

Policy Regarding Discipline

OVERVIEW:

The Newfoundland and Labrador Amateur Taekwondo Union Inc. (NLATU) is committed to providing a sport environment, which is athlete, centered, and which is characterized by the values of excellence, fairness, integrity, open communication, and mutual respect. NLATU will act quickly to correct any infractions or abuse of the requirements of this policy and any infractions will not be tolerated.

PURPOSE:

Membership and participation in the activities of the NLATU offers many benefits and privileges. At the same time members and participants are expected to fulfil certain responsibilities and obligations, including complying with the NLATU Code of Conduct as well as with other policies and procedures. The NLATU Code of Conduct identifies the standard of behaviour that is expected of all members and participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

SCOPE:

This policy applies to all categories of Members of NLATU and to all individuals participating in activities with the NLATU. These include, but are not limited to directors, officers, organizers, coaches, referees, athletes, managers, volunteers, medical personnel, spectators, employees and other members of the NLATU. This policy applies to all discipline matters that may arise during the course of the NLATU activities and events, including but not limited to the office environment, competitions, practices, training camps, travel associated with competitive activities, and any meetings of staff, committees or the Board of Directors.

POLICY:

Reporting an Infraction

Any individual may report to the President a disciplinary infraction. It will be at the sole discretion of the President to determine if the infraction is best dealt with as a minor infraction or a major infraction.

Minor Infractions

Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the individual involved: this person may include, but is not restricted to, the President, a board member, committee member, volunteer, staff person, coach, organizer or manager.

Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person having authority, provided the individual being disciplined is notified of the infraction. This policy will be reviewed annually.

Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person having 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.

Disciplinary sanctions for minor infractions may include the following:

- Verbal or written reprimand;
- Verbal or written apology;
- Service or other voluntary contribution to the NLATU;
- Suspension from the current activity or competition;
- Any other similar sanction considered appropriate for the offense.

Major Infractions

Major infractions are instances of misconduct that violate the Code of Conduct and that result, or have the potential to result, in harm to other persons, to NLATU or to the sport of Tae Kwon Do.

Examples of major infractions include, but are not limited to:

- 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.
- Repeated un-sportsman like conduct such as angry outbursts or arguing;
- Activities or behaviour that interferes with a competition or with any athlete's preparation for a competition;
- Pranks, jokes or other activities that endanger the safety of others;
- Deliberate disregard for the rules and regulations under which the NLATU events are conducted;
- Abusive use of alcohol where abuse means a level of consumption that 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;
- Any use of illicit drugs and narcotics; or
- Any use of banned performance enhancing drugs or methods.

If the incident is a major infraction, a hearing is required. The President will notify the individual alleged to have committed a major infraction of the matter as soon as possible, and will provide the individual with a copy of this policy.

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The appropriate person having authority may deal with major infractions occurring within competition immediately, if necessary. 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 review of the matter in accordance with the procedures set out in this policy for major infractions.

Investigation

Depending on the nature and severity of the infraction, the President 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 President.

Discipline Panel

Within 7 days of receiving a report documenting a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the President will appoint three individuals to serve as a Discipline Panel. The members of the Panel will select from themselves a Chairperson.

The Discipline Panel will hold the hearing as soon as possible, but not more than 21 days after being appointed.

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.

Preliminary Meeting

The Panel may determine that the circumstances of the infraction warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to: format, date and location of the hearing; timelines for the exchange of documents; clarification of issues in dispute; order and procedure of the hearing; evidence to be brought before the hearing; identification of any witnesses; or any other procedural matter that may assist in expediting the hearing.

Hearing

The Panel will govern the hearing fairly and as it sees fit, provided that:

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

The individual being disciplined will receive a copy of the Investigator's report, if an

place of the hearing;

The individual being disciplined will receive a copy of the Investigator's report, if an investigation was carried out;

A quorum will be all three Panel members, and decisions will be by majority vote where the Chairperson carries a vote;

In the case of an oral hearing, the individual being disciplined may be accompanied by a representative;

In the case of an oral hearing, the individual being disciplined will have the right to present evidence and argument;

The Investigator may participate in the hearing at the request of the Panel;

The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;

If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;

The hearing will be held in private;

Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent NLATU policy such as those dealing with harassment, doping, conflict of interest, personnel or event-specific matters.

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

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

Sanctions

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

Written reprimand;

Removal of certain privileges of membership or employment;

Suspension from certain events, which may include suspension from the current competition or from future teams or competitions;

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Suspension from certain NLATU activities such as competing, coaching or officiating for a designated period of time;

Suspension from employment with or without pay;

Suspension from all NLATU activities for a designated period of time;

Expulsion from membership;

Publication of the decision;

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 NLATU policy such as those dealing with harassment, doping, conflict of interest, personnel or event-specific matters.

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

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

The nature and severity of the infraction;

The extent to which others have been harmed by the infraction;

The cooperation of the individual being disciplined in the proceedings under this policy;

Whether the incident is a first offense or has occurred repeatedly;

The individual's acknowledgment of responsibility;

The individual's remorse and post-infraction conduct;

The age, maturity or experience of the individual;

Whether the individual retaliated, where the incident involves harassment; and

The individual's prospects for rehabilitation.

Serious Infractions

The President may determine that an alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.

Where it is brought to the attention of the President that a Member has been charged with an offence under the Criminal Code of Canada, or has previously been convicted of a criminal offense, the President may suspend the Member pending further investigation, a hearing or a decision of the Panel.

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Notwithstanding the procedures set out in this policy, any Member of NLATU who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of NLATU. Association for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by NLATU in accordance with this policy.

Confidentiality

Where the behaviour reported is of a sensitive or confidential nature, NLATU will keep all proceedings under this policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is in the best interests of the public.

Appeals Procedure

Except where otherwise provided, the decision of the Panel may be appealed in accordance, with the NLATU Appeal Policy.

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