

Discipline Policy - TENNIS NEW BRUNSWICK

DISCIPLINE POLICY (adopted March 2004)

Note: *In this policy “member” refers to all categories of members in Tennis New Brunswick (TNB), as well as to all individuals engaged in activities with or employed by TNB, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, medical and paramedical personnel, administrators and employees.*

PREAMBLE

1. TNB 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 TNB, as well as participation in the activities of TNB, 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 and regulations of TNB.
3. The TNB code of conduct (attached as Appendix A) identifies the standard of behavior which is expected of members of TNB. Members who fail to meet this standard may be subject to the disciplinary sanctions identified within this policy.

APPLICATION

4. This policy applies to all members of TNB, as well as to all individuals engaged in activities with, or employed by TNB. This policy does not apply to circumstances in which the Atlantic Tennis Alliance discipline and appeals policy is applicable.
5. This policy applies to discipline matters that may arise during the course of all TNB business activities and events, including but not limited to, competitions, training camps, meetings and travel associated with these activities.
6. Discipline matters arising within the business activities or events of member clubs, or affiliated organizations of TNB shall be dealt with using the discipline policies and mechanisms of such organizations.

DISCIPLINARY PROCEDURES

Minor Infractions:

7. Examples of minor infractions are shown in Appendix B. All disciplinary situations involving minor infractions occurring within the jurisdiction of TNB 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, executive member, tournament organizer, coach, official).

8. 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, 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 individuals file,
- c) verbal apology,
- d) hand-delivered written apology,
- e) team service or other voluntary contribution to TNB,
- f) suspension from current competition,
- g) 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 may result in a further such incidence being considered as a major infraction.

Major Infraction

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

12. Upon receipt of an Incident Report, the Executive Director shall determine if the incident is better dealt with as a minor infraction, or if a hearing is required to address the incident as a major infraction.

13. If the incident is to be dealt with as a minor infraction, the Executive Director will inform the appropriate person in authority as described in Section 7 and the alleged offender, and the matter shall be dealt with according to Sections 7 through 9 of this policy.

14. If the incident is to be dealt with as a major infraction and a hearing is required, the alleged offender shall be notified as quickly as possible and 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 policy.

15. Major infractions occurring within competition may be dealt with immediately, if necessary, by a TNB representative in a position of authority, provide 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 policy for major infractions. This review does not replace the appeal provisions of this policy.

Hearing:

16. 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 Disciplinary Panel.

17. The Disciplinary 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.

18. The Disciplinary Panel shall govern the hearing as it sees fit, provided that:

a) the individual being disciplined shall be given 10 days written notice (by courier, mail 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;

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; the Chair carries a vote;

f) the individual being disciplined may be accompanied by a representative;

g) 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 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.

19. The Disciplinary Panel shall render its decision, with written reasons within 5 days of the Hearing. A copy of this decision shall be provided to all of the parties to the hearing and the Executive Director.

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

21. 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.

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

Sanctions

23. The Disciplinary 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 TNB events which may include suspension from 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 Disciplinary Panel;
- f) suspension of TNB funding;
- g) suspension from certain TNB activities (i.e. competing, coaching or officiating) for a designated period of time;
- h) suspension from all TNB activities for a designated period of time;
- i) expulsion from TNB;
- j) other sanctions as may be considered appropriate for the offense.

24. The preceding sanctions may be modified, or add to, as required by the provisions of any other pertinent TNB policy, such as those dealing with harassment, doping, personnel or event-specific matters.

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

26. 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.

27. Notwithstanding the procedures set out in this policy, any member of TNB 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 TNB for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by TNB in accordance with this policy.

APPEALS PROCEDURE

28. Except where otherwise provided, an appeal of any disciplinary matter will be done according to the Appeals Policy of TNB.

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APPENDIX A

CODE OF CONDUCT

TNB is committed to providing an environment in which all individuals are treated with respect. Further, TNB supports equal opportunity and prohibits discriminatory practices. Members are expected to conduct themselves at all times in a manner consistent with the values of TNB which include: fairness, integrity, open communication and mutual respect. Irresponsible behavior by members can do severe damage to the sport of tennis and to the support which all levels of players have worked so hard to achieve. Conduct which violates these values may be subject to sanctions pursuant to TNB's Discipline Policy.

In addition to the above, the following specific behaviors will be subject to sanction pursuant to TNB's Discipline Policy:

1. not complying with the by-laws, rules, regulations or policies of TNB, as adopted and amended from time to time;
2. verbally or physically abusing opponents, coaches, officials, volunteers, spectators or sponsors;
3. showing disrespect to officials, including the use of foul language and obscene or offensive gestures;
4. abusing facilities or equipment;
5. failing to comply with the conditions of entry of an event;
6. any other unreasonable conduct which brings the sport of tennis into disrepute, including but not limited to, abusive use of alcohol, non-medical use of drugs, use of alcohol by minors.

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APPENDIX B

INFRACTIONS

Examples of Minor Infractions:

- a) 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;
- b) unsportsmanlike conduct such as angry outbursts or arguing;
- c) a single incident of being late for or absent from TNB events and activities at which attendance is expected or required;
- d) non-compliance with the rules and regulations under which TNB events are conducted, whether at the local, provincial, national or international level.

Examples of Major Infractions:

- a) 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;
- b) repeated unsportsmanlike conduct such as angry outbursts or arguing;
- c) repeated incidents of being late for or absent from TNB events and activities at which attendance is expected or required;
- d) activities or behavior which interfere with a competition or with any athlete's preparation for a competition;

- e) pranks, jokes or other activities which endanger the safety of others;
- f) deliberate disregard for the rules and regulations under which TNB events are conducted, whether at the local, provincial, national or international level;
- g) 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;
- h) any use of alcohol by minors;
- i) use of illicit drugs and narcotics;
- j) use of banned performance enhancing drugs or methods.

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APPENDIX C

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:
