



# Disciplinary Policy

## April 2016

The Nepean Skating Club (NSC) adheres to the belief of treating all its members including skaters, coaches, parents, board members, and other volunteers objectively when applying any disciplinary action.

The President has the power, on an emergency basis, in the best interests of the club, to discipline any skater, coach, official, parent or volunteer for any conduct which is in breach of the Articles, Bylaws or Policies of the Club, subject to the right of appeal to the Appeals Committee.

The NSC is committed to:

- providing a safe and fun environment for skaters, coaches, officials, parents and volunteers;
- providing a sport environment that promotes equal opportunity and prohibits discriminatory practices;
- ensure this atmosphere of safety, respect, equity and fun, the NSC has created a Code of Conduct for parents and skaters that sets out overall expectations for participants in our sport.

Where a violation of the Code of Conduct is investigated and determined to be proven on a balance of probabilities, the possible implications range from verbal warnings to expulsion. In the case of NSC staff, implications range from a verbal warning to dismissal.

### **DISCIPLINE**

All individuals affiliated with the NSC shall comply with the Letters Patent, Bylaws and Policies.

NSC has jurisdiction over matters where Member obligations have been breached and/or when individuals have violated the Articles of Continuance, Bylaws and Policies.

The NSC endorses the principles of natural justice.

### **Discipline Review Procedures**

Any report alleging the action(s) of an individual(s) which constitutes a breach of the Articles, Bylaws or Policies shall be submitted in writing to the NSC Office within fifteen (15) days of the event or occurrence. The deadline for making a complaint may be extended by the President if deemed appropriate to do so.

Upon receiving a report, the NSC Executive Director shall immediately notify the President who shall within five (5) business days determine whether there may be a breach or violation. If the President decides that there is not a breach, the complainant shall be notified of that decision, with reasons, and the complaint shall stand dismissed.

If the President determines that there may be a breach or violation, the President shall within five (5) business days of receiving the report, appoint a Discipline Committee composed of, at the discretion of the President, one or three members.

Members of the Discipline Committee will be drawn from the Board of Directors (excluding the Chair of the Appeals Committee) or those persons who do not have a vested interest in the decision.

A hearing shall be scheduled to take place within fifteen (15) business days.

All known interested parties will be notified of the proceedings and will have the opportunity to attend the hearing, with representation of desired, at their own expense.

The Discipline Committee may call witnesses, and demand any pertinent information which it deems necessary to arrive at a decision. At the discretion of the Chairperson of the Discipline Committee, the hearing may be held by conference call.

The decision of the Discipline Committee, with reasons will be announced within seven (7) days of the hearing and all known interested parties will be provided with a copy of the decision and reasons. The decision may be posted on the NSC website as deemed necessary.

At the discretion of the President, deadlines may be extended where circumstances require, to a maximum of 60 days, with the exception of the deadline to submit a complaint.

Individuals may appeal the disciplinary action of the NSC by submitting a written notice of appeal as per the Appeals policy.

## DISCIPLINE TERMS OF REFERENCE

- Mandate** The Discipline Committee is a standing committee of the Nepean Skating Club (NSC). Its role is to assist the Board of the NSC in hearing, deliberating and formulating written decisions in cases where a possible breach or violation of the NSC Code of Conduct may have occurred.
- Key Duties** The Committee will perform the following key duties:
- Review and consider all submissions from parties involved in the case.
  - Attend a hearing within fifteen (15) business days of appointment to a Discipline Committee.
  - Call witnesses and demand any pertinent information which it deems necessary to arrive at a decision.
  - Assist in formulating the final written decision within seven (7) days of the hearing.
- Authority** As outlined within the policies of the NSC.
- Composition** For each hearing, members of the committee will be appointed by the NSC President and be drawn from the Board of Directors or those persons who have no conflict of interest regarding the situation in question.
- Each Discipline Committee will be comprised of one or three members, depending on the discretion of the President.
- When there are three, the President shall appoint one of them as Chair.
- Hearing Process**
- PART 1 – Introduction**
1. This is intended to provide guidance to those who are involved in Discipline hearings.
- PART 2 – Natural Justice**
2. The Committee is required to follow the rules of natural justice. Put simply, it is the duty to be fair. The specific requirements are flexible, depending on the issues in question and the seriousness of the consequences. The typical requirements are:
    - a. Adequate notice of the facts and offence alleged;
    - b. Adequate notice of the hearing;
    - c. Adequate preparation time;
    - d. A disinterested (unbiased) deciding body;
    - e. A fair hearing allowing presentations from both sides and an opportunity to rebut allegations;
    - f. Representation by an agent or lawyer;
    - g. A decision based on the evidence and arguments heard;
    - h. A decision in a reasonable time;
    - i. Reasons for the decision, preferably in writing;
    - j. An opportunity for independent review (appeal) of the decision.