



## 2.6 MSABC DISCIPLINARY POLICY

### Purpose of Policy

MSABC is committed to providing a supportive framework through which its members can achieve excellence in all areas of the sport of swimming.

MSABC is characterized by open and clear communication and honesty, fairness, and mutual respect.

MSABC believes that these values and ideals should guide all of our communications and actions, and that such conduct is in the best interest of all who participate in the sport of swimming.

Membership in MSABC brings with it many benefits and privileges. At the same time, members must fulfill certain responsibilities and obligations, including but not limited to, complying with the policies, rules and regulations of MSABC.

Athletes, coaches, officials, and volunteers are required to, at all times, act in accordance with the spirit of the Constitution and By-Laws of MSABC.

### Policy

This policy applies to all registered members of MSABC including directors, officers, volunteers, coaches, athletes, and officials.

For the purposes of this policy, discipline matters can arise from the following events/places:

- a. at MSABC and MSABC-related sporting events, competitions, and in training sessions;
- b. at MSABC-related business functions, such as meetings, conferences, training sessions, and workshops;
- c. organization-related travel;
- d. during telephone conversations related to MSABC activities, programs, and/or services;
- e. as a result of MSABC-related responsibilities or relationships; and/or,
- f. at MSABC-affiliated club or other MSABC-related social functions.

### Procedures

#### a. Minor Infractions:

1. Any member of MSABC may report to the MSABC Board of Directors a minor infraction by way of a written notice. Examples of minor infractions are, but not limited to:
  - a. a single incident of disrespectful, offensive, abusive comments or behaviour directed towards others, including but not limited to peers,



opponents, athletes, coaches, officials, administrators, volunteers, spectators and sponsors;

- b. unsportsmanlike conduct such as angry outbursts or arguing;
  - c. a single incident of being late for or absent from MSABC events and activities at which attendance is expected or required; and/or,
  - d. non-compliance with the rules and regulations under which MSABC events are conducted, whether at the club, provincial, national, or international level.
2. Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined at the discretion of the person responsible for discipline of such infractions, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
  3. The following disciplinary sanctions may be applied, singly or in combination for minor infractions:
    - a. verbal reprimand;
    - b. written reprimand;
    - c. verbal apology;
    - d. hand delivered written apology;
    - e. team service or other voluntary contribution to MSABC;
    - f. suspension from activities of the organization; and/or,
    - g. other sanctions as may be considered appropriate for the offence.
  4. Minor infractions which result in discipline shall be recorded by MSABC for future reference.

## **b. Major Infractions:**

1. Any member of MSABC may report to the MSABC Board of Directors a major infraction by way of a written notice. Examples of major infractions are, but not limited to:
  - a. repeated incidents of disrespectful, offensive, abusive comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators, and sponsors;
  - b. repeated unsportsmanlike conduct such as angry outbursts or arguing;
  - c. repeated incidents of being late or absent from MSABC events and activities at which attendance is required or expected;
  - d. activities or behaviour which interfere with a competition or with any athlete's preparation for competition;
  - e. pranks, jokes or other activities which endanger the safety of others;



- f. deliberate disregard for the rules and regulations under which MSABC events are conducted, whether at the local, provincial, national, or international level;
  - g. abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
  - h. promoting use of alcohol by minors;
  - i. endangering the safety of others through the use of illicit drugs and narcotics; and/or,
  - j. use of banned performance enhancing drugs or methods.
2. Within 7 days of receiving the written complaint, the Board shall appoint a Chairperson plus three members to sit as the Disciplinary Committee. The Disciplinary Committee shall consist of at least one man and one woman. Each member of the Disciplinary Committee shall have no direct personal or professional involvement with the individual(s) under investigation. These individuals should be appointed upon their ability to serve in a neutral and unbiased position and shall be selected from the following criteria:
  - a. "peer" representative;
  - b. club or regional representative; and,
  - c. MSABC Board of Directors representative.
3. The Chair of the Disciplinary Committee shall determine if the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction.
4. If the incident is to be dealt with as a minor infraction, the Chair of the Disciplinary Committee will inform the MSABC President and the alleged offender, and the matter shall be dealt with as appropriate.
5. The Disciplinary Committee shall hold the hearing as soon as possible, but not more than 21 days after the written complaint is first received by the MSABC Board.
6. The Disciplinary Committee shall govern the hearing as it sees fit, provided that:
  - a. the individual being disciplined shall be given 10 days written notice of the time, day and place of the hearing. The Committee may decide to conduct the hearing in person, or by telephone conference call;
  - b. the individual being disciplined shall receive a copy of the written complaint;



- c. a quorum shall be 3 committee members;
  - d. decisions shall be by majority vote; the Chair does not carry a vote, unless another member of the Committee is unable to attend;
  - e. the individual being disciplined may be accompanied by a representative;
  - f. with the exception of a disciplinary item resulting from the MSABC Harassment Policy 2.8, the individual being disciplined shall have the right to present evidence and argument;
  - g. the hearing shall be held in private;
  - h. the Committee may request that witnesses to the incident be present or submit written evidence.;
  - i. the Committee shall render its decision, with written reasons within 5 days of the Hearing;
  - j. once appointed, the Committee shall have the authority to abridge or extend timelines associated with all aspects of the Hearing.
7. The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent MSABC policy (e.g. MSABC Harassment Policy 2.8).
8. The Disciplinary Committee may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a. written reprimand to be recorded;
  - b. hand delivered written apology;
  - c. suspension from certain MSABC events which may include suspension from current competition or from future teams or competitions;
  - d. suspension from certain MSABC activities (i.e., competitions, coaching, officiating, volunteering) for periods of up to 3 years;
  - e. suspension from all MSABC activities for up to 3 years;
  - f. expulsion from MSABC;
  - g. other sanctions as may be considered appropriate for the offence.
9. The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent MSABC policy (e.g. MSABC Harassment Policy 2.8).
10. Unless the Disciplinary Committee decides otherwise, any disciplinary sanctions applied shall take effect immediately.

## **Review of Policy**

This policy shall be reviewed by the MSABC Board of Directors as required.

**Adopted and in effect – 15-April-2013**

**Last reviewed – 12-January-2019**