

# **FEDERATION OF BROOMBALL ASSOCIATIONS OF ONTARIO**



## **• APPENDIX A • DISCIPLINE PROCEDURES AND GUIDELINES**

# FEDERATION OF BROOMBALL ASSOCIATIONS OF ONTARIO

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## Appendix A – Discipline Procedures and Guidelines

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As of October 2017

### AA1.0 DEFINITIONS

#### AA1.1 Special Incident Report

Perhaps the most important tool to persons involved in the disciplinary decision-making process is the Special Incident Report. When reviewing cases, Disciplinary Committees, Tribunals, and Appeal Boards should always ensure that copies of the Special Incident Report, which describes the incident, have been completed and are available to them. The officials complete this form immediately after the game in which the incident occurred, while the incident is still fresh in their minds.

#### AA1.2 Game Sheet

The game sheet is a legal document, which also impacts on disciplinary decisions. It is important that the information noted on the game sheet be compatible with, and not contradictory to, the information on the Special Incident Report.

An “F.B.A.O. Official Game Sheet” shall be either the four (4) page hard copy version, or a digital version approved by the F.B.A.O. (UPDATED - October 2015)

#### AA1.3 Thoroughly Disinterested Parties

Members of Disciplinary Committees, Tribunals, and Appeal Boards must be thoroughly disinterested parties, who will not be affected in any way by the decisions taken. No conflict of interest or pre-set attitudes, either actual or apparent, should be present. Neither Executive Committee members or their relatives, relatives of the persons involved in the dispute, or anyone that was involved in any preliminary decision on the matter under appeal, should be part of a Disciplinary Committee, Tribunal, or Appeal Board.

#### AA1.4 Discipline Chairperson

The Executive Committee at each level (League, Regional and Provincial) should appoint a Discipline Chairperson. The Discipline Chairperson selects a suitable Disciplinary Committee, Tribunal, or Appeal Board to handle all cases routed to his/her level, ensures that the case is handled correctly within the current discipline guidelines and procedures, and also ensures that the decisions of this Disciplinary Committee, Tribunal, or Appeal Board are distributed to all relevant parties. A Discipline Chairperson must not take part in the decision-making process of the Disciplinary Committee, Tribunal, or Appeal Board, but should be able to provide any relevant information that may be useful to them in reaching a decision.

#### AA1.5 Disciplinary Committee

A Disciplinary Committee is the first level to render a decision as per Section AA 2.0 (October 2001) below. A Disciplinary Committee shall consist of three (3) persons who are thoroughly disinterested parties as described in Section AA 1.3 (October 2001) above. These persons need not be members of the F.B.A.O.

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### AA1.6 Disciplinary Tribunal

Not to be confused with a Disciplinary Committee, a Disciplinary Tribunal renders decisions on appeals, which were addressed to the Regional level. A Disciplinary Tribunal shall consist of three (3) persons who are thoroughly disinterested parties as described in Section AA 1.3 (October 2001) above. These persons need not be members of the F.B.A.O. An Executive Committee must not make decisions on appeals, this task being delegated to the Disciplinary Tribunal.

### AA1.7 Appeal Board

The Appeal Board is the same as the Disciplinary Tribunal in Section AA 1.6 (October 2001) above, but is only applicable to the provincial level. Thus, the Appeal Board would only hear appeals from the decisions of Regional Disciplinary Tribunals or Provincial Disciplinary Committees. The Appeal Board is the highest level of authority for disciplinary decisions, and thus their decisions are final and binding.

### AA1.8 Executive Committees

Executive Committee members are the elected officers for the same level (League, Regional or Provincial) as the Disciplinary Committee, Tribunal or Appeal Board rendering the decision.

When an incident occurs either off the ice surface or when there are no referees present a suspension may still be handed down. Although an S.I.R. is not absolutely necessary for a case to be made towards an individual, they are an asset to clearly indicate what happened. If an incident occurs off the ice and when no officials are present, witnesses may write down what happened and present the information to their League, Region, or Provincial Executives. The individual would be automatically suspended from further activity if notified by an executive member in writing. The case must be dealt with within the guidelines set for other discipline cases.

### AA1.9 F.B.A.O. Tournaments

An F.B.A.O. sanctioned tournament is a tournament which has been registered with and sanctioned by the F.B.A.O., and includes Regional and Provincial Championships. An F.B.A.O. sponsored tournament is a tournament organized and directed by the F.B.A.O. staff and/or Executive Committee, where the revenues and expenses are directly attributed to the F.B.A.O.

## **AA2.0 JURISDICTION**

### AA2.1 League Responsibility

- i. Any incident in an arena or on arena property that occurs during league play (regular season or playoffs), shall be the responsibility of the League Disciplinary Committee. Officials and/or league authorities, as applicable, must complete a Special Incident Report and submit it to the League President, Regional Referee-in-Chief, and the

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Regional Discipline Chairperson.

- ii. Any team or player, who shows disrespect for a League's Bylaws and Directives, may be suspended by the League Disciplinary Committee from league play, and recommended for suspension to the region and the F.B.A.O.

### AA2.2 Regional Responsibility

- i. Any incident in an arena or on arena property which occurs during Regional Championships or during any other F.B.A.O. sanctioned tournament held in the region (subject to Section AA 2.2 (vi)) (October 2001) and Section AA 2.3 (October 2001) below, shall be the responsibility of the Regional Disciplinary Committee.
- ii. Appeals of League Disciplinary Committee decisions shall be the responsibility of the Regional Disciplinary Tribunal.
- iii. Any member of the F.B.A.O. who hits an official of the F.B.A.O. will be automatically suspended from further activity until the Regional Disciplinary Committee has dealt with his/her case.
- iv. Any member of the F.B.A.O. guilty of retrieving a team from a game or refusing to play at the scheduled time will be automatically suspended from further activity until the Regional Disciplinary Committee had dealt with his/her case.
- v. Any member or team of the F.B.A.O. which demonstrates brutality throughout the season or which shows disrespect to F.B.A.O. authorities and/or the F.B.A.O. Constitution, Bylaws, or Rules and Regulations, shall be liable for suspension by the Regional Disciplinary Committee.
- vi. Incidents which occur outside the offending parties' region will be decided upon by the region in which the individual is registered rather than the region in which the incident occurs, subject to Section AA 2.3 (October 2001) below. All pertinent information and/or Special Incident Reports must be relayed to the deciding region as quickly as possible.

### AA2.3 Provincial Responsibility

- i. Any incident in an arena or on arena property that occurs during an F.B.A.O. Provincial Championship or an F.B.A.O. sponsored tournament shall be the responsibility of the Provincial Disciplinary Committee.
- ii. Appeals of Regional Disciplinary Committee or Tribunal decisions, or Provincial Disciplinary Committee decisions, shall be the responsibility of the Provincial Appeal Board.

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### **AA3.0 GUIDELINES FOR DISCIPLINARY COMMITTEES, TRIBUNALS, AND APPEAL BOARDS**

#### **AA3.1 Ascertaining the Facts**

The Special Incident Report, which describes the incident, and the Game Sheet are the most important tools used to ascertain the facts of the incident. Disciplinary Committees, Tribunals, and Appeal Boards may contact the players, officials and/or witnesses involved, or review written, audio-recorded or video-recorded evidence submitted if they wish, but they are not obliged to do so. Great care should be taken where information obtained in these manners contradicts what is written on the Special Incident Report and/or Game Sheet.

#### **AA3.2 Holding a Hearing**

A hearing does not have to be convened to determine a suspension. However, if a hearing is held, the individual involved in the case must be informed when the hearing will occur and be given the opportunity to attend the hearing if they desire to do so.

#### **AA3.3 Right to Explain Actions**

Prior to deciding a case, the Discipline Committee, Tribunal or Appeal Board should give the individual or his/her representative the opportunity to explain their actions in writing.

#### **AA3.4 Using Previous Records of Suspension**

Disciplinary Committees, Tribunals, and Appeal Boards must not consider any previous record of suspensions of the individuals involved when they are attempting to ascertain the facts of the incident. Once the facts have been ascertained, they may consider any previous record of suspensions when they are rendering their decisions as to the length and terms of the suspension, sanction or intervention (if any).

#### **AA3.5 Use of Evidence**

Discipline Committees, Tribunals, and Appeal Boards may make use of video footage as evidence when dealing with a case. When the use of video footage is considered the following guidelines must be followed:

- i. The video footage viewed must only be of an incident related to the suspended persons' act.
- ii. The Discipline Committee, Tribunal, or Appeal Board has the right to state that the footage was inconclusive and thus rule the video footage as no evidence.
- iii. The written Special Incident Report must be used as the most important piece of evidence.
- iv. Video footage is not to be used for disputed goals or to indicate infractions which may

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have occurred during a game but were not called by the officials.

- v. The video evidence must be handed in along with any other information presented by the suspended party.

### AA3.6 Deciding the Case

When deciding a case, a Disciplinary Committee, Tribunal, or Appeal Board may sanction or intervene in any activity or action related to broomball, including:

- i. imposing a suspension for any number of games or for any period of time, and/or
- ii. imposing a fine payable to the relevant league, region or the F.B.A.O., and/or
- iii. imposing the terms upon which a suspension will be served or a fine will be paid, and/or
- iv. imposing the terms upon which a suspended player may be re-instated, and/or a Disciplinary Committee, Tribunal, or Appeal Board may also decide that no further action be taken.

### AA3.7 Giving Notice of the Decision

Once the Disciplinary Committee, Tribunal, or Appeal Board has made its decision, it is the responsibility of the Discipline Chairperson to ensure that notice of the decision is given in writing within five (5) business days of the date of the decision (excluding holidays). Such notice shall be sent by registered mail to the individual in question, and copies sent by regular mail to the League President and Regional Discipline Chairperson for the individual in question.

#### **AA3.7.1 The Notice of Decision is delivered by Registered Mail to the individual in question. If after at least three (3) Canada Post Notifications to the individual in question and the individual either refuses or ignores the picking up of the Registered Mail; then the individual in question will be SUSPENDED from all further F.B.A.O. activity.**

**This suspension from all further F.B.A.O. activity notification will then be provided to the Region's Board of Directors, the League President, and the Regional Discipline Chairperson in order to monitor the individual's activity.**

**(NEW – April 2016)**

### AA3.8 When a suspension has been decided upon and is handed down to the individual in question, a written explanation for the outcome of the hearing must accompany the decision. The written answer must be reasonable in its explanation and it is the responsibility of the discipline chairperson at that particular level to ensure that the answer is complete.

### AA3.9 Minimum Suspensions

The following minimum suspensions have been established and are applicable to the incidents

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listed below. A Disciplinary Committee, Tribunal, or Appeal Board could also impose further suspensions and/or fines as per AA 3.6 (October 2001) (Deciding the Case).

- i. Match Penalties - a player or team official who receives a match penalty is suspended for the remainder of the game in question and is also suspended from all F.B.A.O. activities until their case has been dealt with by the disciplinary committee. A minimum suspension of three (3) games is also levied for all match penalties. (October 1998)
- ii. Game Misconduct Penalty - a player or team official who receives a game misconduct penalty is suspended for the remainder of the game in question plus one (1) more game.
- iii. Misconduct Penalty - a misconduct penalty awarded during the final five (5) minutes of regular time shall automatically signify also a game misconduct penalty for the remainder of the game in question plus one (1) more game. (October 1998)
- iv. 2nd and/or 3rd Match Penalties - a minimum suspension of five (5) games is levied to all players or team officials who receive two (2) match penalties in a season. A minimum suspension of 1 calendar year is levied to all players or team officials who receive 3 match penalties in a season. (October 1998)
- v. Participating while under Suspension - a player or team official who participates in any F.B.A.O. activities prohibited under the terms of his/her suspension (see Section AA 4.7 below) (October 2001) while under suspension is automatically suspended for an additional one (1) year.

In cases where a person is currently serving a suspension and is therefore not signed during the current season, but becomes involved in an incident where possible discipline suspensions or penalties may be imposed, this person is still liable to be given further suspensions or penalties.

### AA4.0 SUSPENSIONS

#### AA4.1 Giving Notice of Suspension

The discipline chairperson at the appropriate level must inform the individual in question within two (2) weeks of the incident of the date that the discipline committee will render their decision. The decision must be made no later than one (1) month after the actual incident, unless extraordinary circumstances do not permit this deadline to be met. The Executive Committee must approve these circumstances.

#### AA4.2 Serving of Suspensions

An F.B.A.O. member is suspended from all F.B.A.O. activities and any sanctioned events under the CBF umbrella while serving his/her suspension. While a decision is under appeal, any suspensions imposed and/or any terms imposed by the decision of the previous Disciplinary Committee or Tribunal remains in force.

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### AA4.3 Forfeits and Suspensions

If a team forfeits a game by not having enough players present for the game, the game will not count toward the suspension the player from the serving defaulting team is supposed to be serving.

### AA4.4 Suspension Served in Number of Games

Any suspension (player, team official) must be served with the team that the suspension incurred with. The individual may not participate with any team or in any F.B.A.O. function until the suspension has been served.

In the event that the offended individual cannot serve the suspension in a reasonable time with the team that it occurred with, the option will be to allow one week (7 days) elapsed time be substituted for each game of suspension.

(October 2003)

### AA4.4.1 League Suspensions at Breaks in League Schedules

Leagues have various breaks in their league schedule for tournaments/events of various sports, seasonal holidays, and end of the season.

Individuals whom receive a suspension immediately prior to these schedule breaks can currently have their suspensions partially or completely served as the result of the AA4.4 ruling of serving seven days for each game of the suspension.

The individual league where the suspension occurred can now therefore suspend the individual further within their league only, so that the individual actually serves the required number of games of suspension in their league, due to breaks in their league's schedule.

### AA4.5 Suspensions and Pick-up Contracts

A suspended individual cannot be picked up by another team. A pick-up individual suspended at Regional, Provincial or National Championships can serve his/her suspension in the remaining games of these tournaments for the team that he/she is participating with. (October 1998)

### AA4.6 Exhibition Games Suspensions

Suspensions stemming from actions in exhibition F.B.A.O. games for all misconducts, game misconducts, or match penalties incurred during exhibition broomball games are handled the same as if they occurred during league play. The determining factors are whether F.B.A.O. referees are used and if a game sheet is completed for the game. Exhibition games cannot, however, be used toward serving suspensions. (October 1998)



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### AA4.7 Suspended Activities

A suspended individual cannot:

- i. participate in any manner in an F.B.A.O. sanctioned event,
- ii. communicate directly to any individual of their team, by any means, during an F.B.A.O. sanctioned game,
- iii. communicate with the game officials at any time while in an arena or on arena property,
- iv. enter his/her team's dressing room, bench area or on the ice surface prior to or during an F.B.A.O. sanctioned game, or
- v. act as a team representative or participate in team activities such as banquets, meetings, etc.

A suspended individual participating in any of the above activities is liable for further suspension.

### AA4.8 Rights of a Suspended Individual

Rights enjoyed by a suspended individual include:

- i. participation at his/her team's practices,
- ii. attendance at his/her team's games as a spectator,
- iii. entering his/her team's dressing room after the game, and
- iv. people suspended have the right to obtain copies of the information regarding their case (i.e. Special Incident Report).

### AA4.9 Start of Suspensions

Suspensions in time or games begin at the time (from the date) of the original incident.

## **AA5.0 APPEAL PROCEDURES**

### AA5.1 Right to Appeal

It should be noted that disciplinary action might be taken on any class of member. Either party to a decision shall have the right to apply for leave to appeal, subject to the provisions set forth in Section AA5.4 below. (October 1998)

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### AA5.2 Parties to an Appeal

The parties to an appeal shall be the member appealing, and the Executive Committee of the level of authority (League, Regional or Provincial) making the original sanction or intervention being appealed. The referee or victim of the action for which the party has been suspended shall only have the right to appeal the decision through the Executive Committee.

### AA5.3 Date of Receipt

The date of receipt of a decision or a notice of appeal shall be:

- i. the date of postmark of the decision or notice of appeal if sent by mail, or
- ii. the actual date of receipt of the decision or notice of appeal if delivered otherwise.

### AA5.4 Requesting an Appeal

An individual interested in appealing a Disciplinary Committee or Tribunal decision must appeal in writing to the Executive Committee or Discipline Chairperson at the next highest level of authority, within ten (10) days of the date of receipt of the decision being appealed.

- i. Appeals must also include a **\$100.00** (UPDATED - April 2015) administration fee. This fee is due upon request for an appeal.
- ii. Half of the **\$100.00** fee will be returned to individuals who have their suspension either lifted or lowered as a result of the appeal.
- iii. The **\$100.00** appeal fee is required for each separate appeal at the various levels. If the appeal were won at a higher-level Part ii) would apply to all lower levels.
- iv. The Discipline Chairperson at the particular level of authority shall appoint a Disciplinary Tribunal or Appeal Board forthwith and set a date within fifteen (15) days for the Disciplinary Tribunal or Appeal Board to sit.