

CANADA BASKETBALL

DISCIPLINE POLICY

NOTE:

***"Member"** refers to all categories of members of Canada Basketball, as well as to all individuals engaged in activities with or employed by Canada Basketball, 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. Canada Basketball 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 Canada Basketball, as well as participation in the activities of Canada Basketball, 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 Canada Basketball.
3. The Canada Basketball Code of Conduct (attached as Appendix A) identifies the standard of behaviour which is expected of members of Canada Basketball. Members who fail to meet this standard will be subject to the disciplinary sanctions identified within this policy.

APPLICATION

4. This policy applies to all members of Canada Basketball, as well as to all individuals engaged in activities with, or employed by, Canada Basketball 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 which may arise during the course of all Canada Basketball business, activities and events, including but not limited to basketball competitions (including exhibition games), basketball practices, training camps, meetings and travel associated with these activities.
6. Discipline matters arising within the business, activities or events of provincial/territorial Basketball associations, or other member organizations of Canada Basketball shall be dealt with using the discipline policies and mechanisms of such organizations.

DISCIPLINARY PROCEDURES

Minor Infractions:

7. Minor infractions are single incidents of misconduct which violate the *Guidelines for Behaviour* but which generally do not result in harm to others, examples of which are shown in Appendix B. All disciplinary situations involving minor infractions occurring within the jurisdiction of Canada Basketball 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, basketball tournament chairperson, a tournament organizing committee representative, official, coach, team manager, team captain or head of delegation).
8. Procedures for dealing with minor infractions shall be informal and shall be determined at the discretion of the appropriate person having authority over the situation and the individual involved, 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) written reprimand to be placed in individual's file,
 - c) verbal apology,
 - d) hand-delivered written apology,
 - e) team service or other voluntary contribution to Canada Basketball,
 - f) suspension from a game or a number of games
 - g) suspension from the competition,
 - h) 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* in Appendix C. Repeat minor offenses which are documented in Incident Reports may result in subsequent incidences, which would normally be considered as a minor infraction, being considered as a major infraction.

Major Infractions

11. Major infractions are single or repeated incidents of misconduct which violate the Guidelines for Behaviour and which result, or have the potential to result, in harm to other person or to Canada Basketball, examples of which are shown in Appendix B. Any member, or representative, of Canada Basketball may report to the President a major infraction using the Incident Report form in Appendix C.
12. If the incident is a major infraction a hearing is required. The alleged offender shall be notified as quickly as possible and in any event no later than 5 days from date of receipt of the Incident Report, and shall be provided with a copy of this policy concurrently with being notified of the infraction.

Hearing

13. 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 Discipline Panel. Where possible, one of the Panel members shall be from the peer group of the alleged offender.
14. 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.

15. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel may decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in-person or by means of telephone conference.
16. The Panel may determine that the circumstances of the dispute warrant a preliminary conference:
 - a) the matters which may be considered at preliminary conference include date and location of a hearing, timelines for exchange of documents, format for the hearing, clarification of issues in dispute, any procedural matter, order and procedure of hearing, remedies being sought, identification of witnesses, and any other matter which any assist in expediting the discipline proceedings.
 - b) the panel may delegate to one of its members the authority to deal with these preliminary matters.
17. The Discipline Panel shall govern the hearing as it sees fit, having regard to the financial resources and needs of Canada Basketball, provided that:
 - a) the individual being disciplined shall be given 10 days written notice (by courier or fax) of the day, time and place of the hearing;
 - 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) decisions shall be by majority vote where the Chair carries a vote;
 - f) in the case of an oral hearing, the individual being disciplined may be accompanied by a representative;
 - g) in the case of an oral hearing, the individual being disciplined shall have the right to present evidence and argument;
 - h) the hearing shall be held in private;
 - i) the Panel may request that witnesses to the incident be present in the case of an oral hearing or submit written evidence;
 - j) once appointed, the Panel shall have the authority to abridge or extend timelines associated with all aspects of the Hearing.
18. The Discipline Panel shall render its decision, with written reasons within 10 days of the Hearing. A copy of this decision shall be provided to all of the parties to the hearing the President and the Executive Director.
19. The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent Canada Basketball policy, such as those dealing with harassment, doping, personnel or event-specific matters.
20. 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.
21. If the individual being disciplined chooses not to participate in the hearing, the hearing shall nonetheless proceed.

Sanctions

22. 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 Canada Basketball events which may include suspension from a game, a

- series of games, 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 Discipline Panel;
 - f) suspension of Canada Basketball or Sport Canada funding;
 - g) suspension from certain Canada Basketball activities (i.e. competing, coaching or officiating) for a designated period of time;
 - h) suspension from all Canada Basketball activities for a designated period of time;
 - i) expulsion from Canada Basketball;
 - j) publication of the decision;
 - k) other sanctions as may be considered appropriate for the offense.
23. The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent Canada Basketball policy, such as those dealing with harassment, doping, personnel or event-specific matters.
24. Unless the Discipline Panel decides otherwise, any disciplinary sanctions shall commence immediately.
25. 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) whether the incident is a first offense or has occurred repeatedly,
 - c) the individual's acknowledgment of responsibility,
 - d) the individual's extent of remorse,
 - e) the age, maturity or experience of the individual, and
 - f) the individual's prospects for rehabilitation.
26. Notwithstanding the procedures set out in this policy, any member of Canada Basketball 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 Canada Basketball for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by Canada Basketball in accordance with this policy.

INFRACTIONS DURING TOURNAMENTS AND COMPETITIONS

27. Infractions occurring during tournaments or competitions may need to be dealt with on an urgent basis. Such infractions must be reported to the tournament or competition Chair ("Chair") within 90 minutes of their occurrence becoming known, using the Incident Report form.
28. Upon receipt of an Incident Report, the tournament or competition Chair shall determine if the incident is a Minor or Major Infraction as contemplated by the Guidelines for Behaviour.
29. If the incident is deemed by the Chair to be a Minor Infraction the Chair shall follow the procedures outlined in Section 8 of this policy.
30. If the incident is deemed by the Chair to be a Major Infraction, within 60 minutes of the incident being reported the Chair shall appoint a Discipline Panel comprised of a Canada Basketball representative, a Tournament Host Committee representative and an officials representative, one of whom shall be named to serve as Chair.
31. The Discipline Panel shall hear and decide the matter using the following procedures:
- a) quorum shall be all three Panel members, and the Panel shall make its decision by majority vote where

- the Chair carries a vote;
 - b) the hearing shall be an oral hearing, held in private;
 - c) the individual being disciplined shall be given 60 minutes notice of the hearing, and may be accompanied at the hearing by a representative;
 - d) the individual being disciplined shall be given a copy of the Incident Report;
 - e) the individual being disciplined shall have the right to present evidence and argument;
 - f) the Panel may request that witnesses to the incident be present for the hearing, and may request that any readily available documents or materials be provided to the Panel, such as game reports, game tape or video, or official's reports.;
 - g) the Panel shall render its decision, with reasons, verbally within 30 minutes of the conclusion of the hearing;
 - h) the Panel may apply sanctions as set out in Section 22, and such sanctions shall take effect immediately.
32. The Panel may, in its sole discretion, adapt such procedures and timelines to accommodate any unique, urgent or unforeseen circumstances, at all times ensuring that the matter is heard and decided in a timely and fair manner.

APPEALS PROCEDURE

33. Except where otherwise provided, an appeal of any disciplinary matter shall be dealt with pursuant to the Appeals Policy of Canada Basketball.

APPENDIX A

GUIDELINES FOR BEHAVIOUR

Canada Basketball is committed to providing an environment in which all individuals are treated with respect. Further, Canada Basketball supports equal opportunity and prohibits discriminatory practices. Members are expected to conduct themselves at all times in a manner consistent with the values of Canada Basketball which include: fairness, integrity, open communication and mutual respect. Conduct which violates these values may be subject to sanctions pursuant to Canada Basketball's Discipline Policy.

In addition to the above, the following specific behaviours will be subject to sanction pursuant to Canada Basketball's Discipline Policy.

1. not complying with the by-laws, rules, regulations or policies of Canada Basketball, as adopted and amended from time to time;
2. verbally or physically abusing opponents, officials, spectators or sponsors; Canada Basketball personnel, teammates, coaching staff, support staff, peers or volunteers
3. showing disrespect to officials, including the use of foul language and obscene or offensive gestures;
4. abusing basketball facilities or equipment;
5. failing to comply with the conditions of entry in a Canada Basketball event including any rules with regard to clothing or advertising;
6. failing to be available to meet reasonable requests for interviews by the media;
7. any other unreasonable conduct which brings Canada Basketball, its' sponsors and /or the sport of basketball into disrepute, including but not limited to, abusive use of alcohol, non-medical use of drugs, use of alcohol by minors.

For the purposes of a discipline matter which is being dealt with under this policy, if there is any discrepancy between this Code of Conduct and the applicable Code of Conduct of any provincial/territorial basketball association, this Code of Conduct and policy shall take precedence.

APPENDIX B

EXAMPLES OF MINOR INFRACTIONS:

1. 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;
2. conduct contrary to the ideals of fair play such as angry outbursts or arguing;
3. a single incident of being late for or absent from Canada Basketball events and activities at which attendance is expected or required;
4. non-compliance with the rules and regulations under which Canada Basketball events are conducted, whether at the local, provincial, national or international level.

EXAMPLES OF MAJOR INFRACTIONS:

1. 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;
2. repeated conduct contrary to the ideals of fair play such as angry outbursts or arguing;
3. repeated incidents of being late for or absent from Canada Basketball events and activities at which attendance is expected or required;
4. activities or behaviour which interfere with the organization of a competition or with any athlete's preparation for a competition;
5. pranks, jokes or other activities which endanger the safety of others;
6. deliberate disregard for the rules and regulations under which Canada Basketball events are conducted, whether at the local, provincial, national or international level;
7. any conduct which results in harm to the image, credibility or reputation of Canada Basketball and / or its' sponsors
8. abusive use of alcohol or any other illicit substance 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;
9. abuse of basketball facilities or equipment
10. any use of alcohol or any other illicit substance by minors;
11. use of illicit drugs and narcotics;
12. use of banned performance enhancing drugs or methods



APPENDIX C

CANADA BASKETBALL -- INCIDENT REPORT

Date and time of incident: _____

Name of writer: _____ Position: _____

Location of incident: _____

Individual(s) involved in the incident:

Objective description of the incident (please be concise, accurate and non-judgmental):

Contact information of individuals who observed the incident: _____

Signature of writer: _____

Date: _____

Official Use Only

This incident is a: minor infraction major infraction

Disciplinary action which was taken (if applicable):

