



Water Polo Canada – Reference Document

Subject: Authority to Discipline

This document is intended to provide assistance to Water Polo Canada (WPC) members and registrants in understanding the application of its bylaws and policies in relation to discipline. It is for information purposes only. The original documents can be found on our website at www.waterpolo.ca

For clarity, Registrants are the individuals who are registered with Water Polo Canada. Members are the Provincial and Territorial Sections and the Directors of the Corporation. Water Polo Canada is the Corporation.

Governing documents related to WPC's authority to discipline:

WPC Bylaws:

Under the WPC Bylaws, WPC has the authority to discipline members as set out in section 2.11 of that document:

2.11 Discipline or Expulsion

In addition to any other rights, conditions and terms set forth herein, and/or in the written policies of the Corporation:

(a) The directors shall have authority to suspend or expel from the Corporation, or discipline, any member or Registrant, on any of the following grounds:

- (i) violating any provision of the articles, by-laws, or written policies of the Corporation;
- (ii) carrying out any conduct which may be detrimental to the Corporation as determined by the directors in their sole discretion;
- (iii) being found guilty of any misbehaviour or unfair practice, whether relating to a competition or not; and

- (iv) for any other reason that the directors, in their sole discretion, consider to be reasonable having regard to the purpose of the Corporation.
- (b) The suspension or disqualification shall be for whatever period and with whatever conditions as determined by the board.
- (c) Suspension, disqualification and/or discipline may be appealed according to the rules and policies of the Corporation and applicable rules, if any of the AFC or FINA.
- (d) The directors shall, from time to time, establish procedures to be followed in the event that the directors, or a committee of the directors, determine that a member or Registrant should be expelled or suspended from membership or as a Registrant, as applicable, in the Corporation.

WPC Code of Conduct:

The WPC's Code of Conduct further defines the way in which and under what circumstance WPC can apply discipline. As set out in the following sections, the Code of Conduct *only* applies to WPC business, activities and events including competitions, tournaments, games, matches, practices, tryouts, training camps, and travel.

2. Water Polo Canada's (WPC's) by-laws empower the WPC Board of Directors to discipline members and Registrants in accordance with the by-laws, rules, regulations, and written policies of WPC. This Code of Conduct with Disciplinary Procedure describes the manner by which WPC can discipline Registrants.

3. Affiliation with WPC brings many privileges and benefits. At the same time, Registrants are expected to meet certain obligations including complying with WPC policies and this Code of Conduct. Irresponsible behaviour by Registrants can result in severe damage to the integrity of WPC.

4. Registrants must be aware that they are expected to model behaviour appropriate for the individual's role as a Registrant and a representative of WPC. This document outlines the conduct expected of Registrants and the Disciplinary Procedure that Registrants are subject to if there is a complaint about a Registrant's conduct.

Application of the Code of Conduct

5. The Code of Conduct applies to Registrants' conduct during WPC business, activities, and events including, but not limited to, competitions, tournaments, games, matches, practices, tryouts, training camps, and travel associated with WPC.

6. The Code of Conduct also applies to Registrants' conduct outside of WPC business, activities, and events when such conduct adversely affects

relationships within WPC (and its work and sporting environment) or when it is detrimental, or perceived to be detrimental, to the image and reputation of WPC. Such applicability will be determined by WPC at its sole discretion.

7. Registrants who violate this Code during a competition or event may be removed from the competition or pool area under the terms of any disciplinary procedure in place for that particular event or competition. Registrants may be subject to additional discipline under the terms of this Code of Conduct.

8. At the discretion of the WPC Board of Directors, the Code of Conduct may be applied to employees of WPC. However, an employee of WPC found to have engaged in acts of violence or harassment against any other employee, worker, contractor, Registrant, customer, supplier, client, or other third party during business hours or at any WPC event or to have otherwise violated the Code of Conduct will be subject to appropriate disciplinary action subject to the terms of WPC's Human Resources Policy as well as the employee's Employment Agreement (if applicable) and not the disciplinary procedures outlined in this document.

As such, in accordance with the highlighted portion of the Code above, WPC only has the authority to implement discipline where the violation or issue arises in the context of a WPC sanctioned event. It does not apply to club level or provincial events. In addition, it does not apply to the National Championship League (NCL). The Code of Conduct specifies, at section 23, that certain WPC sanctioned leagues or events can institute their own disciplinary procedures and, in the case of the NCL, the NCL Handbook contains the applicable disciplinary procedures for those events. The Code of Conduct as whole still applies to the NCL.

As can be noted from section 6 of the Code of Conduct, also highlighted above, there is an exception to this limited jurisdiction in that WPC can, in its sole discretion, step in and apply its disciplinary procedures in circumstances unrelated to the WPC events where such conduct adversely affects relationships within WPC (and its work and sporting environment) or when it is detrimental, or perceived to be detrimental, to the image and reputation of WPC. The WPC will only use this discretion in exceptional circumstances so as to allow organizations at the club level and provincial level to implement their own disciplinary measures within their own jurisdiction without interference from WPC unless absolutely necessary.

Governing documents relating to Provincial authority for discipline:

The provinces do also have the authority, under the WPC bylaws, to impose discipline within their borders and at the club level. Section 2.10 outlines that authority:

WPC Bylaws:

2.10 Member Responsibilities

(a) Provincial/Territorial Sections' are charged with the responsibility of promoting, within their provincial/territorial boundaries, the objects of the Corporation as defined by the Articles, by-laws and the policies of the Corporation.

(b) Provincial/Territorial Sections' shall:

(i) maintain a list of provincial/territorial officers with the registered office of the Corporation;

(ii) have the authority to suspend or disqualify anyone found guilty of an infringement of the bylaws or policies of that section, of the Corporation or of AFC, or any unfair practice connected with the sport;

(iii) have the authority to control the transfer of Registrants within its jurisdiction;

(iv) provide to the Corporation records of the affairs of the Provincial/Territorial Sections if requested; and

(v) provide to the Corporation annually with a database of coaches, athletes and officers registered within such Provincial/Territorial Sections in a manner and form prescribed by the Corporation.

Provincial/Club level policies:

WPC recommends that provincial sections use this authority to discipline by implementing their own codes of conduct and disciplinary procedures. Clubs should also be encouraged to develop policies where necessary.

The provinces may also want to consider adding some “exceptional circumstances” language, such as that outlined in section 6 of WPC’s Code of Conduct, to their own codes of conduct so they can have the ability to likewise step in and apply discipline at the club level when it may be necessary to protect the reputation of the provincial organization and the sport of water polo in general.

As noted, even if provincial sections do add such language to the appropriate policies, they can continue to elevate discipline issues to WPC, outside of WPC events and activities, although those matters will only be adjudicated by WPC in exceptional circumstances.

For further information, please contact a member of the WPC Board of Directors or the Water Polo Canada office.