

Fair Play Policy and Procedures

Issued: February 1998

1st Revision: September 1998

2nd Revision: November 1999

3rd Revision: August 2006

**Approved by the
Board of Directors
Basketball Ontario
August 2006**

Note 1: The August 2006 revision of Basketball Ontario's Fair Play Policy reflects the implementation of FIBA Official Basketball Rules.

Note 2: The November 1999 revision of Basketball Ontario's Fair Play Policy reflects the inclusion of new procedures for Zero Tolerance as defined in Section 4.

1. POLICY STATEMENT:

Basketball Ontario, through its Board of Directors, is committed to providing a sport and work environment in which all individuals are treated with respect and dignity. To that end, and consistent with its Fair Play policy contained within the Athletes' Behaviour Guidelines, the Coaches' Behaviour Guidelines, and the Spectator Guidelines ["**the Behaviour Guidelines**"], Basketball Ontario hereby establishes this **Fair Play Policy and Procedures** ["**the Policy**"].

To attain the goals of this Policy, the Board of Directors may appoint a Director of Fair Play and Investigation who shall be a designate of the Executive Director for purposes of this Policy. The mandate of the Director of Fair Play and Investigation shall be to investigate complaints made pursuant to this Policy in a fair and impartial manner.

2. APPLICATION OF THIS POLICY

This Policy applies to:

- (a) all members of Basketball Ontario;
- (b) all Basketball Ontario sanctioned basketball programmes or services, including, but not limited to, Basketball Ontario sanctioned games and/or tournaments.

3. DEFINITIONS

For purposes of this Policy, the following definitions shall apply:

- (a) **Club:** is an association as defined in accordance with By-law One of Basketball Ontario;
- (b) **Game:** a period of time, divided by quarters or halves, during which two basketball teams compete against each other. A "Game" shall include the warm-up period prior to its commencement, half-time, and post-game procedures, including, but not limited to signing and distribution of score sheets, team handshake, clearing the benches, and exiting the gymnasium;
- (c) **Game Official:** an individual certified by the Ontario Association of Basketball Officials who referees a Game;
- (d) **Game Management Committee:** any individual(s) designated by a Club hosting a game or tournament **to facilitate the game or tournament**;
- (e) **Guideline Penalty:** a penalty provided for in Schedule "A", annexed hereto [Schedule "A"] or Schedule "B" annexed hereto "Recommended Penalties"

[**Schedule "B"**], which *may*, in the discretion of the appropriate person(s) in accordance with this Policy, be imposed upon a member;

- (f) **Mandatory Minimum Penalty:** a penalty provided for in Schedule "A" which, in addition to any other penalty which may be imposed, *must* be imposed upon a member by the appropriate person(s) in accordance with this Policy;
- (g) **Misconduct:** in addition to conduct contrary to Basketball Ontario's Fair Play policy contained within the Athletes' Behaviour Guidelines, the Coaches Behaviour Guidelines, and the Spectator Guidelines, misconduct includes those actions by a member provided for in Schedule "A" or Schedule "B";
- (h) **Recommended Penalty:** a penalty provided for in Schedule "B" annexed hereto to be imposed is deemed appropriate by the appropriate person(s) in accordance with this Policy;
- (i) **Season:** a twelve month period commencing on September 1 of any given year and ending on August 31 of the following year;
- (j) **Seasonal Offence:** any offence which occurs within a season as defined herein;
- (k) **Team Official:** a coach, assistant coach, manager of a team, trainer of a team or any "bench personnel", as defined by the International Basketball Federation of Officials. **For greater clarity, where a penalty has been imposed against a Team Official in accordance with this Policy, any unexpired penalty imposed against the Team Official shall continue to apply to the Team Official in the event she or he has become a Team Official for a successor or different Team;**
- (l) **Team/Successor Team:** **For purposes of this policy, where a penalty is imposed against a team of basketball players, any unexpired penalty continues to apply to any Successor Team. For greater clarity, a Successor Team shall be defined as a team comprising of at least 6 players from the Team against which the penalty was imposed.**
- (m) **Tournament:** a series of games sanctioned by Basketball Ontario and hosted by an Affiliated Club, as defined pursuant to By-law One of Basketball Ontario, which are conducted within a period of less than **seventy-two (72)** hours;
- (n) **Time:** in calculating the number of days provided for in this Policy, no account shall be taken of statutory holidays, and, where the time provided for is less than 7 days, no account shall be taken of Saturdays and Sundays. The time limits provided for within this Policy, may, in the sole discretion of the appropriate committee in accordance with this Policy, be abridged or extended;

- (o) **FIBA:** the International Basketball Federation's Official Basketball Rules which are adopted for use at all Basketball Ontario sanctioned games and/or tournaments subject to Basketball Ontario modifications as outlined in the Coaches Manual.
- (p) **Disqualifying Foul:** is defined in Article 37.1, FIBA Official Basketball Rules, as any flagrantly unsportsmanlike action of a player, substitute, excluded player, coach, assistant coach or team follower.

A player shall be disqualified when:

- A player is charged with two unsportsmanlike fouls.
- A player who has committed five fouls, personal and/or technical, shall be informed thereof by the referee and must leave the game immediately. The player must be substituted within thirty seconds.

A coach shall be also disqualified when:

- A coach is charged with two technical fouls as a result of their personal unsportsmanlike behavior.
- A coach is charged with three technical fouls accumulated as a result of unsportsmanlike behavior from the team bench (assistant coach, substitute or team follower) or a combination of three technical fouls, one of which has been charged against the coach.

- (q) **Unsportsmanlike foul:** is defined in Article 36.1, FIBA Official Basketball Rules, as a player contact foul which, in the judgment of the official, is not a legitimate attempt to directly play the ball within the spirit and intent of the rules.
- (r) **Zero Tolerance:** Any player or coach who is disqualified from a game for unsportsmanlike fouls (excluding players committing five personal and/or technical fouls) shall be deemed to have committed a possible Zero Tolerance Offense and may be subject to review under the Zero Tolerance Rule outlined in section 4 of this policy.

4. ZERO TOLERANCE COMPLAINTS AND STANDARD PENALTIES

Basketball Ontario is committed to promoting a sport environment free from unsportsmanlike or disqualifying fouls, flagrant physical contact and/or attempted intentional or flagrant physical contact and/or threatening or intimidating behaviour during the course of a game ["**Zero Tolerance**"]. In addition to any other penalties which may be provided for within this Policy, therefore, Basketball Ontario hereby adopts "Standard Penalties for Misconduct by a Player" annexed hereto as Schedule "A" and "Recommended Penalties" annexed hereto as Schedule "B" ["**Schedule "B"**"].

For greater certainty, where misconduct, as described in Schedule "A", occurs during the course of a game or tournament, as defined herein, during a season, as defined herein, the penalty shall be immediately imposed by the game official and/or game management committee in accordance with Schedule "A", and where provided for in Schedule "A", subject to the processes provided for in **section 7** of this Policy.

Where misconduct as described in Schedule "B" occurs during the course of a game or tournament, as defined herein, during a season, as defined herein, the recommended penalty may be imposed in accordance with **section 7** of this Policy in addition to any penalties imposed in accordance with Schedule "A".

For greater clarity, all "Zero Tolerance" complaints shall be considered by the Discipline Committee in accordance with Section 7 of this Policy and only by the Discipline Committee. Neither the Mediation nor Complaints Committee shall be vested with the authority to dispose of any complaint involving an allegation of a "Zero Tolerance" complaint.

5. MEDIATION COMMITTEE

(a) Appointment

- (1) The Mediation Committee shall be composed of not fewer than five (5) persons.
- (2) No person who is a member of the Discipline Committee or the Complaints Committee shall be a member of the Mediation Committee.
- (3) The Board shall appoint one Board Member to the Mediation Committee to be the Chair and shall appoint at least two other committee members.
- (4) No Mediation Committee member who acts as a Mediator in respect of a complaint may take any further part with respect to such complaint, as a witness or otherwise.
- (5) The Mediation Committee shall submit an annual report of its activities to the Board and may make such other reports to the Board as it considers appropriate.

(b) Powers of Mediation Committee

The Mediation Committee shall:

- (1) Set criteria for the eligibility of complaints for mediation;

- (2) Conduct such consultations and mediations and perform such other duties as are assigned to it by the By-laws and Rules and Regulations; and
- (3) Submit an annual report of its activities to Board and such other reports as Board considers appropriate, subject to restrictions contained in (3)(a) and (4)(a).

(c) **Mediation Procedures**

(1) **Preliminary**

- (a) After a complaint has been referred to the Mediation Committee by the Complaints Committee, and the mediation has been agreed to in writing by both the Complainant and the Respondent, the chair of the Mediation Committee shall:
 - (i) appoint a member of the Committee to act as a mediator, and
 - (ii) instruct the Executive Director to establish a time and place for the mediation and invite the Complainant and the Respondent to attend.
- (b) Any appointment of a mediator must be acceptable to both the Respondent and the Complainant; if no acceptable mediator can be appointed, mediation will not take place.
- (c) After the Complainant and the Respondent have confirmed their attendance, the Executive Director will send the mediator a summary of the allegations.
- (d) Subsequent mediation meetings shall be at the discretion of the mediator but shall not normally exceed four (4) in total.

(2) **Mediation**

- (a) The mediator will meet with both the Complainant and the Respondent together and will review the correspondence regarding the matter. The mediator will outline the mediation procedure, define the outstanding issues and will give an estimate of how long the process is expected to take.

- (b) After the completion of the initial meeting referred to in Sub-section (3)(a) the mediator shall meet with the Complainant and the Respondent, either separately or together, at the discretion of the mediator. Notes will be taken regarding issues that require clarification, either at subsequent meetings, or otherwise. These notes are for the use of the mediator only.

(3) Records

- (a) At the final meeting with, if possible, both the Complainant and the Respondent present, the mediator shall make a written record of;
 - (i) the issues that have been resolved by the Complainant and the Respondent;
 - (ii) any recommendations made by the Mediator and agreed to by the Complainant and the Respondent; and
 - (iii) the issues that remain outstanding.

The Complainant and the Respondent will be asked to sign the written record to confirm its content.

- (b) The written record referred to in (a) above will be sent to the Complaints Committee so that it can:
 - (i) be aware of the withdrawal of the complaint with respect to any issues that have been agreed upon by the Complainant and the Respondent;
 - (ii) be aware of the recommendations to which both parties have agreed and that such recommendations have been or will be carried out; or
 - (iii) take whatever action on the outstanding issues that the Complaints Committee considers appropriate and which are consistent with the powers of the Complaints Committee.

(4) Special Provisions

(a) All information obtained by a mediator and all matters or opinions raised or expressed in the course of mediation may not be disclosed in any form by the mediator or by anyone else except as required by any provision of the By-laws.

(b) Where a proceeding is commenced before a Panel and the terms of office on the Board or on the Committee of a Member or Public Member sitting on the hearing expires or is terminated before the proceeding is disposed of but after the proceeding has commenced, such person shall remain on the Panel for the purpose of completing the disposition of the proceeding in the same manner as if such term of office had not expired or been terminated.

6. COMPLAINTS COMMITTEE

(1) Appointment

- (a) The Complaints Committee shall be composed of not fewer than five (5) persons who are members of Basketball Ontario.
- (b) No person who is a member of the Mediation Committee, or the Discipline Committee shall be a member of the Complaints Committee.
- (c) The Board shall appoint at least one Board Member to the Complaints Committee to be chair and who shall determine the number and composition of the Panels.
- (d) Three members of the Complaints Committee constitute a Panel.
- (e) The Complaints Committee shall submit an annual report of its activities to the Board and may make such other reports to the Board as it considers appropriate.

(2) Powers of Complaints Committee

- (a) **Subject to section 4 of this Policy ["Zero Tolerance" Complaints]**, the Panel shall receive, consider and investigate when the Committee deems it appropriate any complaint made by a Member or game official with respect to a Member but, subject to subsection (2)(b), no action shall be taken by a Panel unless:
 - (i) a written complaint has been filed with the Executive Director and the Respondent whose conduct or actions are being investigated has been notified of and given a copy of the complaint and given at least two weeks

in which to submit in writing to the Panel any explanation or representations the Respondent may wish to make concerning the matter;

- (ii) the Committee has had an opportunity to examine any or all records and other documents relating to the complaint;
- (b) Notwithstanding Sub-section (2)(a), a Panel may refer a written complaint to the Mediation Committee before receiving submissions from the Respondent if the complaint meets the criteria for mediation set by the Mediation Committee from time to time and the Complainant and Respondent agree in writing to the mediation.
- (c) Notwithstanding Sub-section (2)(a), a Panel may delegate the investigation of any complaint referred to in Sub-section (2)(a) to the Executive Director and the Executive Director may further delegate such investigation to other persons as he or she in his or her discretion considers appropriate.
- (d) The Executive Director, **or his or her designate**, upon investigating a complaint, shall deliver to the relevant Panel the following information:
- (i) detailed information about the complaint;
 - (ii) the Respondent's written explanation or representations concerning the matter;
 - (iii) a written report regarding the result of the investigation including, without limiting the generality of the foregoing, copies of all relevant documentation; and
 - (iv) information regarding experts or sources who or which might assist the Panel in considering the complaint.
- (e) Upon delivery of a complaint to a Panel, the Complaints Committee shall inform the Panel of the date by which the decision (and reasons, if any) of the panel is (or are) to be rendered in accordance with Sub-section (3).

(3) **Decisions of Complaints Committee**

- (a) The Panel in accordance with the information it receives may:
 - (i) direct that the matter be referred in whole or in part to the Discipline Committee;
 - (ii) direct that the matter not be referred under Clause (i).

- (iii) direct that the matter not be referred under Clause (i) and decide to issue a written or verbal admonishment, reference to which would be maintained on the Respondent's record for a time period stipulated by the Panel, and then issue such an admonishment in accordance with its decision; or
 - (iv) if the matter has not previously been referred to mediation, if the Panel is satisfied that the matter complies with the criteria set, from time to time, by the Board, and if the Complainant and the Respondent agree, refer the matter to mediation.
- (b) The Executive Director, **or her or his designate**, shall **notify the complainant and the Respondent of the Panel's decision**.
 - (c) Where a proceeding is commenced before a Panel and the terms of office on the Board or on the Committee of a Member or Public Member sitting on the hearing expires or is terminated before the proceeding is disposed of but after the proceeding has commenced, such person shall remain on the Panel for the purpose of completing the disposition of the proceeding in the same manner as if such term of office had not expired or been terminated.

7. DISCIPLINE COMMITTEE

(1) **Appointment**

- (a) The Discipline Committee shall be composed of not fewer than five (5) persons.
- (b) No person shall be a member of the Discipline Committee who is a member of the Mediation Committee or the Complaints Committee.
- (c) The Board shall name at least one Board Member to the Discipline Committee to be chair and who shall determine the number and composition of the Panels.
- (d) Three members of the Discipline Committee constitute a Panel.
- (e) All disciplinary decisions require the vote of a majority of the Panel present at the hearing.
- (f) In addition to matters referred to the Discipline Committee by the Complaints Committee, the Board may direct the Discipline Committee to hold a hearing and determine any specified allegation of misconduct on the part of a Member.

- (g) The Discipline Committee shall submit an annual report of its activities to the Board and may make such other reports to the Board as it considers appropriate.

(2) **Duties of Discipline Committee**

- (a) The Discipline Committee shall:

- (i) when so directed by Board or the Complaints Committee **or pursuant to section 4 of this Policy [“Zero Tolerance” complaints]**, hear and determine allegations of misconduct against any Member;

- (ii) perform such other duties as are assigned to it by the Board.

- (b) In the case of hearings into allegations of misconduct of a Respondent, the Panel shall:

- (i) consider the allegations, hear the evidence and ascertain the facts of the case;

- (ii) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

- (iii) determine whether in respect of the allegations so proved the Respondent is guilty of misconduct;

- (iv) determine the penalty or sanctions to be imposed in cases in which it finds the Respondent guilty of misconduct.

- (c) A Respondent may be found guilty of misconduct by the Panel if:

- (i) the Respondent has been found guilty in the opinion of the Panel of misconduct as determined by reference to Misconduct, as provided for in Schedules "A" and "B", and/or by reference to the Behaviour Guidelines, all of which may be revised and approved, from time to time, by the Board.

- (ii) The Respondent has committed an act or an omission that is contrary to the Behaviour Guidelines or Misconduct, as provided for in Schedules "A" and "B", all of which may be revised and approved, from time to time, by the Board.

- (d) Where a Panel finds a Respondent guilty of misconduct, it may, by order and in addition to any other penalties which may be imposed in accordance with Schedules "A" and "B", impose one or more of the following:
- (i) a verbal or written apology;
 - (ii) a fine or levy;
 - (iii) referral to counselling;
 - (iv) revoke the membership of the Respondent;
 - (v) suspend the membership of the Respondent for a stated period of time;
 - (vi) impose such restrictions on the membership of the Respondent for such period and subject to such conditions as the Committee designates;
 - (vii) reprimand the Respondent, either at the hearing or in private;
 - (viii) direct that the imposition of a penalty be published for such period of time and in such publications as the Panel directs **and/or that the imposition of a penalty be made known to specified individuals;**
 - (ix) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Panel designates.
- (e) In making an order under subsection (2)(d)(iv), (v) or (vi), a Panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a Respondent's membership.
- (f) The order of the Panel made pursuant to (e) above shall be recorded in the membership files by the Executive Director.
- (g) There shall be no appeal from decisions of a Panel. **The Panel may, in its sole discretion and upon the written request of the Respondent or Complainant, reconsider its decision in the following circumstances:**
- (i) **where the order of the Panel contains an error from an accidental slip or omission or requires amendment on any particular on which the Panel did not adjudicate;**
 - (ii) **where, despite the due diligence of the person requesting a reconsideration of the Panel's decision, new evidence, not available to the Panel during the course of the disciplinary process, has arisen or been discovered after the Panel's decision.**

- (h) Where a membership is suspended or restricted for a period of time the suspension or restriction applies in respect of any renewal or right to renewal of the membership for the duration of the period.

(3) Procedures

- (a) Subject to (2)(d)(iv), (v) or (vi) above, where the Panel revokes, suspends or restricts a membership, the decision takes place immediately.
- (b) Where a Panel finds a Respondent guilty of misconduct a copy of the decision and the reasons therefor shall be served upon the Respondent and upon the person complaining in respect of the conduct or action of the Respondent.
- (c) Where a proceeding is commenced before a Panel and the terms of office on the Board or on the Committee of a Member sitting on the hearing expires or is terminated before the proceeding is disposed of but after the proceeding has commenced, such person shall remain on the Panel for the purpose of completing the disposition of the proceeding in the same manner as if such term of office had not expired or been terminated.
- (d) Members of a Panel holding a hearing shall not have taken part before the hearing in any investigation of the subject matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee.
- (e) In proceedings before a Panel, the Complainant and the Respondent are parties to the proceedings. A Complainant or a Respondent who is less than eighteen years of age must be accompanied by an adult, who shall act as an advisor, failing which the Panel may order that the hearing will not proceed and the person shall be suspended until a hearing is held.

(4) Notice of Hearing

- (a) The parties to a proceeding shall be given reasonable notice of the hearing by the Executive Director.
- (b) A notice of the hearing shall include:
 - (i) a statement of the time, place and purpose of the hearing; and
 - (ii) a statement that if the **Respondent** does not attend at the hearing, the Panel may proceed in the absence of such person **provided that the**

Complainant attends to give evidence, and that the Respondent will not be entitled to any further notice in the proceedings.

(5) Production of Documentary Evidence

A Member whose conduct is being investigated in proceedings before a Panel shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

PROCEDURE AT DISCIPLINARY HEARING: Non-Zero Tolerance Complaints

(6) Non-Zero Tolerance Complaints

Sections 7(7)-7(11), inclusive, of this Policy shall apply to all complaints except for complaints made pursuant to section 4 of this Policy ["Zero Tolerance" complaints]

(7) Hearings:

Hearings of the Panel shall be heard in camera unless the Respondent applies to the Panel and demonstrates good reason for a public hearing in which case the hearing may, at the discretion of the Panel, be open.

(8) Records

A Panel shall compile a record of any proceedings in which a hearing has been held which shall include:

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the Panel;
- (d) all documentary evidence filed with the Panel;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the notes made by the Panel during the hearing; and

- (g) the decision of the Panel and the reasons therefor, where reasons have been given.

(9) Rights of Parties at Hearings

A party to proceedings may, at a hearing:

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present arguments and submissions; and
- (c) conduct cross-examinations of witnesses at a hearing, reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

(10) Evidence

The Panel may admit as evidence at a hearing any oral testimony, documents or other things relevant to the subject matter of the proceedings and may act on such evidence, but the Panel may exclude anything unduly repetitious.

(11) General Procedures

The Discipline Committee shall determine its rules of procedure for any hearing conducted, and in every such case the Panel shall advise all parties prior to the conduct of the hearing, including, but not limited to, opening statements by the parties, the calling of witnesses, cross-examination of witnesses, and closing statements by the parties.

**DISCIPLINARY PROCEDURES APPLICABLE TO SECTION 4 COMPLAINTS –
"Zero Tolerance"**

(12) "Zero Tolerance" Complaints

This section applies to all complaints made pursuant to section 4 of this Policy ["Zero Tolerance" Complaints] and includes any complaints incidental or ancillary to a Zero Tolerance Complaint. Where a Zero Tolerance complaint is made pursuant to this Policy, the following procedures will apply:

- (a) **The member against whom a "Zero Tolerance" complaint has been made ["the Respondent"] shall be immediately suspended pending disposition of the complaint provided that a written complaint, including, but not limited to, an incident report and/or game sheet signed by either a Game Official or**

a member of the Game Management Committee, has been faxed to the Executive Director of Basketball Ontario

- (b) Upon receipt of the written complaint, the Executive Director, or his or her designate, shall immediately forward three copies of the written complaint to the Chair of the Discipline Committee, or his or her designate, and one copy to the Respondent.
- (c) The Chair of the Discipline Committee shall, without delay, appoint a 3 member Discipline Panel to dispose of the complaint within 14 days of receipt of the complaint by the Executive Director of Basketball Ontario, subject to any adjournments requested and granted in accordance with this Policy. In the case of any adjournment, the Respondent's suspension shall remain in force pending the disposition of the complaint.
- (d) The Panel appointed to dispose of the Zero Tolerance complaint shall, within the timeframe specified in the preceding section, proceed as follows:
 - i) contact the Respondent, or his/her agent, by teleconference, or where possible meet with the Respondent, to make any inquiries of the Respondent the Panel deems necessary to make its decision, provided that the Respondent has received a copy of the written complaint;
 - ii) subsequent to the teleconference or meeting, as the case may be, issue to the Respondent and Complainant either:
 - 1) a final decision with reasons and order(s) made in accordance with this policy
 - 2) a brief written decision stating any penalties imposed and undertaking to provide reasons and/or order(s) within 30 days of the date of the teleconference or meeting.

DISCIPLINARY PROCEDURES APPLICABLE TO ALL COMPLAINTS

(13) Notice of Decision

The Executive Director shall send to the Respondent and to the persons complaining about the conduct or, action of the Respondent, a copy of the final decision and order of the Panel together with the reasons therefor, where reasons have been given.

(14) Adjournment

A **disciplinary process** may be adjourned from time to time by the Panel.

(15) Participation

No member of a Panel shall participate in a decision of the Panel pursuant to a **disciplinary process provided for herein** unless the member was present throughout the **entire process**.

(16) Release of Materials

Documents and materials put in evidence **before** a Panel shall upon the request of the person who produced them be returned by the Panel within a reasonable time after the matter in issue has been finally determined.