

2.3.2 No Individual shall, directly or indirectly, solicit or influence any athlete to not use their best efforts in any Canada Basketball Competition.

2.3.3 No Individual shall, directly or indirectly, solicit or request any other person to attempt to control, impact or influence the outcome or any other aspect of a Canada Basketball Competition.

2.3.4 No Individual shall provide, request, receive, seek, or accept a Benefit related to the Manipulation of a Canada Basketball Competition.

2.4 Inside Information

2.4.1 Using Inside Information for the purposes of Betting or for any form of Manipulation of a Canada Basketball Competition whether by the Individual or via another person and/or entity. This includes disclosing Inside Information where the Individual knew or should have known that such disclosure might lead to the information being used for the purposes of Betting or for any form of Manipulation of a Canada Basketball Competition.
2.4.3 Giving, offering and/or receiving a Benefit for providing Inside Information regardless of whether any Inside Information is actually provided.

2.4.4 There is no restriction on using Information in the Public Domain and the use of such information on its own is not a Corruption Offence.

2.5 Failure to Cooperate

2.5.1 An Individual may not obstruct or delay any investigation by Canada Basketball in relation to a possible Corruption Offence. This includes concealing, tampering with, or destroying any documentation or other information that may be relevant to the investigation. Doing so may result in additional disciplinary action. Organizational Participants are required to cooperate with any Canada Basketball investigation.

2.6 Deemed Corruption Offence

2.6.1 Any form of aid, abetment or an attempt by an Individual that could result in a Corruption Offence shall be treated as if a Corruption Offence had been committed, whether a Corruption Offence occurred and/or whether the Corruption Offence was committed deliberately or negligently.

2.6.2 An Individual shall be responsible for any Corruption Offence committed by any other party if the Individual, either:

a) had knowledge of a Corruption Offence and failed to report to Canada Basketball; or

b) assisted in the commission of a Corruption Offence.

Canada Basketball has the right to assert that an Individual breached their obligations in the Policy. If allegations of deemed Corruption Offences are proven by Canada Basketball at a hearing under its Discipline and Complaints Policy, the Discipline Committee may impose sanctions on an Individual to the same extent as if an Individual had committed the Corruption Offence.

RULE 3 REPORTING OBLIGATIONS

3.1 Direct Knowledge

An Individual has an obligation to report a possible Corruption Offence as soon as possible. This includes if an Individual is approached by any person who offers or provides any type of Benefit to that Individual to:

a) influence the outcome or any other aspect of any Canada Basketball Competition; or
b) to provide Inside Information.

3.2 Indirect Knowledge or Suspicion

In the event the Individual knows, suspects, or becomes aware of any incident, fact, or matter (or of which they ought to have been reasonably aware) that any other Individual or other individual has committed a Corruption Offence, including approaches or invitations received by another Individual to engage in conduct that could amount to a Corruption Offence, the Individual must report this knowledge or suspicion to Canada Basketball as soon as possible.

3.3 Continuing Obligation

An Individual has a continuing obligation to report any new knowledge or suspicion regarding any Corruption Offence even if the Individual’s prior knowledge or suspicion has already been reported.

3.4 Reporting Process

Any person may report a possible Corruption Offence to Canada Basketball according to Canada Basketball’s Discipline and Complaints Policy.

Reports can also be made pursuant to the Canadian Centre for Ethics in Sport’s anonymous reporting mechanism, the CCES Integrity Hotline. Reporting methods are described at www.cces.ca/integrity.

Canada Basketball may, in its sole discretion, initiate the complaint process and act as the Complainant in accordance with Canada Basketball’s Discipline and Complaints Policy.

RULE 4 ADDITIONAL MATTERS

4.1 Matters Not Relevant

For the determination of whether a Corruption Offence has been committed, the following are not relevant:

a) whether the Individual is taking part in the Competition concerned;

b) whether the outcome or the aspect of the Competition on which the Bet was made or intended to be made was favourable;

c) whether or not any Benefit was actually given or received;

d) the nature or outcome of the Bet;
e) whether the Individual’s effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;

f) whether the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question; and

g) whether the manipulation included a violation of a technical rule of Canada Basketball.

4.2 Offer or Solicitation

For a Corruption Offence to be committed, it is sufficient that an offer or solicitation was made, regardless of whether any Benefit was actually paid or received.

4.3 Evidence of Effort

Evidence of an athlete’s lack of efforts or poor performance during a Competition may be offered to support allegations by Canada Basketball that an Individual committed a Corruption Offence, but the absence of such evidence shall not preclude an Individual from being sanctioned for a Corruption Offence.

4.4 Valid Defence

A valid defence may be made to a charge of a Corruption Offence if the Individual alleged to have committed the Corruption Offence:

a) reported such conduct to Canada Basketball immediately or as soon as reasonably possible, and;

b) demonstrates that such conduct was the result of imminent peril or danger, that the Individual had no reasonable alternative other than to conduct the Corruption Offence, and that the conduct was proportional to the peril or danger avoided.

RULE 5 INVESTIGATION

5.1 Right to Investigate

After receiving a report of a possible Corruption Offence or after initiating the complaint process, Canada Basketball may order an investigation into the circumstances. This investigation, which the Individual agrees to cooperate fully with, will follow the requirements of Canada Basketball’s investigation guidelines as set out in the Discipline and Complaints Policy, with necessary modifications determined at the discretion of the investigator.
Any information furnished to Canada Basketball (or to an appointed designate) during the investigation shall be:

a) kept confidential except when it becomes necessary to disclose such information in furtherance of the prosecution of a Corruption Offence, or for the purpose of reporting to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations; and

b) used solely by Canada Basketball (or appointed designate) for the purposes of the investigation and prosecution of a Corruption Offence.

5.2 Referral for Hearing following Investigation

Following any investigation which has concluded that the Individual committed a Corruption Offence, a hearing referral for the individual shall be made. This hearing will be a Process #2 proceeding as set out in Canada Basketball's Discipline and Complaints Policy.

All requirements to follow during any hearing (including the conduct of any hearing, and the determination of a Corruption Offence during said hearing) shall be those laid out in Canada Basketball’s Discipline and Complaints Policy.

RULE 6 PROVISIONAL MEASURES

6.1 Provisional Measures

Canada Basketball may in its discretion impose reasonable and proportionate provisional measures, including a provisional suspension, on an Individual where there is a particular ongoing risk to the sport.

RULE 7 PROCESS

7.1 Process to be Followed and Confidentiality

Once a report is submitted in accordance with Rule 3 of this Policy, Canada Basketball will follow the process as set out in the Discipline and Complaints Policy, except where specifically modified by this Policy. In the event of conflict between these policies, this Policy shall apply.

During the entirety of the report process, the principle of confidentiality must be respected during the investigation and any disciplinary process. Information shall only be shared with Organizational Participants on a need-to-know basis for the purpose of implementing and enforcing this policy.
At the conclusion of the case, public disclosure of the outcome of the matter involving allegations of a breach of this Policy and any sanctions imposed, if any, is required, subject to any restrictions under Canada Basketball’s *Discipline and Complaints Policy*.

**RULE 8  SANCTIONS**

8.1 **Sanctions**

The Panel appointed per the *Discipline and Complaints Policy* will determine sanctions, if any.

8.2 **Reporting to Other Authorities**

Canada Basketball may report Corruption Offences that also violate other laws and regulations to the competent administrative, professional, or judicial authorities.

8.3 **Subsequent Corruption Offence**

If any Individual commits a Corruption Offence during a period of ineligibility, it shall be treated as a separate Corruption Offence under the Policy, but the initial Corruption Offence will be considered when determining sanctions.

8.4 **Breach of Sanction**

The Panel appointed per the *Discipline and Complaints Policy* will determine the consequences of an Individual breaching sanctions.

**RULE 9  APPEALS**

9.1 **Decisions Subject to Appeal**

The appeal of a Discipline Panel decision must be made according to the terms of Canada Basketball’s *Appeal Policy*.

**RULE 10  REINSTATEMENT**

10.1 **All conditions for reinstatement**

All conditions for reinstatement, including with respect to the period of ineligibility or suspension, and any financial obligation (i.e., payment of any fines and/or forfeiture of any prize monies) shall be dealt with in accordance with Canada Basketball’s *Discipline*
RULE 11 MUTUAL RECOGNITION

11.1 Recognition of Decisions

Canada Basketball shall recognize and respect the final decisions made by another National or International sporting body i.e. FIBA, the IOC, etc. or a court of competent jurisdiction in matters substantially pertaining to the subject matters of the Policy.

Canada Basketball will inform other Organizational Participants or organizations, including but not limited to, national sport organizations, provincial sport organizations, sport clubs, etc., in accordance with the provisions of the Discipline and Complaints and the Reciprocation Policy.

RULE 12 GENERAL

12.1 Limitations

No action may be commenced under the Policy against any Individual for any Corruption Offence unless such action is commenced within two (2) years after the discovery of such alleged Corruption Offence. The “action” referenced in this section shall be the referral of the matter to a hearing, as described in Rule 5.2.

12.2 Headings

Section headings within the Policy are for the purpose of guidance only and do not form part of the Policy itself. Nor do they inform or affect the language of the provisions to which they refer.

12.3 Validity

In the event any provision of the Policy is determined invalid or unenforceable, the remaining provisions shall not be affected. The Policy shall not fail because any part is held to be invalid.

12.4 Waiver of Rights

Except as otherwise stated herein, failure to exercise or enforce any right conferred by the Policy shall not be deemed to be a waiver of any such right nor operate to bar the exercise or enforcement or of any other right on any other occasion.
12.5 Time Periods

Unless otherwise specified, time periods in the Policy are total consecutive days irrespective of weekends or holidays. When a deadline falls on a weekend or statutory holiday, the next business day shall be the deadline for the purpose of the Policy.

12.6 Effective Date

The Policy is applicable prospectively to Corruption Offences occurring on or after the date that the Policy becomes effective. The Policy comes into full force and effect on December 15th, 2022.

The Rules in the Policy shall not apply retroactively to any matters pending before the Effective Date.

RULE 13 IMPLEMENTATION

13.1 Implementation of the Policy

Canada Basketball commits to implementing the Policy within its own jurisdiction as of the Effective Date, including promptly creating and providing suitable educational materials to all Organizational Participants.

Review and Approval

This Policy was reviewed and approved by the Canada Basketball Board of Directors on the 15th day of December 2022.