



**SWIMMING NEW BRUNSWICK
NATATION NOUVEAU-BRUNSWICK
DISCIPLINE POLICY**

NOTE: In this policy “member” refers to all categories of members in Swimming New Brunswick/Natation Nouveau-Brunswick (SNB), as well as to all individuals engaged in activities with or employed by SNB, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).

PREAMBLE

1. SNB is committed to providing a sport environment which is athlete-centered, and which is characterized by the values of fairness, integrity, open communication, and mutual respect.
2. Membership in SNB, as well as participation in the activities of SNB, brings with it many benefits and privileges. At the same time members are expected to fulfill certain responsibilities and obligations, including but not limited to, complying with the Code of Conduct, policies, rules and regulations of SNB.
3. The SNB Code of Conduct identifies the standard of behaviour which is expected of members of SNB. Members who fail to meet this standard may be subject to the disciplinary sanctions identified within this policy.

APPLICATION

4. This policy applies to all members of SNB, as well as to all individuals engaged in activities with, or employed by, SNB including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees.
5. This policy applies to discipline matters that may arise during the course of all SNB business, activities and events, including but not limited to, swim meets, training camps, meetings and travel associated with these activities.
6. Discipline matters arising within the business, activities or events of member clubs, or affiliated organizations of SNB shall be dealt with using the discipline policies and mechanisms of such organizations.

DISCIPLINARY PROCEDURES

Minor Infractions:

7. Examples of minor infractions are shown in Appendix B. All disciplinary situations involving minor infractions occurring within the jurisdiction of SNB will be dealt with by the appropriate person having authority over the situation and the individual involved

(this person may include, but is not restricted to, a board member, committee member, swim meet chairperson, official, coach, team manager, team captain or head of delegation).

8. 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.
9. The following disciplinary sanctions may be applied, singly or in combination, for minor infractions:
 - a. verbal reprimand,
 - b. b) written reprimand to be placed in individual's file,
 - c. c) verbal apology,
 - d. d) hand-delivered written apology,
 - e. e) team service or other voluntary contribution to SNB,
 - f. f) suspension from the current competition,
 - g. g) other sanctions as may be considered appropriate for the offense.
10. Minor infractions which result in discipline shall be recorded using the Incident Report form. Repeat minor offenses may result in a further such incident being considered as a major infraction.

Major Infractions:

11. Examples of major infractions are shown in Appendix B. Any member, or representative, of SNB may report to the Executive Director a major infraction using the Incident Report form.
12. Upon receipt of an Incident Report, the Executive Director 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.
13. If the incident is to be dealt with as a minor infraction, the Executive Director will inform the appropriate person in authority as described in Section 6 and the alleged offender, and the matter shall be dealt with according to Sections 7 through 9 of this policy.
14. If the incident is to be dealt with as a major infraction and a hearing is required, the alleged offender shall be notified as quickly as possible and in any event no later than 3 days from date of receipt of the Incident Report, and shall be advised of the procedures outlined in this policy.
15. Major infractions occurring within competition may be dealt with immediately, if necessary, by a SNB representative in a position of authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions. This review does not replace the appeal provisions of this policy.

Hearing:

16. Within 7 days of receiving the Incident Report, the Executive Director shall forward the Report to the President, or President's delegate who shall appoint three individuals to

serve as a Disciplinary Panel. Where possible, one of the Panel members shall be from the peer group of the alleged offender.

17. The Discipline Panel shall hold the hearing as soon as possible, but not more than 21 days after the Incident Report is first received by the President.
18. The Discipline Panel shall govern the hearing as it sees fit, provided that:
 - a. the individual being disciplined shall be given 10 days written notice (by courier, mail or fax) of the day, time and place of the hearing. The Panel may decide to conduct the hearing in person or by telephone or video conference;
 - b. the individual being disciplined shall receive a copy of the incident report;
 - c. members of the Panel shall select from among themselves a Chairperson;
 - d. a quorum shall be all 3 Panel members;
 - e. e) decisions shall be by majority vote; the Chair carries a vote;
 - f. f) the individual being disciplined may be accompanied by a representative;
 - g. g) the individual being disciplined shall have the right to present evidence and argument;
 - h. h) the hearing shall be held in private;
 - i. the Panel may request that witnesses to the incident be present or submit written evidence;
 - j. j) once appointed, the Panel shall have the authority to abridge or extend timelines associated with all aspects of the Hearing.
19. The Discipline Panel shall render its decision, with written reasons within 5 days of the Hearing. A copy of this decision shall be provided to all of the parties to the hearing and Executive Director.
20. The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent SNB policy, such as those dealing with harassment, personnel or event-specific matters.
21. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel shall determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
22. If the individual being disciplined chooses not to participate in the hearing, the hearing shall proceed in any event.

Sanctions

23. The Discipline Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
 - a. Written reprimand to be placed in individual's file;
 - b. Hand-delivered written apology;
 - c. Suspension from certain SNB events which may include suspension from the current competition or from future teams or competitions;
 - d. Being sent home following suspension from the current competition;
 - e. Payment of a financial fine in an amount to be determined by the Disciplinary Panel;
 - f. Suspension of SNB funding;
 - g. Suspension from certain SNB activities (i.e. competing, coaching or officiating) for a designated period of time;
 - h. Suspension from all SNB activities for a designated period of time;
 - i. Expulsion from SNB;

- j. Other sanctions as may be considered appropriate for the offense.
- 24. The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent SNB policy, such as those dealing with harassment, doping, personnel or event-specific matters.
- 25. Unless the Discipline Panel decides otherwise, any disciplinary sanctions shall commence immediately.
- 26. In applying sanctions, the Disciplinary Panel may have regard to the following aggravating or mitigating circumstances:
 - a. the nature and severity of the offense,
 - b. b) whether the incident is a first offense or has occurred repeatedly,
 - c. c) the individual's acknowledgment of responsibility,
 - d. d) the individual's extent of remorse,
 - e. e) the age, maturity or experience of the individual, and
 - f. f) the individual's prospects for rehabilitation.
- 27. Notwithstanding the procedures set out in this policy, any member of SNB who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of SNB for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by SNB in accordance with this policy.

APPEALS PROCEDURE

28. Except where otherwise provided, an appeal of any disciplinary matter will be done according to the Appeals Policy of SNB.

APPENDIX B

Examples of minor infractions:

- a) a single incident of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- b) unsportsmanlike conduct such as angry outbursts or arguing;
- c) a single incident of being late for or absent from SNB events and activities at which attendance is expected or required;
- d) non-compliance with the rules and regulations under which SNB events are conducted, whether at the local, provincial, national or international level.

Examples of major infractions:

- a) repeated incidents of disrespectful, offensive, abusive, racist or sexist 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 for or absent from SNB events and activities at which attendance is expected or required;
- d) activities or behaviour which interfere with a competition or with any athlete's preparation for a competition;
- e) pranks, jokes or other activities which endanger the safety of others;

- f) deliberate disregard for the rules and regulations under which SNB 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) any use of alcohol by minors;
- i) use of illicit drugs and narcotics;
- j) use of banned performance enhancing drugs or methods