



## **Water Polo Canada – Reference Document**

### **Subject: Authority to Discipline**

This document is intended to provide assistance to Water Polo Canada (WPC) members and registrants in understanding the application of its bylaws and policies in relation to discipline. It is for information purposes only. In the case of any discrepancies, the official policies (as opposed to this reference document) will prevail. The original documents and policies can be found on our website at [www.waterpolo.ca](http://www.waterpolo.ca)

For clarity, Registrants are the persons who are registered with Water Polo Canada. Members are the Provincial and Territorial Sections and the Directors of the Corporation. Water Polo Canada is the Corporation. Individuals refers to all categories of members and/or registrants defined in the Bylaws of WPC and in the Bylaws of a PTSO (or PSO), those included in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) definition of “participants”, as well as all people employed by, contracted by, or engaged in activities with, WPC and a PTSO (PSO) including, but not limited to, employees, contractors, athletes, coaches, mission staff, chefs de mission, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers.

This document provides a summary of where WPC has the authority to act. It is critical to note that this authority does not take away the authority nor responsibility of PTSOs or Clubs to implement their own codes of conduct and disciplinary procedures. PTSOs and Clubs are expected to take primary responsibility for front-line discipline in events or activities for which they administer and deliver. WPC retains the right to act where it feel the need to levy additional or supplementary discipline in any matter, particularly in those matters which fall under the UCCMS.

### **Governing documents related to WPC’s authority to discipline:**

#### **WPC Bylaws:**

Under the WPC Bylaws, WPC has the authority to discipline members as set out in section 2.11 of that document:

#### 2.11 Discipline or Expulsion

In addition to any other rights, conditions and terms set forth herein, and/or in the written policies of the Corporation:

- (a) The directors shall have authority to suspend or expel from the Corporation, or discipline, any member or Registrant, on any of the following grounds:
- (i) violating any provision of the articles, by-laws, or written policies of the Corporation;
  - (ii) carrying out any conduct which may be detrimental to the Corporation as determined by the directors in their sole discretion;
  - (iii) being found guilty of any misbehaviour or unfair practice, whether relating to a competition or not; and
  - (iv) for any other reason that the directors, in their sole discretion, consider to be reasonable having regard to the purpose of the Corporation.
- (b) The suspension or disqualification shall be for whatever period and with whatever conditions as determined by the board.
- (c) Suspension, disqualification and/or discipline may be appealed according to the rules and policies of the Corporation and applicable rules, if any of the AFC or FINA.
- (d) The directors shall, from time to time, establish procedures to be followed in the event that the directors, or a committee of the directors, determine that a member or Registrant should be expelled or suspended from membership or as a Registrant, as applicable, in the Corporation.

### **Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)**

The UCCMS is effective April 1, 2021 and outlines a code of conduct regarding maltreatment in sport which applies to all Individuals associated with Water Polo Canada. Adherence to the UCCMS is required to for WPC to receive funding. The UCCMS defines the following types of Maltreatment:

- psychological maltreatment;
- physical maltreatment;
- sexual maltreatment;
- neglect;
- maltreatment related to grooming; and
- maltreatment related to process.

The UCCMS includes and can extend beyond field-of-play and direct WPC business, activities or events. As per the UCCMS:

Maltreatment occurs in any one or a combination of the following situations (i) within a sport environment or (ii) when the Participant alleged to have committed Maltreatment was engaging in sport activities or (iii) when the Participants involved interacted due to their mutual involvement in sport or (iv) outside of the

sport environment where the Maltreatment has a serious and detrimental impact on another Participant. The physical location(s) where the alleged Maltreatment occurred is not determinative.

### **WPC Code of Conduct:**

Sections 1-12 of the WPC Code of Conduct provide the background, context, definitions, and overarching purpose for the Code of Conduct. Sections 13-19 of the WPC Code of Conduct outline the specific obligations related to Maltreatment as per the UCCMS. Sections 20-26 outline other areas not covered by the UCCMS as well as the obligations of different types of Registrants (e.g., Staff and Volunteers, Athletes, Officials, Coaches). Sections 27-68 outline the Disciplinary Procedures for alleged violations of the WPC Code of Conduct.

### **Application of the Code of Conduct**

For violations or issues related to section 13-19 (Maltreatment according to the UCCMS), WPC has the authority to implement discipline regardless of whether the maltreatment occurred within a WPC sanctioned and administered event provided it meets the standards as outlined in the UCCMS. This authority does not replace the obligation of PTSOs and Clubs to also act on these matters.

For violations or issues related to sections 20-26, WPC has the authority to implement discipline where the violation or issue fall in the context of a WPC sanctioned and administered event. It does not apply to club level or provincial events. In addition, it does not apply to the National Championship League (NCL). The Code of Conduct specifies, at section 28, that certain WPC sanctioned leagues or events can institute their own disciplinary procedures and, in the case of the NCL, the NCL Handbook contains the applicable disciplinary procedures for those events. The Code of Conduct as whole still applies to the NCL.

As can be noted from section 8 of the Code of Conduct, also highlighted above, there is an exception to this limited jurisdiction in that WPC can, in its sole discretion, step in and apply its disciplinary procedures in circumstances unrelated to the WPC events where such conduct adversely affects relationships within WPC (and its work and sporting environment) or when it is detrimental, or perceived to be detrimental, to the image and reputation of WPC. The WPC will only use this discretion in exceptional circumstances so as to allow organizations at the club level and provincial level to implement their own disciplinary measures within their own jurisdiction without interference from WPC unless absolutely necessary.

### **Governing documents relating to Provincial authority for discipline:**

The provinces do also have the authority, under the WPC bylaws, to impose discipline within their borders and at the club level. Section 2.10 outlines that authority:

### **WPC Bylaws:**

#### 2.10 Member Responsibilities

- (a) Provincial/Territorial Sections are charged with the responsibility of promoting, within their provincial/territorial boundaries, the objects of the Corporation as defined by the Articles, by-laws and the policies of the Corporation.
- (b) Provincial/Territorial Sections shall:
  - (i) maintain a list of provincial/territorial officers with the registered office of the Corporation;
  - (ii) have the authority to suspend or disqualify anyone found guilty of an infringement of the bylaws or policies of that section, of the Corporation or of AFC, or any unfair practice connected with the sport;
  - (iii) have the authority to control the transfer of Registrants within its jurisdiction;
  - (iv) provide to the Corporation records of the affairs of the Provincial/Territorial Sections if requested; and
  - (v) provide to the Corporation annually with a database of coaches, athletes and officers registered within such Provincial/Territorial Sections in a manner and form prescribed by the Corporation.

### **Provincial/Club level policies:**

WPC recommends that provincial sections use this authority to discipline by implementing their own codes of conduct and disciplinary procedures. Clubs should also be encouraged to develop policies where necessary.

The provinces may also want to consider adding some “exceptional circumstances” language, such as that outlined in section 8 of WPC’s Code of Conduct, to their own codes of conduct so they can have the ability to likewise step in and apply discipline at the club level when it may be necessary to protect the reputation of the provincial organization and the sport of water polo in general.

As noted, even if provincial sections do add such language to the appropriate policies, they can continue to elevate discipline issues to WPC, outside of WPC events and activities, although those matters will only be adjudicated by WPC in exceptional circumstances.

For further information, please contact a member of the WPC Board of Directors or the Water Polo Canada office.