



***Port Colborne Youth Basketball
Discipline and Complaints Policy***

Background

In establishing a Discipline and Complaints Policy for Port Colborne Youth Basketball, PCYB has modelled this policy from the Basketball Canada *Discipline and Complaints Policy, May 2013*

DEFINITIONS

1. The following terms have these meanings in this Policy:

- a) “Complainant” – The party alleging an infraction.
- b) “Days” – Days irrespective of weekend and holidays.
- c) “Individual” – All categories of membership defined in the Port Colborne Youth Basketball Bylaws, as well as all individuals employed by or engaged in activities with Port Colborne Youth Basketball including but not limited to, directors, officers, committee members, athletes, coaches, officials, referees, managers, volunteers, and administrators.
- d) “Respondent” – The alleged infracting party.

Purpose

2. Membership in Port Colborne Youth Basketball, as well as participation in its activities, brings with it many benefits and privileges. At the same time, Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the PCYB Constitution, Bylaws, policies, procedures, rules and regulations, and the Ontario Basketball Association (OBA) Code of Conducts and Fair Play Policies. Irresponsible behavior by Members can result in severe damage to the integrity of PCYB. Conduct that violates these values may be subject to sanctions pursuant to this policy.

Application of this Policy

- 3. This Policy applies to all Individuals as defined in the definitions.
- 4. This Policy only applies to discipline matters that may arise during the course of PCYB’s business, activities and events, including but not limited to, competitions, practices, training camps, social media, travel associated with PCYB activities, and any meetings.
- 5. Discipline matters and complaints arising within the business, activities or events organized by entities other than PCYB will be dealt with pursuant to the policies of these other entities unless accepted by PCYB at its sole discretion, or such discipline matters and complaints that adversely affect relationships within PCYB’s work and sport environment or is detrimental to the image and reputation of PCYB.

Reporting a Complaint

6. Any Individual may report to a member of PCYB's Executive any complaint of an infraction by an Individual. Such a complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of the PCYB Executive.

7. A Complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of the members of the Executive. The decision may not be appealed.

8. Ontario Basketball will notify PCYB of complaints received and referred to the Ontario Basketball Discipline Committee. The PCYB Executive will act independently of the Ontario Basketball Discipline Committee in determining if the complaint warrants the application of sanctions, separate to any sanctions recommended or administered by Ontario Basketball.

Mediation

9. Before any complaint proceeds to the formal stage, the dispute will be referred first to PCYB Executive for review, with the objective of resolving the dispute via mediation.

Minor Infractions

10. Minor infractions are single incidents of failure to achieve the expected standards of conduct that generally do not result in harm to others, PCYB or to the sport of basketball. Examples of minor infractions include, but are not limited to, a single incident of:

- a) Unsportsmanlike conduct.
- b) Disrespectful comments or behaviour directed towards others.
- c) Non-compliance with the bylaws, policies, procedures, rules, regulations and directives of PCYB and / or Ontario Basketball.

11. All disciplinary situations involving minor infractions will be dealt with by the PCYB Executive having authority over the situation and the individual involved.

12. 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 PCYB Executive. This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

13. Penalties for minor infractions, which may be applied singly or in combination, include the following:

- a) Verbal or written warning.
- b) Verbal or written apology.
- c) Service or other voluntary contribution to PCYB.
- d) Removal of certain privileges of membership for a designated period of time.
- e) Suspension from the current competition, activity or event.
- f) Any other sanction considered appropriate for the offense.

14. Minor infractions that result in discipline will be recorded and maintained by PCYB. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

15. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result in harm to other persons, to PCYB, to Ontario Basketball, or to the sport of basketball.

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

- a) Repeated Minor Infractions.
- b) Intentionally damaging PCYB property or improperly handling PCYB monies.
- c) Incidents of physical abuse.
- d) Pranks, jokes or other activities that endanger the safety of others, including hazing.
- e) Disregard for the bylaws, policies, rules, regulations and directives of PCYB and / or Ontario Basketball.
- f) Conduct that intentionally damages the image, credibility or reputation of PCYB.
- g) Behavior that constitutes harassment, sexual harassment or sexual misconduct.
- h) Abusive use of alcohol, any use or possession of alcohol by minors, use or possession of illicit drugs and narcotics.

17. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy. This review does not replace the appeal provisions of this Policy.

18. Major infractions may be reported to Ontario Basketball and referred to Ontario Basketball's Discipline Committee.

Decision

19. After hearing the matter, the PCYB Executive will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Executive's written decision, with reasons, will be distributed to all parties, within fourteen (14) days of the conclusion of the hearing. The decision will be considered a matter of public record unless decided otherwise by the Executive.

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

21. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.

22. In fulfilling its duties, the Executive may obtain independent advice.

Sanctions

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

- a) Verbal or written warning.
- b) Verbal or written apology.
- c) Service or other voluntary contribution to PCYB
- d) Removal of certain privileges of membership.
- e) Suspension from certain PCYB teams, events and/or activities.
- f) Suspension from all PCYB activities for a designated period of time.
- g) Expulsion from PCYB.
- h) Other sanctions as may be considered appropriate for the offence.

24. Unless the Executive decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Executive will result in automatic suspension of membership in PCYB until such time as compliance occurs.

25. A written record will be maintained by the PCYB Executive.

Serious Infractions

26. The PCYB Executive may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Executive.

Criminal Convictions

27. An Individual's conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and will result in expulsion from PCYB and/or removal from PCYB competitions, programs, activities and events upon the sole discretion of PCYB:

- a) Any sexual offences. or
- b) Any offence involving trafficking of illegal drugs.

Timelines

28. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this Policy, the PCYB Executive may direct that these timelines be revised.

Confidentiality

29. The discipline and complaints process is confidential involving only the Parties and the PCYB Executive. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.