

SECTION 14.5

**DISCIPLINE PROCEDURE
(Revised June 2008)**

ARTICLE I - GENERAL RULES

- 1.1 All members of the Canadian Amateur Wrestling Association will be governed by these discipline procedures.
- 1.2 Infractions which will cause the CAWA to consider disciplinary action include, but are not limited to, the following:
 - 1.2.1 inappropriate behaviour (rudeness, swearing, lack of etiquette...) while representing Canada, a province or territory at a CAWA sanctioned event anywhere in the world,
 - 1.2.2 fighting of any nature which is outside the rules of the sport,
 - 1.2.3 damage to property or equipment,
 - 1.2.4 missing a curfew imposed by the CAWA,
 - 1.2.5 any form of harassment (physical, sexual, racial),
 - 1.2.6 missing a training session or appointment at training camps or events,
 - 1.2.7 failure to report to a training camp that was mandatory,
 - 1.2.8 failure to wear supplied team uniform or equipment as required,
 - 1.2.9 committing any criminal acts,
 - 1.2.10 abuse of drugs (results of doping tests by CCES - whether in or out of competition - will be the determinant of abuse for which there is zero tolerance),
 - 1.2.11 abuse of alcohol which is exhibited through inappropriate behaviour in public or confrontations with other team members,
 - 1.2.12 failure to report a medical problem to the CAWA where it limits the ability to train and compete,
 - 1.2.13 missing a match at an international competition,
 - 1.2.14 missing weight at an international competition, **(a review of missed weight at international events will be automatic)** and
 - 1.2.15 violation of any contracts or agreements signed with the CAWA or breaching any provision of the constitution, bylaws or regulations of the association.
- 1.3 The CAWA Executive Committee will deal with all matters of discipline.

- 1.4 The time limitations for notice and due process as outlined in this document will be respected so long as fundamental justice can be served.

Situations may arise that require the time limitations to be expanded or reduced to ensure that the decision rendered is fair and effective. In such cases the parties involved will be required to agree in writing upon a schedule that meets the needs of the situation.

- 1.5 All correspondence will be directed through the National Office (including correspondence to the President).

Registered mail may be replaced by courier, fax or electronic mail providing receipt of material is confirmed in an appropriate form.

- 1.6 The President, or in absence of the President, the Vice President, Administration or the President's designate shall preside over these procedures.

ARTICLE II - NOTICE OF INFRACTION

- 2.1 Any member of the CAWA, as defined by the Constitution, may file a written notice of infraction with the National office to the attention of the President. Such notice must be filed within 15 days of the alleged infraction.

- 2.2 The National office will assist the President to gather reports from all persons who would be considered witnesses to the alleged infraction. Should this information support the allegations, the CAWA will hold a review.

- 2.3 The CAWA President will inform, within fifteen (15) days of receiving the notice of infraction, the individual(s) cited that the CAWA will conduct a review of the alleged infraction.

- 2.4 The individual(s) cited will have 15 days from the date of notice of the review to provide the CAWA, in writing, with any information to be considered.

ARTICLE III - REVIEW

- 3.1 The CAWA Executive Committee will meet to review all information received on the alleged infraction.

The Executive Director will be present throughout the review but has no vote.

- 3.2 A conference telephone call is an acceptable forum to hold the review.

- 3.3 Should the CAWA Executive Committee determine, through its review, that the alleged infraction did occur, then it will determine an appropriate sanction.

ARTICLE IV - SANCTIONS

- 4.1 An individual found to be guilty of an infraction is subject to disciplinary action which may include the following: a reprimand, suspension from the National Team, suspension from CAWA programs and activities, a fine, community service or a combination of such actions. Guidelines of possible sanctions are contained in Article VII.
- 4.2 Factors to be considered by the CAWA in determining sanctions will include: whether the infraction was a first offense, whether harm was caused to anyone, whether the individual was provoked (or other similar mitigating factors), was the image of the CAWA and/or Canada negatively reflected and has the individual made or will make restitution (where appropriate).
- 4.3 As a general guideline, individuals dismissed from tours and athletes that fail to compete, for whatever reason, can expect that their sanction will include a fine to recover the expenditure made by CAWA in their participation in the event in question.
- 4.4 Individuals who are sanctioned for infractions under the Discipline Procedure have the option to accept the sanction of the CAWA Executive Committee or to appeal that decision.

ARTICLE V - APPEALS

- 5.1 Appeals of decisions of the Executive Committee will be heard by a neutral Appeal Panel.
- 5.2 A written notice of appeal must be filed with the National Office to the attention of the President within 30 days of the giving of notice of the decision by the Executive Committee.
- 5.3 For each appeal the President shall cause to be established a three member neutral Appeal Panel composed of arbitrators who are generally agreed to be outside the direct interests of the sport of wrestling yet still well informed on the issues and due process for sport in Canada.

The CAWA National office will provide a list of potential arbitrators that could participate in the Appeal Panel. The appellant will have the right to select two arbitrators and the respondent one.

The Executive Director may be present throughout the appeal but is not a member of the committee and has no vote.

- 5.4 The Appeal Panel shall hold its hearing session as soon as possible but not more than 30 days after the President of the CAWA has received the written request for appeal, unless both parties consent to an extension of this time period. A conference call is an acceptable forum to hold the hearing if such is determined to be required in the interest of time and cost.

- 5.5 At the appeal hearing, both parties shall have the right to submit written briefs, adduce evidence and to make a personal appearance, or to be represented by a third party.
- 5.6 Each party shall bear the costs of its own expenses.
- 5.7 The Appeal Panel shall rule in one of the three following ways:
- the decision of the Executive Committee be upheld,
 - the decision of the Executive Committee be overturned, or
 - the decision of the Executive Committee be altered.
- 5.8 The President will notify both parties of the decision of the Appeal Committee by registered or electronic mail.

ARTICLE VI - ALTERNATIVE DISPUTE RESOLUTION

- 6.1 The CAWA supports the principles of Alternative Dispute Resolution (ADR) and is committed to the use of arbitration and mediation as an effective means to resolve disputes with its members.
- 6.2 All differences or disputes shall first be submitted to appeal pursuant to the appeal process set out in Article V of this policy.
- 6.3 Any decision made by the Appeal Panel may be exclusively submitted by way of application to the Sport Dispute Resolution Centre of Canada (SDRCC) tribunal or its successor, which will resolve definitively the dispute in accordance with the SDRCC Code, as amended from time to time.
- 6.4 Should a matter be referred to arbitration or mediation, all parties to the original appeal shall be parties to this arbitration or mediation.
- 6.5 The award rendered by the SDRCC tribunal or its successor shall be final and binding upon the parties.
- 6.6 Notwithstanding the intent of 6.2, the parties involved in the dispute may agree to bypass the CAWA appeal process, Article V of this policy, if time or circumstances dictate (ie. Major Games selection matters).

ARTICLE VII - 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 CAWA.

- 7.1 **BEHAVIOR** - All members of the CAWA, which will 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 CAWA, for whatever reason, not conduct him/herself in an appropriate manner, the following sanctions may be imposed:

1st offense - reprimand up to a \$ 250.00 fine

2nd offense - suspension from all CAWA programs and activities for up to a period of three months

3rd offense - suspension from all CAWA programs and activities for up to a period of twelve months, plus withdrawal from the Athlete Assistance Program (where applicable).

- 7.2 **FAILURE TO MEET TRAINING/COMPETITION COMMITMENTS** - Should a team member who has been selected for a team not meet his/her commitments to that team through; failing to participate in the assigned event(s), missing weight at an event or missing training sessions or appointments leading up to an event, the following sanctions may apply:

1st offense - up to a \$ 500.00 fine

2nd offense - dismissed from the event at his/her own cost (where applicable) or up to a \$ 1,000.00 fine

3rd offense - suspension from all CAWA programs and activities for up to a period of twelve months, plus withdrawal from the Athlete Assistance Program (where applicable).

- 7.3 **PROPERTY DAMAGE** - Any team member found directly responsible for any property damage while engaging in CAWA sanctioned programs or activities may be subject to the following sanctions:

1st offense - total reimbursement for damages plus reprimand

2nd offense - total reimbursement for damages plus up to a three month suspension from all CAWA programs and activities

3rd offense - total reimbursement for damages plus up to a twelve month suspension from all CAWA programs and activities plus withdrawal from the Athlete Assistance Program (where applicable)

- 7.4 **OUT OF COMPETITION DOPING OFFENCES** - Should a team member be found to be using substances defined by the Narcotic Control Act of Canada as narcotics or any restricted substance under the Food and Drugs Act, he/she may be sanctioned as follows:

1st offense - up to three months suspension from all CAWA programs and activities,

2nd offense - up to twelve month suspension from all CAWA programs and activities plus withdrawal from Athlete Assistance Program (where applicable),

3rd offense - possible lifetime suspension from the sport of wrestling.

- 7.5 **COMMITTING ANY CRIMINAL ACTS** - Dependent on the nature and severity of the act, the CAWA may revoke the members membership or suspend the right to participate in CAWA programs and activities for individuals found guilty of committing any criminal acts for a period ranging from three months to lifetime.

- 7.6 **FAILURE TO REPORT MEDICAL PROBLEM** - Team members who fail to report medical problems which could prevent participation in scheduled activities may be

suspended from all activities for one month and may be required to reimburse the CAWA for any loss as a direct result (ie. air ticket cancellation etc...).

7.7 **FAILURE TO WEAR TEAM UNIFORM** - Team members that fail to wear provided team clothing or equipment may be sanctioned as follows:

1st offense - reprimand

2nd offense - up to a \$ 100.00 fine

3rd offense - up to a \$ 500.00 fine

****PLEASE NOTE** - Suspensions take place from the date of the infraction and the duration may preclude members from participating in events that contribute to team selection, participation in championships, carding and obtaining tiering points. Members are encouraged to govern themselves accordingly.