

# **THE BERMUDA AMATEUR SWIMMING ASSOCIATION DISCIPLINE POLICY**

*Note: In this policy, “days” shall mean calendar days irrespective of weekends or holidays.*

## **1. Preamble**

- 1.1. Membership and participation in the activities of The Bermuda Amateur Swimming Association offers many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with the Code of Conduct of the Bermuda Amateur Swimming Association. This Code of Conduct identifies the standard of behaviour, which is expected of members and participant, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

## **2. Application of This Policy**

- 2.1. This policy applies to all categories of members of BASA and to all individuals participating in activities with or employed by BASA. These include, but are not limited to athletes, coaches, officials, organizers, spectators, managers, volunteers, directors, officers and employees.
- 2.2. This policy applies to all discipline matters which may arise during the course of BASA’s business, activities and events, including but not limited to the office environment, competitions, practices, training camps, travel associated with training or competitive activities, and any meetings of staff, committees or the Board of Directors.

## **3. Reporting an Infraction**

- 3.1. Any individual may report to the Board, or designate, a disciplinary infraction. It shall be at the sole discretion of the Board, or designate, to determine if the infraction is best dealt with as a minor or a major infraction.

## **4. Minor Infractions**

- 4.1. Minor infractions are single incidents of misconduct, which 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, a board member, committee member, administrator, volunteer, staff person, coach, organizer or manager.
- 4.2. 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 having authority, provided the individual being disciplined is told the nature of the infraction. This policy shall not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.
- 4.3. Disciplinary sanctions for minor infractions may include the following:
  - 4.3.1 Verbal or written reprimand;
  - 4.3.2 Verbal or written apology
  - 4.3.3 Service or other voluntary contribution to BASA
  - 4.3.4 Suspension from the current activity or competition
  - 4.3.5 Any other similar sanction considered appropriate for the offense.

## **5. Major Infractions**

# **THE BERMUDA AMATEUR SWIMMING ASSOCIATION DISCIPLINE POLICY**

- 5.1. Major infractions are instances of misconduct which violate the Code of Conduct and which result, or have the potential to result, in harm to other persons, to BASA or to the sport. Repeated incidents of minor infractions may also constitute a major infraction.
- 5.2. If the incident is a major infraction, a hearing is required. The Board, or designate, shall notify the individual alleged to have committed a major infraction of the matter as soon as possible, and shall provide the individual with details of the reported infraction and with a copy of this policy.
- 5.3. Major infractions occurring within competition may be dealt with immediately, if necessary, by the appropriate person having authority. The individual being disciplined shall be told the nature of the infraction and shall have 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.

## **6. Investigation**

- 6.1. Depending on the nature and severity of the infraction, the Board, or designate, may appoint an independent individual to conduct an investigation. If this is the case, the Investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the Board, or designate.

## **7. Discipline Panel**

- 7.1. Within 7 days of receiving a report of a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the Board, or designate, shall appoint three individuals to serve as a Discipline Panel. The members of the Panel shall select from themselves a Chairperson.
- 7.2. The Discipline Panel shall hold the hearing as soon as possible, but not more than 21 days after being appointed.

## **8. Preliminary Meeting**

- 8.1. 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:
  - 8.1.1 Date and location of the hearing;
  - 8.1.2 Timelines for the exchange of documents;
  - 8.1.3 Clarification of issues in the infraction;
  - 8.1.4 Order and procedure of the hearing;
  - 8.1.5 Evidence to be brought before the hearing;
  - 8.1.6 Identification of any witnesses; or
  - 8.1.7 Any other procedural matter which may assist in expediting the hearing.

## **9. Hearing**

- 9.1. The Panel shall govern the hearing as it sees fit, provided that:
  - 9.1.1 The individual being disciplined shall be given 10 days written notice of the day, time and place of the hearing;

# **THE BERMUDA AMATEUR SWIMMING ASSOCIATION DISCIPLINE POLICY**

- 9.1.2 The individual being disciplined shall receive a copy of the Investigator's report, if an investigation was carried out;
  - 9.1.3 A quorum shall be all three Panel members, and decisions shall be by majority vote where the Chair carries a vote;
  - 9.1.4 The individual being disciplined may be accompanied by a representative;
  - 9.1.5 The individual being disciplined shall have the right to present evidence and argument;
  - 9.1.6 The Investigator may participate in the hearing at the request of the Panel;
  - 9.1.7 The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
  - 9.1.8 If the individual being disciplined chooses not to participate in the hearing, the hearing shall nonetheless proceed;
  - 9.1.9 The hearing shall be held in private;
  - 9.1.10 Once appointed, the Panel shall have the authority to abridge or extend timelines associated with any aspect of the hearing.
- 9.2. After hearing the matter, the Panel shall determine whether or not the individual has breached the Code of Conduct and if so, 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, shall be distributed to all parties and to the President, or designate, within 7 days of the conclusion of the hearing.
- 9.3. 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.

## **10. Sanctions**

- 10.1. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- 10.1.1 Written reprimand;
  - 10.1.2 Removal of certain privileges of membership;
  - 10.1.3 Suspension from certain events which may include suspension from the current competition or from future teams or competitions;
  - 10.1.4 Suspension from certain BASA activities such as competing, coaching or judging for a designated period of time;
  - 10.1.5 Suspension from employment with or without pay;
  - 10.1.6 Suspension from all BASA activities for a designated period of time;
  - 10.1.7 Prohibition from entering certain facilities or grounds for a designated period of time or permanently;
  - 10.1.8 Expulsion from membership;
  - 10.1.9 Publication of the decision;
  - 10.1.10 Other sanctions as may be considered appropriate for the offense.

# **THE BERMUDA AMATEUR SWIMMING ASSOCIATION DISCIPLINE POLICY**

- 10.2. Unless the Panel decides otherwise, any disciplinary sanctions shall commence immediately. Failure to comply with a sanction as determined by the Panel shall result in automatic suspension of membership or participation in BASA until such time as the sanction is complied with.
- 10.3. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
  - 10.3.1 The nature and severity of the infraction;
  - 10.3.2 The extent to which others have been harmed by the infraction;
  - 10.3.3 The cooperation of the individual being disciplined in the proceedings under this policy;
  - 10.3.4 Whether the incident is a first offense or has occurred repeatedly;
  - 10.3.5 The individual's acknowledgment of responsibility,
  - 10.3.6 The individual's remorse and post-infraction conduct;
  - 10.3.7 The age, maturity or experience of the individual;
  - 10.3.8 Whether the individual retaliated, where the incident involves harassment; and
  - 10.3.9 The individual's prospects for rehabilitation.

## **11. Serious Infractions**

- 11.1. The Board, or designate, may determine that the alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.

## **12. Confidentiality**

- 12.1. Where the reported infraction may constitute harassment, or is of a similar highly sensitive nature, BASA shall 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.

## **13. Appeals Procedure**

- 13.1. Except where otherwise provided, the decision of the Panel may be appealed in accordance with BASA's Appeal Policy.