

Discipline Procedures



August 2007

DISCIPLINE PROCEDURES

ARTICLE I

DISCIPLINE RULES & PROCEDURES

1. GENERAL RULES

- 1.1 Any member of Judo Canada (hereinafter referred to as the "**Association**") and any individual that participates in an Association sanctioned event or program shall be governed by these discipline rules and procedures as set out herein.
- 1.2 The following conduct shall be considered as contrary to the standards of good behaviour and the ethics of judo. Infractions which may cause the Association to consider disciplinary action include, but are not limited to the following:
- (a) breaching of any provision of the constitution, bylaws or the rules and regulations of the Association;
 - (b) behaving in an inappropriate manner (rudeness, swearing, lack of etiquette) at judo events anywhere in Canada and in the world;
 - (c) fighting, of any nature unless in self defence, which is outside the rules of the sport;
 - (d) damaging the property or equipment of others;
 - (e) any form of harassment (physical, sexual, racial, religious) (see Harassment Policy);
 - (f) committing any criminal act;
 - (g) abusing drugs (results of doping tests conducted by the Canadian Centre for Ethics and Sport - whether in or out of competition - shall be the determinant of abuse for which there is zero tolerance);
 - (h) using alcohol or drugs which results in inappropriate public behaviour or confrontations with other individuals;
 - (i) violating contracts or agreements signed with the Association; and
 - (j) giving advice that is contrary to these rules.

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- 1.3 Athletes that are supported or selected by the Association to represent Canada at a competition or event have additional responsibilities. Infractions which may cause the Association to consider disciplinary action against an athlete include, but are not limited to, the following:
- (a) failing to report a medical problem to the Association in a timely fashion where it limits the athlete's ability to train and compete;
 - (b) failing to report to a training camp that was mandatory;
 - (c) missing a training session or appointment at a training camp or event without reasonable grounds;
 - (d) missing a curfew imposed by an official representative of the Association;
 - (e) not making weight or missing a match at an international competition;
 - (f) failing to wear the supplied team uniform or equipment as required.
 - (g) unbecoming behaviour, including public intoxication or intoxication in a hotel room.
- 1.4 The President of the Association (or in the absence or conflict of the President, the Vice President or the President's designate) shall preside over disciplinary procedures.
- 1.5 All written correspondence shall be directed through the National Office. Registered mail may be replaced by courier, fax or other delivery methods providing that the party sending the material confirms its receipt.

2. NOTICE OF COMPLAINT

- 2.1 Any member of the Association (hereinafter referred to as the "**complainant**") may file a written "**notice of complaint**" delivered to the National Office to the attention of the President. Such written notice must be filed within fifteen (15) days of the alleged infraction and shall clearly state the nature of the alleged infraction, the parties involved (hereinafter referred to as the "**respondent**"), the full name, address, telephone and facsimile numbers of the complainant and signed by the complainant.
- 2.2 Any complainant wishing to file a notice of complaint beyond the fifteen (15) days must provide a written request stating reasons for an exemption to this requirement. The decision of whether to accept the notice of complaint or not outside the fifteen (15) day period shall be at the sole discretion of the President (or designate). This decision may not be appealed.

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2.3 A harassment complaint does not need to be filed within any specific time after the incident took place and should be directed to a harassment officer, who shall follow the complaint procedures set out in the Harassment Policy up to a possible Disciplinary Hearing.

3. PRELIMINARY INVESTIGATION

- 3.1 At the request of the President (or designate), the National Office may assist in gathering reports from any person who may be considered as a witness to the alleged infraction.
- 3.2 The respondent shall be notified in writing of the alleged infraction and shall have seven (7) days from the date of receiving notification to respond to the Association, in writing, with any information to be considered.
- 3.3 The President (or designate) shall examine the notice of complaint as well as any other relevant information and shall make all reasonable efforts to resolve the matter with the parties before making a decision as to whether or not there are sufficient grounds to conduct a hearing.
- 3.4 At the sole discretion of the President (or designate) the matter may be dismissed on the basis of insufficient grounds. This decision may not be appealed.
- 3.5 If the President (or designate) is satisfied that there are sufficient grounds for a discipline hearing he shall have a Discipline Board established.

4. DISCIPLINE BOARD

- 4.1 The President (or designate) shall appoint three (3) individuals who will form the Discipline Board within twenty one (21) days of receiving the notice of complaint, in accordance with the following:
- a) The Discipline Board shall be comprised of three (3) individuals who shall have no significant relationship with the complainant and respondent; shall have had no involvement with the alleged infraction; and shall be free from any other actual bias or conflict of interest.
 - b) At least one of the Discipline Board members shall be from among the respondent's peers.
 - c) In appointing the Discipline Board, consideration shall be given to the geographic location of the complainant, respondent, witnesses and other Discipline Board members in order to minimize the inconvenience and expense to all parties.
 - d) The respondent shall be given the opportunity to recommend the peer

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member on the Discipline Board, provided that the member satisfies criteria a) and c) above. Should the respondent not recommend the Discipline Board member within seven (7) days, the President (or designate) shall appoint the peer member of the Discipline Board.

4.2 Discipline Board members shall select a Chairperson from themselves.

5. PRELIMINARY MATTERS

5.1 The Discipline Board may determine that the circumstances of the alleged infraction warrant a preliminary conference.

5.2 The matters which may be considered at a preliminary conference include:

- a) the format for the discipline hearing;
- b) clarification of issues in the alleged infraction;
- c) any procedural matter;
- d) the order and procedure of the hearing;
- e) the date and time of the hearing;
- f) timelines for exchange of documents;
- g) remedies being sought;
- h) identification of witnesses;
- g) and any other matter which may assist in expediting the proceedings.

5.3 Any party potentially affected by the matter before the Discipline Board may be made party to the hearing.

5.4 The Discipline Board may direct that any other individual participate in the hearing.

5.5 Any discipline hearing, unless held by way of telephone conference call or held elsewhere as may be decided by the Discipline Board, shall take place in the National Capital Region, in the Province of Ontario.

5.6 The Discipline Board may delegate to its chairperson the authority to deal with these preliminary matters.

6. FORMAT OF THE DISCIPLINE HEARING

6.1 The respondent may request that the Discipline Board conduct the hearing by way of documentary evidence. The Discipline Board may seek agreement from the other parties to proceed in this fashion. If an agreement is not forthcoming, the Discipline Board shall decide whether the hearing shall proceed by way of documentary evidence or by an in-person hearing.

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- 6.2 In order to keep costs to a reasonable level, the Discipline Board may conduct an in-person hearing by means of a conference call or video conference.
- 6.3 Each party shall bear their own costs.

7. PROCEDURE FOR THE DISCIPLINE HEARING

- 7.1 The Discipline Board shall govern the hearing by such procedures as it deems appropriate, provided that:
- a) The hearing shall be held within fifteen (15) days of the Board's appointment.
 - b) The parties shall be given fifteen (15) days written notice of the date, time and place of the hearing.
 - c) Any of the parties may be accompanied by a representative or an advisor, including legal counsel.
 - d) A quorum shall be all three (3) Board members.
 - e) In the event that one (1) of the Board members is unable or unwilling to continue with the hearing, the matter shall be concluded by the remaining two (2) members.
 - f) Decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.
 - g) The hearing shall be held in camera.
 - h) Copies of any written documents which any of the parties would like the Board to consider shall be provided to the Board members, and to all other parties, at least seven (7) days in advance of the hearing.
 - i) In the case of a harassment proceeding, both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint, but the officer concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed. The harassment officer may attend the hearing at the request of the panel.
 - j) Translation services shall be supplied as determined by the Board.

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8. SCOPE OF THE DISCIPLINE BOARD'S AUTHORITY

- 8.1 If the circumstances of the allegation are such that these procedures will not allow for a timely hearing or, external timelines are imposed by a third party, the Board may direct that the timelines specified herein be altered.
- 8.2 Within 30 days of the hearing, the Board shall present its findings in a report to the Judo Canada President and each of the parties which shall contain:
- a) a summary of the relevant facts;
 - b) if it is a harassment case, a determination as to whether the acts complained of constitute harassment as defined in the Harassment Policy;
 - c) recommended disciplinary action against the respondent: and
 - d) recommended measures to remedy or mitigate the harm or loss suffered by the complainant.
- 8.3 If the Board determines that allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.
- 8.4 The Board, upon ruling that the respondent committed an infraction, shall determine what disciplinary action (sanction) shall be ordered which may include, but is not limited to, the following:
- a) a verbal apology;
 - b) a written apology;
 - c) a written reprimand or fine;
 - d) referral to counselling
 - e) an order for community service;
 - f) suspension from the Association's programs and activities;
 - g) suspension or expulsion from the membership in accordance with the constitution;
 - h) demotion or pay cut;
 - i) temporary suspension with or without pay;
 - j) termination of employment or contract;
 - k) or, a combination of such orders.
- 8.5 Factors to be considered by the Board in determining disciplinary action shall include:
- a) whether the infraction was a first offence;
 - b) the time elapsed since a previous offence and if it was part of an ongoing pattern;
 - c) whether harm was caused to anyone;
 - d) whether the individual was provoked (or other similar mitigating factors);

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- e) whether the image of the Association was negatively affected;
 - f) and whether the individual has admitted responsibility and has made or has committed to making restitution and changes (where appropriate).
 - g) the nature of any harassment;
 - h) whether the harassment involved any physical contact;
 - j) the nature of the relationship between complainant and harasser;
 - k) the age of the complainant in cases of harassment;
 - m) whether the individual retaliated against the complainant
- 8.5 The Board may award costs for expenses incurred by the Association to send a respondent to a competition or event in which the respondent was dismissed from or failed to compete in, for whatever reason.
- 8.6 Subject to appeal, failure to comply with an order of disciplinary action may result in the suspension of the respondent until compliance takes place without further right to due process.

9. REINSTATEMENT

Any member suspended or expelled from the Association may apply for reinstatement by submitting a written application stating the reasons to the Association. The Executive committee shall consider the application at their next regular meeting.

10. APPEALS

Appeals to the decision of the Discipline Board shall be made in accordance with the Appeal Policy of the Association.

11. JURISDICTION

- 11.1 This policy shall be governed and construed in accordance with the laws of the Province of Ontario.
- 11.2 No action or legal proceeding shall be commenced against the Association in respect to a dispute, unless the Association has refused or failed to abide by the provisions for a hearing and appeal as set out herein.

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Appendix: GUIDELINES TO INFRACTIONS AND SANCTIONS

The following list of possible infractions and sanctions is intended to serve as a guideline to the members of the Association. Time passed between infractions shall be considered.

1. BEHAVIOUR:

All members of the Association, which shall include, but is not limited to, athletes, coaches, officials and support personnel are expected to represent Canada and themselves in an exemplary manner both at and away from competitions.

Should a member of the Association, for whatever reason, conduct him/herself in an inappropriate manner, the following sanctions may be imposed:

- 1st. offence** - reprimand or up to a \$250.00 fine
- 2nd. offence** - suspension from all Association programs and activities for up to a period of three (3) months
- 3rd. offence** - suspension from all Association programs and activities for up to a period of twelve (12) months, **plus** withdrawal from the Athlete Assistance Program (where applicable).

2. FAILURE TO MEET TRAINING/COMPETITION COMMITMENTS:

Team members who are selected for a team and who fail to meet the obligations of that team, such as, but not limited to: failing to participate in the assigned event(s); failing to make weight at an event; missing training sessions or missing appointments leading up to an event may be sanctioned as follows:

- 1st. offence** - reprimand or up to a \$500.00 fine
- 2nd. offence** - dismissed from the event at his/her own cost (where applicable) or \$1,000.00 fine
- 3rd. offence** - suspension from all Association programs and activities for up to a period of twelve (12) months, **plus** withdrawal from the Athlete Assistance Program (where applicable).

3. PROPERTY DAMAGE:

Any team member found directly responsible for any property damage while engaging in the Association's sanctioned programs or activities may be subject to the following sanctions:

- 1st. offence** - total restitution for damages plus reprimand
- 2nd. offence** - total restitution for damages **plus** up to three (3) months suspension from all the Association programs and activities
- 3rd. offence** - total restitution for damages **plus** up to twelve (12) months suspension from all the Association programs and activities **plus** withdrawal from the Athlete Assistance Program (where applicable)

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4. **OUT OF COMPETITION DOPING INFRACTIONS:** shall follow the guidelines set by CCES/WADA

5. **FAILURE TO WEAR TEAM UNIFORM:**
Team members who fail to wear the official team uniform or equipment as provided may be sanctioned as follows:

1st. offense -	reprimand
2nd. offense -	up to a \$100.00 fine
3rd. offense -	up to a \$500.00 fine

6. **FAILURE TO REPORT A MEDICAL PROBLEM:**
Team members who fail to report medical problems which could prevent his/her participation in scheduled activities may be suspended from all activities for one (1) month and may be required to reimburse the Association for any loss as a direct result (ie. cancellation of air ticket etc...).

7. **COMMITTING ANY CRIMINAL ACT:**
Should members of the Association be found guilty of committing any criminal act as defined by the Criminal Code of Canada, the Association may revoke or suspend the individual's membership or suspend his or her right to participate in the Association programs and activities for a period ranging from three (3) months to a lifetime expulsion.

8. **HARASSMENT:**
Employees or members of Judo Canada against whom a complaint of harassment is substantiated may be severely disciplined; up to and including employment dismissal or termination of membership in cases where the harassment takes the form of assault, sexual assault, or a related sexual offence.

PLEASE NOTE:

Suspensions take effect from the date of the infraction and depending on the duration, may preclude members from participating in events that contribute to team selection, participation in championships or obtaining carding points.
Members are encouraged to govern themselves accordingly.

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