

Manitoba Amateur Wrestling Association Discipline and Complaints Policy

“Organization” refers to: Manitoba Amateur Wrestling Association

Definitions

1. The following terms have these meanings in this Policy:
 - a) *“Case Manager”* – An individual appointed by the Organization to administer this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, the Organization
 - b) *“Complainant”* – The Party alleging an infraction
 - c) *“Respondent”* – The alleged infracting Party
 - d) *“Days”* – Days including weekends and holidays
 - e) *“Individuals”* – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, Directors and Officers of the Organization, spectators at events, and parents/guardians of athletes

Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Organization’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to matters that may arise during the course of Organization’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Organization activities, and any meetings.
5. This Policy also applies to Individuals’ conduct outside of the Organization’s business, activities, and events when such conduct adversely affects relationships within the Organization (and its work and sport environment) and is detrimental to the image and reputation of the Organization. Such applicability will be determined by the Organization at its sole discretion.
6. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.

7. An employee of the Organization who is a Respondent will be subject to appropriate disciplinary action per the Organization's *Human Resources Policy/ Code of Conduct* as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment.

Reporting a Complaint

8. Any Individual may report any complaint to the Organization. A complaint must be In Writing and must be filed within fourteen (14) days of the alleged incident.
9. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Organization or the Case Manager, as applicable. This decision may not be appealed.
10. At the Organization's discretion, the Organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the Organization.
11. Resignation or lapsing of membership after a complaint is filed does not preclude discipline being pursued under this Policy.

Dispute Resolution Option

12. The matter will first be referred to the Organization's President (or designate) for review, with the option given to the parties to resolve the dispute via Alternate Dispute Resolution and/or mediation. Should the parties unanimously agree to proceed using Alternate Dispute Resolution and/or mediation, the process set out in the Dispute Resolution Policy shall be followed from this point. Should the parties not agree, the process contained here shall be followed.

Case Manager

13. Upon receipt of a complaint, the Organization will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager is not required to be a member of the Organization. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to the acceptance or dismissal of the complaint may not be appealed.

- b) Determine if the complaint is a minor or major infraction;
 - c) Appoint a Discipline Panel, if necessary, in accordance with this Policy;
 - d) Determine the format of the hearing;
 - e) Coordinate all administrative aspects of the complaint;
 - f) Provide administrative assistance and logistical support to the Panel as required; and
 - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
14. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
15. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

16. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, the Organization or to the sport of wrestling. Examples of minor infractions include, but are not limited to, a single incident of:
- a) Un-sportsmanlike conduct;
 - b) Disrespectful comments or behavior directed towards others; and
 - c) Non-compliance with the bylaws, policies, procedures, rules, regulations and directives of the organization.
17. All disciplinary situations involving minor infractions should be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, officials, coaches, organizers, or MAWA decision makers). However if the person in authority over the situation does not deal with the infraction or deals with it in a manner that is deemed insufficient by the MAWA board of directors the Board has the right to take corrective action.
18. 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 responsible for discipline of such infractions. 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.
19. Minor infractions that result in discipline will be recorded and maintained by the MAWA. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

20. 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 the MAWA or to the sport of wrestling.
21. Examples of major infractions include, but are not limited to:
 - a) Repeated Minor Infractions;
 - b) Intentionally damaging MAWA property or improperly handling MAWA monies;
 - c) Incidents of physical abuse ;
 - d) Pranks, jokes or other activities that endanger the safety of others, including hazing;
 - e) Deliberate disregard for the bylaws, policies, rules, regulations and directives of the MAWA;
 - f) Conduct that intentionally damages the image, credibility or reputation of the MAWA;
 - g) Behavior that constitutes harassment, sexual harassment or sexual misconduct; or
 - h) Abusive use of alcohol, any use or possession of alcohol by minors, use or possession of illicit drugs and narcotics.
21. Major infractions will be decided using the disciplinary procedures set out in this policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
22. 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.

Procedure for Major Infraction Hearing

23. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will establish a Discipline Panel consisting of a single Adjudicator to hear the complaint. At the discretion of the Case Manager, a Discipline Panel of three persons may be appointed to hear and decide a complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
24. The Case Manager will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within the appropriate timeline determined by the Case Manager.

- b) The Parties will be given appropriate notice of the day, time and place of the hearing.
- c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing in accordance with the appropriate timeline.
- d) Both Parties may be accompanied by a representative or adviser, including legal counsel.
- e) The Panel may request that any other individual participate and give evidence at the hearing.
- f) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome. Should this be part of this policy or the appeal policy
- g) The hearing will be conducted in the official language of choice of the Complainant.
- h) In the situation where the hearing is conducted by a Panel consisting of three persons, a quorum will be all three and decisions will be by majority vote.

Decision

25. After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and the MAWA 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 Panel.
26. Where the Respondent 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.
27. If the Respondent chooses not to participate in the hearing, the hearing may proceed in any event.
28. In fulfilling its duties the Panel may obtain independent advice.

Sanctions

29. The Case Manager and/or Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to the Organization
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities

- f) Suspension from all Organization activities for a designated period of time
- g) Withholding of prize money or awards
- h) Payment of the cost of repairs for property damage
- i) Suspension of funding from the Organization or from other sources
- j) Expulsion from the Organization
- k) Any other sanction considered appropriate for the offense

30. Unless the Case Manager and/or Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.

31. Infractions that result in discipline will be recorded and records will be maintained by the Organization.

Suspension Pending a Hearing

32. The Organization may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

Criminal Convictions

33. An Individual's conviction for a Criminal Code offense, as determined by the Organization, will be deemed an infraction under this Policy and will result in expulsion from the Organization. Criminal Code offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

Confidentiality

34. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline Panel. 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.

Appeals Procedure

35. The decision of the Case Manager and/or Discipline Panel may be appealed in accordance with the Organization's Appeal Policy.