

# **BERMUDA EQUESTRIAN FEDERATION (BEF)**

## **DISCIPLINE POLICY**

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*Note: In this policy, “days” shall mean total days irrespective of weekends or holidays.*

### **1. PREAMBLE**

1.1 Membership and participation in the activities of the BEF offers many benefits and privileges. At the same time members and participants are expected to fulfil certain responsibilities and obligations, including complying with the Code of Conduct of the BEF. This Code of Conduct identifies the standard of behaviour which is expected of members and participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

### **2. APPLICATION OF THIS POLICY**

2.1 This policy applies to all categories of members of the BEF and to all individuals participating in activities with, or employed by, the BEF. These include, but are not limited to athletes, coaches, officials, organizers, spectators, managers, volunteers, directors, officers and employees.

2.2 This policy applies to all discipline matters which may arise during the course of the BEF’s business, activities and events, including but not limited to the office environment, competitions, practices, training camps, travel associated with training or competitive activities, clinics, and any meetings of staff, committees, panels or the Board of Directors.

### **3. REPORTING AN INFRACTION**

3.1 Any individual may report to the President, or designate, a disciplinary infraction. It shall be at the discretion of the Board of Directors, or designate, to determine if the infraction is best dealt with as a minor or a major infraction.

### **4. RECORDING OF INFRACTIONS**

4.1 All disciplinary actions, regardless of infraction, must be reported to the Board of Director member who heads the Governance Committee who will be responsible for recording all infractions, detailing the disciplinary action taken and reporting to the Board of Directors as appropriate.

### **5. MINOR INFRACTIONS**

5.1 Minor infractions are single incidents of misconduct which breach the Code of Conduct but generally do not result in harm to others. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the individual involved: this person may include, but is not restricted to, a Board member, committee member, administrator, volunteer, staff person, coach, organizer or manager.

5.2 Procedures for dealing with minor infractions shall be informal as compared to those for major infractions and shall be determined at the discretion of the person having authority, provided the individual being disciplined is told the nature of the infraction. This policy shall not

prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction. Repeated incidents of minor infractions, after disciplinary action has been taken, may also constitute a major infraction. Any disciplinary action that needs to be taken against an individual under 18 years of age must be discussed with their legal guardian, at the time of action, and if that is not possible, due to absence of the guardian, as soon as possible afterwards.

5.3 Disciplinary sanctions for minor infractions may include the following:

- a) verbal or written reprimand;
- b) verbal or written apology;
- c) service or other voluntary contribution to the BEF;
- d) suspension from the current activity or competition;
- e) any other similar sanction considered appropriate for the offense.

## **6. MAJOR INFRACTIONS**

6.1 Major infractions are instances of misconduct which violate the Code of Conduct and which result, or have the potential to result, in harm to other persons, to the BEF, to the sport, to a horse or to the Bermuda Olympic Association. Repeated incidents of minor infractions, after disciplinary action has been taken, may also constitute a major infraction.

6.2 If the incident is a major infraction, a private hearing is required. The President, or designate, shall notify the individual alleged to have committed a major infraction of the matter as soon as possible, and shall provide the individual with details of the reported infraction and with a copy of this policy.

6.3 Major infractions occurring within competition may be dealt with immediately, if necessary, by the appropriate person having authority. The individual being disciplined shall be told the nature of the infraction and shall have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions. This review does not replace the appeal provisions of this policy.

## **7. INVESTIGATION**

7.1 Depending on the nature and severity of the infraction, the Disciplinary Panel, as established by the Board of Directors under item 8 below, shall be authorised to conduct an investigation into the infraction and advise the Board of Directors regarding the outcome of the investigation. The Disciplinary Panel shall have the discretion to assign investigative duties to other individuals during the course of the investigation.

## **8. DISCIPLINARY PANEL**

8.1 Within 7 days of receiving a report of a major infraction or the report from the Disciplinary Panel, the Board of Directors shall authorise the Disciplinary Panel to begin disciplinary proceedings in accordance with this Discipline Policy.

8.2 The Disciplinary Panel shall hold the hearing as soon as possible, but not more than 21 days after being appointed.

## **9. PRELIMINARY MEETING**

9.1 The Panel may determine that the circumstances of the infraction warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to:

- a) date and location of the hearing;
- b) timelines for the exchange of documents;
- c) clarification of issues in the infraction;
- d) order and procedure of the hearing;
- e) evidence to be brought before the hearing;
- f) identification of any witnesses; or
- g) any other procedural matter which may assist in expediting the hearing.

## **10. HEARING**

10.1 The Panel shall govern the hearing as it sees fit, provided that:

- a) the individual being disciplined shall be given a minimum of 10 days written notice of the day, time and place of the hearing;
- b) the individual being disciplined shall receive a copy of the Investigator's report, if an investigation was carried out;
- c) a quorum shall be all three Panel members, and decisions shall be by majority vote where the Chair carries a vote;
- d) the individual being disciplined may be accompanied by a representative; if the individual being disciplined is under 18 years of age, they can be represented by a guardian or must be accompanied by a guardian, the guardian may be accompanied by a representative;
- e) the individual being disciplined shall have the right to present evidence and argument;
- f) the Investigator may participate in the hearing at the request of the Panel;
- g) the Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- h) if the individual being disciplined chooses not to participate in the hearing, the hearing shall nonetheless proceed;
- i) the hearing shall be held in private;
- j) once appointed, the Panel shall have the authority to abridge or extend timelines associated with any aspect of the hearing.

10.2 After hearing the matter, the Panel shall determine whether or not the individual has breached the Code of Conduct and if so, the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, shall be distributed to all parties and to the President, or designate, within 7 days of the conclusion of the hearing.

10.3 Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel shall determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

## **11. SANCTIONS**

11.1 The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:

- a) written reprimand;
- b) removal of certain privileges of membership;
- c) suspension from certain events which may include suspension from the current competition or from future teams or competitions;
- d) suspension from certain BEF and/or FEI activities such as competing, coaching or judging for a designated period of time;
- e) suspension from employment with or without pay;
- f) suspension from all BEF and/or FEI activities for a designated period of time;
- g) prohibition from entering certain facilities or grounds for a designated period of time or permanently;
- h) expulsion from membership;
- i) publication of the decision; this will not apply to individuals that are under 18 years of age;
- j) other sanctions as may be considered appropriate for the offense.

11.2 Unless the Panel decides otherwise, any disciplinary sanctions shall commence immediately. Failure to comply with a sanctioned as determined by the Panel shall result in automatic suspension of membership or participation in the BEF until such time as the sanction is complied with.

11.3 In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- a) the nature and severity of the infraction;
- b) the extent to which others have been harmed by the infraction;
- c) the cooperation of the individual being disciplined in the proceedings under this policy;
- d) whether the incident is a first offense or has occurred repeatedly;
- e) the individual's acknowledgment of responsibility,
- f) the individual's remorse and post-infraction conduct;
- g) the age, maturity or experience of the individual;
- h) whether the individual retaliated, where the incident involves harassment; and
- i) the individual's prospects for rehabilitation.

## **12. SERIOUS INFRACTIONS**

12.1 The Board of Directors, or designate, may determine that the alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.

## **13. CONFIDENTIALITY**

13.1 Where the reported infraction may constitute harassment, or is of a similar highly sensitive nature, or the individual is a minor, the BEF shall keep all proceedings under this policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is in the best interests of the public.

**14. APPEALS PROCEDURE**

14.1 Except where otherwise provided, the decision of the Panel may be appealed in accordance with the BEF's Appeal Policy.

**15. CONFLICTS OF INTEREST**

15.1 Members of the Board of Directors must excuse themselves from any discussions, decisions and actions if they are related to either the individual under disciplinary review or the individual who reported the infraction or if they have financial or personal relationships with either individual that may inappropriately influence (bias) their actions. The Board of Directors has the right to excuse any persons from the disciplinary matter if it is deemed necessary to avoid questions of conflict of interest.