PREAMBLE

Participation in the activities of Special Olympics Manitoba (SOM) offers many benefits and privileges. At the same time participants are expected to fulfill certain responsibilities and obligations, including complying with the SOM Code of Conduct. The Code of Conduct identifies the standard of behaviour that is expected of all participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out by this policy.

APPLICATION OF THIS POLICY

This policy applies to all individual's participating in activities with or employed by Special Olympics Manitoba. These include but are not limited to athletes, coaches, officials, organizers, managers, volunteers, directors, officers and employees.

This policy applies to all discipline matters that may arise during the course of SOM's business, activities and events, including but not limited to the office environment, competitions, practices, training camps, events, and any meetings of staff, committees or the Board of Directors.

Due to the need to deal with matters in a more immediate timeframe a separate Code of Conduct and Discipline policy has been developed for Manitoba Teams while at competitions (See Policy, 7000-10).

REPORTING AN INFRACTION

Any individual may report to the President and CEO a disciplinary infraction, using the Incident Report. It will be at the sole discretion of the President and CEO to determine if the infraction is best dealt with as a minor or a major infraction.

MINOR INFRACTIONS

Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others. All discipline 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, volunteer, staff person, coach, organizer or manager.

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 person having authority, provided the individual being disciplined is told the nature of the infraction. This policy will not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.

Disciplinary sanctions for minor infractions may include the following:

- Verbal or written reprimand;
- Verbal or written apology;
- Service or other voluntary contribution to the organization;
- Suspension from the current activity or competition;
- Any other similar sanction considered appropriate for the offense.

MAJOR INFRACTIONS

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 or to SOM.

If the incident is a major infraction, a hearing is required. The President & CEO will notify the individual alleged to have committed a major infraction of the matter as soon as possible, and will provide the individual with a copy of this policy.

The appropriate person having authority may deal with major infractions occurring within competition immediately, if necessary. The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will 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 the major infractions. This review does not replace the appeal provisions of this policy.

INVESTIGATION

Depending on the nature and severity of the infraction, SOM may appoint an independent individual to conduct an investigation. If this is the case, the investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the President & CEO.

DISCIPLINE PANEL

Within 7 days of receiving an Incident Report documenting a major infraction or of receiving the written report of the investigator if an investigation was carried out, the President & CEO will appoint three individuals to serve as a Discipline Panel. The individuals selected must be independent (have no interest in the outcome of the matter) and preferably have experience with sport and with SOM. If the allegation is quite severe a person with a legal background should be considered. The members of the Panel will select from themselves a Chairperson.

The Discipline Panel will hold the hearing as soon as possible but not more than 21 days after being appointed.

PRELIMINARY MEETING

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:

- Date and location of the hearing;
- Timelines for the exchange of documents;
- Clarification of issues in the infraction;
- Order and procedure of the hearing;
- Evidence to be brought before the hearing;
- Identification of any witnesses; or
- Any other procedural matter that may assist in expediting the hearing.

HEARING

The panel will govern the hearing as it sees fit, provided that:

- The individual being disciplined will be given 10 days written notice of the day, time and place of the hearing;
- The individual being disciplined will receive a copy of the Investigators report, if an investigation is carried out;
- A quorum will be all three Panel members, and decisions will be by majority vote where the Chair carries the vote;
- A representative may accompany the individual being disciplined;
- The individual being disciplined will have the right to present evidence and argument;

- The Investigator may participate in the hearing at the request of the Panel;
- The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
- The hearing will be held in private;
- Once appointed, the panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

After hearing the matter, the Panel will 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, will be distributed to all parties and to the President & CEO within 7 days of the conclusion of the hearing.

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

SANCTIONS

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

- A written reprimand;
- Removal of certain privileges of membership and employment;
- Suspension from certain events which may include suspension from the current competition or from future teams or competitions;
- Suspension from certain SOM activities such as competing, coaching or judging for a designated period of time;
- Suspension from employment with or without pay;
- Suspension from all SOM activities for a designated period of time;
- Publication of the decision;
- Other sanctions as may be considered appropriate for the offense.

Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of future participation in SOM until such time as the sanction is complied with.

In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- The nature and severity of the infraction;
- The extent to which others have been harmed by the infraction;
- The cooperation of the individual being disciplined in the proceedings under this policy;
- Whether the incident is a first offense or has occurred repeatedly;
- The individual acknowledgement of responsibility;
- The individual's remorse and post-infraction conduct;
- The age, maturity or experience of the individual;
- Whether the individual retaliated, where the incident involves harassment and
- The individual's prospects of rehabilitation.

SERIOUS INFRACTIONS

The President and CEO in conjunction with the Chairperson of the Board 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.

CONFIDENTIALITY

Where the behaviour reported in an Incident Report may constitute harassment, or is of a similar sensitive nature, SOM will keep all proceedings under this policy confidential, except where disclosure is directed by the Panel as part of the sanction, is required by law or is in the best interests of the public.

APPEALS PROCEDURE

Except where otherwise provided, the decision of the Panel may be appealed in accordance with SOM's Appeal Policy (See Policy, 2009). (2000-B)

EXAMPLES OF MINOR INFRACTIONS

- A single incident of disrespect, offensive, abusive, racist or sexist comments or behaviour directed toward others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.

- Conduct contrary to the ideals of fair play such as angry outbursts or arguing.

- A single incident of being late for or absent from SOM events and activities at which attendance is expected or required.

- Non-compliance with the rules and regulations under which SOM events are conducted, whether at the local, provincial, national or international level.

EXAMPLES OF MAJOR INFRACTIONS

- Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behaviour directed towards others, including but not limited to peers, opponents, athletes, coaches, officials, administrators, spectators and sponsors.

- Repeated conduct contrary to the ideals of fair play such as angry outbursts or arguing.

- Repeated incidents of being late for or absent from SOM events and activities at which attendance is expected or required.

- Activities or behaviour that interferes with the organization of a competition or with any athlete's preparation for a competition.

- Pranks, jokes or other activities that endanger the safety of others.

- Deliberate disregard for the rules and regulations under which SOM events are conducted, whether at the local, provincial, national or international level.

- Any conduct that results in harm to the image, credibility or reputation of SOM and/or its' sponsors.

- Abusive use of alcohol or any other illicit substance where abuse means a level of consumption which impairs the individuals ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individuals ability to perform effectively and safely.

- Abuse of facilities or equipment.

- Any use of alcohol or any other illicit substance by minors.
- Use of illicit drugs and narcotics.