

VIII. CODE OF ETHICS

NORTH AMERICAN SOCIETY FOR SPORT MANAGEMENT

Code of Ethics Discipline and Complaints Policy

I. Definitions

The following terms have these meanings in this Policy:

“*Code*” – The Code of Ethics

“*Complainant*” – The party alleging an infraction.

“*Days*” – Days irrespective of weekend and holidays.

“*Member*”- All categories of membership defined in the NASSM operating codes.

“*Respondent*” – The alleged infracting party.

“*Case Manager*”- Individual assigned by the NASSM President who has knowledge and experience in managing complaints and appeals processes.

II. Purpose

NASSM instituted the Code in 1992 (updated in 2004), which outlined the principles and professional ethical obligations of the NASSM membership. Given the importance of NASSM members adhering to the principles and values written in the Code and being accountable to the sport industry in carrying out the Society’s purpose it is critical that the NASSM imposed an accountability measure. The NASSM Governing Board appreciates your cooperation in adhering to the Code.

III. Application of this Policy

- A. This Policy applies to all Members as defined in the Definitions.
- B. This Policy only applies to NASSM ethical Code breaches that may arise during NASSM business, activities, and events. This policy does not pertain to ethical breaches related *Journal of Sport Management* or *Sport Management Education Journal* business. Ethical breaches related to these two journals will be dealt with through existing policies.
- C. Ethical Code discipline matters and complaints arising within the business, activities or events organized by entities other than NASSM will be dealt with pursuant to the policies of these other entities.

IV. Reporting a Complaint

- A. Any Member may report to the Executive Director any complaint of an Ethics Code infraction by a Member. Such a complaint must be signed and in writing and should be filed within 30 days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of the Executive Director. Complaints involving the Executive Director should be submitted directly to the President.
- B. A Complainant wishing to file a complaint beyond the 30 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the 30-day period will be at the sole discretion of NASSM. This decision may not be appealed.

V. Case Manager

- A. Upon receipt of a complaint, Executive Director will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable.

- B. The Case Manager is not required to be a member of NASSM. The Case Manager has an overall responsibility to ensure procedural fairness is always respected in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - 1. 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.
 - 2. Due process will be followed, whereby all parties involved in the complaint will be interviewed to determine the facts of the case.
 - 3. Determine if the complaint is a minor or major infraction.
 - 4. Appoint the Panel, if necessary, in accordance with this Policy.
 - 5. Determine the format of the hearing.
 - 6. Coordinate all administrative aspects of the complaint.
 - 7. Provide administrative assistance and logistical support to the Panel as required; and
 - 8. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
- C. 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.
- D. 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.

VI. Minor Infractions

- A. Minor infractions are single incidents of failing to achieve the expected standards of ethical conduct that generally do not result in harm to others, or to NASSM. Examples of minor infractions include, but are not limited to, a single incident of:
 - 1. Disrespectful comments or behavior directed towards others.
 - 2. Minimal non-compliance with the code of ethics.
- B. All disciplinary situations involving minor infractions will be dealt with by the Executive Director.
- C. 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 Executive Director. 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.
- D. Penalties for minor infractions, which may be applied singly or in combination, include the following:
 - 1. Verbal or written warning
 - 2. Verbal or written apology
 - 3. Removal of certain privileges for a designated period
 - 4. Suspension from an activity or event
 - 5. Any other sanction considered appropriate for the offense.
- E. Minor infractions that result in discipline will be recorded and maintained by NASSM. Repeat minor infractions may result in further such incidents being considered a major infraction.

VII. Major Infractions

- A. Major infractions are instances of failing to achieve the expected standards of ethical conduct that result or have the potential to result in harm to other persons, or to NASSM.
- B. Examples of major infractions include, but are not limited to:

1. Repeated minor infractions
 2. Intentionally improperly handling NASSM monies
 3. Incidents of physical or verbal abuse
 4. Blatant disregard for the ethical code of conduct
 5. Conduct that intentionally damages the image, credibility, or reputation of NASSM
 6. Behavior that constitutes harassment, sexual harassment, or sexual misconduct.
- C. Major infractions will be decided using the disciplinary procedures set out in this policy relating to Major Infractions, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
- D. Major infractions may be dealt with immediately, if necessary, by the Executive Director. 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.

VIII. Procedure for Major Infraction Hearing

- A. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will establish a Panel consisting of at minimum two additional adjudicators to hear the complaint.
- B. The Case Manager will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing remotely, 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 Panel deem appropriate in the circumstances, provided that:
1. The hearing will be held within the appropriate timeline determined by the Case Manager.
 2. The Parties will be given appropriate notice of the day, time, and place of the hearing.
 3. 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.
 4. Both Parties may be accompanied by a representative or adviser, including legal counsel.
 5. The Panel may request that any other individual participate and give evidence at the hearing.
 6. If a decision in the case may affect another party to the extent that the other party would have recourse to an appeal under this Policy, that party will become a party to the case in question and will be bound by its outcome.
 7. The hearing will be conducted in the official language of choice of the Complainant.
 8. Decisions will be by majority vote.

IX. Decision

- A. 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 NASSM president 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.
- B. 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.
- C. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.
- D. In fulfilling its duties, the Panel may obtain independent advice.

X. Sanctions

- A. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
1. Verbal or written warning
 2. Verbal or written apology
 3. Removal of certain privileges

4. Suspension from certain NASSM events and/or activities
 5. Suspension from all NASSM activities for a designated period
 6. Expulsion from NASSM
 7. Other sanctions as may be considered appropriate for the offense
- B. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in NASSM until such time as compliance occurs.
- C. A written record will be maintained by NASSM Business office for major infractions that result in a sanction.

XI. Serious Infractions

The Executive Director may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.

XII. Timelines

If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this Policy, the Panel may direct that these timelines be revised.

XIII. Confidentiality

The discipline and complaints process are confidential involving only the Parties, the Case Manager, and the 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.

XIV. Appeals Procedure

The decision of the Panel may be appealed in accordance with the NASSM Appeal Policy.

NORTH AMERICAN SOCIETY FOR SPORT MANAGEMENT

Code of Ethics Appeals Policy

I. Definitions

These terms will have these meanings in this policy:

“*Appellant*” - The party appealing a decision.

“*Respondent*” - The body whose decision is being appealed.

“*Member(s)*” - All categories of membership defined in the NASSM operating codes.

“*Days*” - Days irrespective of weekends or holidays.

II. Purpose

The purpose of this Policy is to enable disputes with Members to be dealt with fairly, expeditiously, and affordably, within NASSM and without recourse to external legal procedures.

III. Scope and Application of this Policy

Any Member will have the right to appeal a Code of Ethics decision of the NASSM Governing Board, any committee of NASSM, or individual who has been delegated authority to make decisions on behalf of NASSM, subject to any limits in this Policy.

IV. Timing of Appeal

Members who wish to appeal a Code of Ethics decision will have fourteen (14) days from the date on which they received notice of the decision, to submit in writing to the NASSM president the following:

- A. Notice of their intention to appeal
- B. Contact information of the Appellant
- C. Name of the Respondent
- D. Grounds for the appeal
- E. Detailed reason(s) for the appeal
- F. All evidence that supports the reasons and grounds for an appeal
- G. The remedy or remedies requested

V. Grounds for Appeal

- A. Not every decision may be appealed. Decisions may only be appealed on procedural grounds. Procedural grounds are strictly limited to the Respondent:
 1. Making a decision for which it did not have authority or jurisdiction as set out in the Respondent’s governing documents
 2. Failing to follow procedures as laid out in NASSM operating codes.
 3. Making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views or that the decision was influenced by factors unrelated to the substance or merits of the decision; and/or
 4. Making a decision that was grossly unreasonable.
 5. The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the Code of Ethics Discipline and Complaint Policy.

VI. Administrator

- A. The Executive Director will appoint an Administrator to oversee the management and administration of appeals submitted in accordance with this Policy.

- B. The Administrator 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 Administrator has a responsibility to:
1. Receive appeals
 2. Determine if appeals lie within the jurisdiction of this Policy
 3. Determine if appeals are brought in a timely manner
 4. Determine if appeals are brought on permissible grounds
 5. Appoint a tribunal to hear appeals
 6. Determine the format of the appeal hearing
 7. Coordinate all administrative and procedural aspects of the appeal
 8. Provide administrative assistance and logistical support to the tribunal as required
 9. Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding

VII. Screening of Appeal

- A. Upon receipt of the notice and grounds of an appeal, the Administrator will review the Notice of Appeal and will decide if the appeal falls within the jurisdiction of this Policy, and if it satisfies procedural grounds. If the Administrator is satisfied that the appeal is not under this Policy's jurisdiction, or that there are not sufficient grounds, the parties will be notified in writing, stating reasons. There is no further appeal of the Administrator's decision on jurisdiction or grounds.
- B. If the Administrator is satisfied that there are sufficient grounds for an appeal, then a Hearing before a Tribunal will take place. The Administrator will appoint the Tribunal, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Administrator, a Tribunal of three persons may be appointed to hear and decide a case. In this event, the Administrator will appoint one of the Tribunal's members to serve as the Chair.
- C. The Administrator will determine the timing and 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 Administrator and the Tribunal deem appropriate in the circumstances, provided that:
1. The parties will be given appropriate notice of the day, time, and place of the hearing.
 2. Copies of any written documents which the parties wish to have the Tribunal consider will be provided to all parties in advance of the Hearing.
 3. The parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
 4. 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.
- D. In a situation where the hearing is conducted by a Tribunal consisting of three Adjudicators, a quorum will be all three Adjudicators and decisions will be by majority vote.

VIII. Appeal Decision

- A. After the Hearing, the Tribunal will issue a written decision with reasons. The Tribunal may decide:
1. To reject the appeal and confirm the decision being appealed or
 2. To uphold the appeal, identify the error and refer the matter back to the original decision maker or
 3. To uphold the appeal and vary the decision.
- B. The Tribunal's decision will be considered a matter of public record. A copy of this decision will be provided to the parties and to the NASSM President.

- C. The appeal process is confidential involving only the parties, the Administrator, and the Tribunal.
- D. Once initiated and until a written decision is released, the parties will not disclose confidential information relating to the appeal to any person not involved in the proceedings.
- E. The decision of the Tribunal will be final and binding upon the parties.