

# Discipline Policy

## Arnis Canada

### Purpose

1. Member and participation in the activities of Arnis Canada offers many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with the Code of Conduct of Arnis Canada. This Code of Conduct identifies the standard of behaviour that is expected of members and participants and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

### Application

2. This policy applies to all categories of members of Arnis Canada and to all individuals participating in activities in Arnis Canada. These include, but are not limited to, athletes, coaches and officials.
3. This policy applies to all discipline matters that may arise during the course of Arnis Canada's business, activities, and events, including but not limited to competitions, practices, training camps, travel associated with competitive activities.
4. Disciplinary infractions occurring within the business, activities, or events of provincial associations, including clubs under provincial jurisdiction, will be dealt with using the procedures of such provincial associations. Provincial associations are encouraged to adopt procedures that are consistent with this policy.
5. The Chair of the Discipline Committee (hereafter referred to as Chair), and the Executive Director of Arnis Canada, is responsible for overseeing the procedures set out in this policy and will, at all times, ensure that such procedures are carried out in a timely manner. In the event the Chair and/or Executive Director are unable to fulfill such responsibilities, the Executive Director will appoint a designate.

### Reporting An Infraction

6. Any individual may report to the Chair, in writing, a disciplinary infraction, it will be at the sole discretion of the Chair to determine if the infraction is best dealt with as a minor or major infraction.

## **Minor Infraction**

7. Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others. Disciplinary situations involving minor infractions may be dealt with by the Chair, or another appropriate person having authority over the individual involved: the person may include, but is not restricted to a Board member, Committeem, staff person, coach, organizer, or manager.

8. Procedures for dealing with minor infractions are informal as compared to those for major infractions and will be determined at the discretion of the Chair, or the person having the authority, provided the individual being disciplined is told the nature of the infraction. This policy will not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.

9. Disciplinary sanctions for minor infractions may include the following:

- a. Verbal or written reprimand;
- b. Verbal or written apology;
- c. Service or other voluntary contribution to Arnis Canada;
- d. Suspension from the current activity or competition;
- e. Any other similar sanction considered appropriate for the offence

## **Major Infraction**

10. Major infractions are instances of misconduct that violates the Code of Conduct and that result, or have the potential to result, in harm to other persons, to Arnis Canada or the sport of Arnis.

11. Where the Chair determines that an infraction is to be dealt with as a major infraction, the Chair will notify the individual alleged to have committed the infraction as soon as possible, and will provide the individual with a copy of the written report and a copy of this policy.

12. Major infractions occurring within competition may be dealt with immediately, if necessary, by the appropriate person having the authority (i.e. the Arnis Canada representative at a national event, or the tournament director at all other tournaments). The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be applied but only after a review of the matter in accordance with the procedures set out in this policy for major infractions. (Note that referees control infractions/penalties during actual bouts, and are responsible for dealing with athlete misconduct during games).

## **Procedures for Responding to an Infraction**

13. Depending on the nature and severity of the infraction, the Chair may appoint an independent individual to conduct an investigation. If this is the case, the investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the Chair.

14. Upon receiving the written report of the investigator if an investigation was carried out, the Chair will decide if the complaint should be dealt with informally, in which the Chair will direct the appropriate response and the matter will then be concluded.

15. The Chair may determine that the alleged infraction is of such seriousness as to warrant suspension of the individuals from activities with Arnis Canada pending a review of the complaint.

## Hearing

16. If the Chair determines that the complaint should be dealt with more formally by means of a hearing, the Chair will refer the complaint to the Discipline Committee, which is made up of the Chair and three additional unbiased individuals. The role of the Chair, with assistance from the Executive Director, will be to coordinate the administrative work of the Committee and ensure that the procedures of this policy are properly carried out. The Chair will not carry a vote on the Discipline Committee.

17. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Committee will decide whether to conduct the hearing by way of review of documentary evidence, by way of oral hearing, or by way of a combination of these two methods. If the Committee decides to conduct an oral hearing, it may decide to do so in person or by means of telephone conference.

18. The Committee may determine that the circumstances of the infraction warrant a preliminary meeting. The Committee may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to:

- a. Date and location of the hearing;
- b. Timelines for the exchange of documents;
- c. Clarification of issues in the infraction;
- d. Order and procedure of the hearing;
- e. Evidence to be brought before the hearing;
- f. Identification of any witnesses; or
- g. Any other procedural matter that may assist in expediting the hearing.

19. The committee will govern the hearing as it sees fit, provided that:

- a. The individual being disciplined will be given 10 days written notice of the day, time and place of the hearing;

- b. The individual being disciplined will receive a copy of the investigator's report, if any investigation was carried out;
- c. A quorum will be all four Committee members, and decisions will be by majority vote where the Chairperson carries no vote.
- d. In the case of an oral hearing, the individual being disciplined may be accompanied by a representative;
- e. In the case of an oral hearing, the individual being disciplined will have the right to present evidence and argument;
- f. The committee may request that any witness or any other person be present at the hearing or submit written evidence in advance of the hearing;
- g. If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
- h. The hearing will be held in private;
- i. Once appointed, the Committee will have the authority to abridge or extend timelines associated with any aspect of the hearing.

20. After hearing the matter, the Committee will determine whether or not the individual has breached the Code of Conduct and if so, the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Committee's written decision, with reasons, will be distributed to all parties and to the Executive Director and the President within 7 days of the conclusion of the hearing.

21. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Committee will determine the appropriate disciplinary sanction. The Committee may hold a hearing for the purpose of determining an appropriate sanction.

22. Whether the incident relates to harassment and where the Committee determines that the allegations of harassment are false, retaliatory, or frivolous, the Committee may direct that there be disciplinary action against the complainant.

23. The decision of the Committee will be final and binding upon the individual being disciplined and Arnis Canada, subject only to appeal pursuant to the policies of Arnis Canada.

## **Sanctions**

24. The Committee may apply the following disciplinary sanctions singly or in combination, for major infractions:

- a. Written reprimand;
- b. Removal of certain privileges of membership;
- c. Suspension from certain events which may include suspension from the current competition or future teams or competitions;
- d. Suspension from certain Arnis Canada activities such as competing, coaching or judging for a designated period of time;

- e. Suspension from all Arnis Canada activities for a designated period of time;
- f. Expulsion from membership;
- g. Publication of the decision;
- h. Other sanctions as may be considered appropriate for the offence.

25. Unless the Committee decides otherwise, any disciplinary sanctions will commence immediately, Failure to comply with a sanction as determined by the Committee will result in automatic suspension of membership or participation in Arnis Canada until such time as the sanction is complied with.

26. In applying sanctions, the Committee may have regard to the following aggravating or mitigating circumstances:

- a. The nature and severity of the infraction;
- b. The extent to which others have been harmed by the infraction;
- c. The cooperation of the individual being disciplined in the proceedings under this policy;
- d. Whether the incident is a first offence or has occurred repeatedly;
- e. The individual's acknowledgement of responsibility;
- f. The individual's remorse and post-infraction conduct;
- g. The age, maturity or experience of the individual;
- h. Whether the individual retaliated, where the incident involves harassment;
- i. The individual's prospects for rehabilitation.

## **Confidentiality**

27. Where the reported behaviour may constitute harassment, or is of a sensitive nature, Arnis Canada will keep all proceedings under this policy confidential, except where disclosure is directed by the Committee as part of a sanction, is required by law, or is in the best interests of the public.

## **Allegation of Misconduct Involving Coaches**

28. Where the Chair receives a complaint of misconduct about a coach who is a member of the Canadian Professional Coaches Association (CPCA), this complaint will be referred to CPCA to be dealt with pursuant to its conduct and disciplinary procedures.

## **Appeals Procedures**

29. Except where otherwise provided, the decision of the Committee may be appealed in accordance with Arnis Canada's Appeal Policy.