

# ALBERTA BASKETBALL APPEALS, DISCIPLINE AND COMPLAINTS POLICY

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## **PREAMBLE**

Alberta Basketball (hereinafter referred to as AB) is committed to providing a sport environment, which is athlete centered, and characterized by the values of fairness, integrity, open communication, and mutual respect. Membership in AB, as well as participation in its activities, 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 policies, bylaws, rules & regulations and Codes of Conduct of AB.

The Codes of Conduct identifies the standard of behavior expected of AB members. Members who fail to meet this standard will be subject to the disciplinary sanctions identified within this Appeals, Discipline and Complaints Policy...

In this Appeals, Discipline and Complaints Policy. "member" refers to all categories of members of AB, as well as to all individuals employed by or engaged in activities with AB, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, medical and paramedical personnel, administrators and employees (regular & contract).

## **APPLICATION**

This Appeals, Discipline and Complaints Policy, applies to all "members" of AB as set out in the Preamble.

This Discipline and Complaints Policy, applies to discipline matters that may arise during the course of all AB business, activities and events, including but not limited to, sanctioned tournaments, training camps, meetings and travel associated with these activities.

Discipline matters arising within the business, activities or events of provincial / territorial basketball associations, clubs, or affiliated organizations of AB shall be dealt with using the discipline policies and mechanisms of such organizations.

## **DISCIPLINARY PROCEDURES**

### **Minor Infractions:**

Examples of minor infractions are shown in Appendix A.

All disciplinary situations involving minor infractions occurring within the jurisdiction of AB will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to Alberta Basketball board member, head coach, team manager or team leader).

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 (as noted above). This is provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

The following disciplinary sanctions may be applied, singly or in combination, for minor infractions:

- verbal reprimand,
- written reprimand to be placed in individual's file,
- verbal apology,
- hand-delivered written apology,
- team service or other voluntary contribution to AB,
- suspension from the current competition,
- other sanctions as may be considered appropriate for the offense.

Minor infractions that result in discipline shall be recorded using the Incident Report form in Appendix C. Repeat minor offences may result in a further such incident being considered as a major infraction.

#### **Major Infractions:**

Examples of major infractions are shown in Appendix B. Any member, or representative, of AB may report to the Executive Director a major infraction using the Incident Report form in Appendix C.

Upon receipt of an Incident Report, the Executive Director (ED) shall determine if the incident is better dealt with as a minor infraction or is to be addressed as a major infraction.

If the incident is to be dealt with as a minor infraction, the ED will inform the appropriate person in authority as described above and the alleged offender, and the matter shall be dealt with according to the minor incident section of this Appeals, Discipline and Complaints Policy...

If the incident is to be dealt with as a major infraction and if the ED determines that a hearing is required, the alleged offender shall be notified as quickly as possible (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 Appeals, Discipline and Complaints Policy...

Major infractions occurring within competition may be dealt with immediately, if necessary, by a AB 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 Appeals, Discipline and Complaints Policy. for major infractions.

#### **Hearing:**

Within **10 days** of receiving the Incident Report, the Executive Director 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.

The Discipline Panel shall hold the hearing as soon as possible, but not more than **30 days** after the

Incident Report are first received by the Executive Director.

The Discipline Panel shall govern the hearing as it sees fit, provided that:

1. The individual being disciplined shall be given 14 days written notice (by courier 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;
2. the individual being disciplined shall receive a copy of the incident report;
3. members of the Panel shall select from among themselves a Chairperson;
4. a quorum shall be all 3 Panel members;
5. decisions shall be by majority vote; the Chair carries a vote;
6. the individual being disciplined may be accompanied by a representative at his /her discretion;
7. the individual being disciplined shall have the right to present evidence and argument;
8. the hearing shall be held in private;
9. the Panel may request that witnesses to the incident be present or submit written evidence;
10. once appointed, the Panel shall have the authority to abridge or extend timelines associated with all aspects of the Hearing.

**Preliminary Conference:**

The Panel may determine that the circumstances of the dispute warrant a preliminary conference:

The matters, which may be considered at a preliminary conference, include date and location of hearing, timelines for exchange of documents, format for the hearing, clarification of issues in dispute, any procedural matter, order and procedure of the hearing, remedies being sought, identification of witnesses, and any other matter that may assist in expediting the hearing proceedings.

The Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

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 Executive Director and the President.

The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent AB Appeals, Discipline and Complaints Policy, such as those dealing with harassment, doping, personnel or event-specific matters.

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.

If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## SANCTIONS

The Discipline Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:

- written reprimand to be placed in individual's file;
- hand-delivered written apology;
- suspension from certain AB events which may include suspension from the current competition or from future teams or competitions;
- being sent home following suspension from the current competition;
- **payment of financial compensation in an amount to be determined by the Disciplinary Panel;**
- suspension of AB or Sport Canada funding;
- suspension from certain AB activities (i.e. competing, coaching or officiating) for a designated period of time;
- suspension from all AB activities for a designated period of time;
- expulsion from AB;
- other sanctions as may be considered appropriate for the offense.

The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent AB Appeals, Discipline and Complaints Policy., such as those dealing with harassment, doping, personnel or event-specific matters.

Unless the Discipline Panel decides otherwise, any disciplinary sanctions shall commence immediately.

In applying sanctions, the Disciplinary Panel may have regard to the following aggravating or mitigating circumstances:

- the nature and severity of the offense,
- whether the incident is a first offense or has occurred repeatedly,
- the individual's acknowledgment of responsibility,
- the individual's extent of remorse,
- the age, maturity or experience of the individual, and
- the individual's prospects for rehabilitation.

**Notwithstanding the procedures set out in this Appeals, Discipline and Complaints Policy, any member of AB who is found guilty of a criminal offense under the Criminal Code of Canada, as amended from time to time, involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault, shall be automatically expelled from AB. Such expulsion shall be subject to any further disciplinary action pursuant to this Appeals, Discipline and Complaints Policy.**

## APPEALS PROCEDURE

Except where otherwise provided, an appeal of any disciplinary matter will be done according to the Appeals Discipline and Complaints Policy of AB.

## APPENDIX A

### Examples of minor infractions:

- a single incident of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- unsportsmanlike conduct such as angry outbursts or arguing;
- a single incident of being late for or absent (without valid reason) from BA events and activities at which attendance is expected or required;
- noncompliance with the rules and regulations under which BA events are conducted, whether at the local, provincial, national or international level.

## APPENDIX B

### Examples of major infractions:

- repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors;
- repeated unsportsmanlike conduct such as angry outbursts or arguing;
- repeated incidents of being late for or absent from AB events and activities at which attendance is expected or required;
- activities or behavior which interfere with a competition or with any athlete's preparation for a competition;
- pranks, jokes or other activities which endanger the safety of others;
- deliberate disregard for the rules and regulations under which AB events are conducted, whether at the local, provincial, national or international level;
- 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;
- any use of alcohol by minors;
- use of illicit drugs and narcotics;
- use of banned performance enhancing drugs or methods

**Note:** The definition of "repeated" will depend on the severity of the infraction and frequency of offences within a given time.

**APPENDIX C - AB INCIDENT REPORT**

Date and time of incident: \_\_\_\_\_

Name of writer: \_\_\_\_\_ Position: \_\_\_\_\_

Location of incident:  
\_\_\_\_\_

This incident is a:      minor infraction      major infraction

Individual(s) involved in the incident:  
\_\_\_\_\_  
\_\_\_\_\_

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

Names of individuals who observed the incident:  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary action that was taken (if applicable):  
\_\_\_\_\_  
\_\_\_\_\_

Signature of writer: \_\_\_\_\_ Date: \_\_\_\_\_