

FOOTHILLS MASTERS SWIM CLUB DISCIPLINE AND COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Club*” – FOOTHILLS MASTERS SWIM CLUB (“FMSC”)
 - b) “*Complainant*” – The party alleging an infraction.
 - c) “*Days*” – Days irrespective of weekend and holidays.
 - d) “*Club Member*”- All categories of membership defined in the Club Bylaws, as well as all individuals employed by or engaged in activities with the Club, including but not limited to, directors, officers, committee members, swimmers, coaches, officials, referees, volunteers, administrators and spectators.
 - e) “*Respondent*” – The alleged infracting party.
 - f) “*Board*” – the Board of Directors of the Club.
 - g) “*Executive Committee*” – The Executive Committee of the Club, as defined in the Club’s Bylaws.

Purpose

2. Membership in the Club, as well as participation in its activities, brings with it many benefits and privileges. At the same time, Club Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Club Constitution, Bylaws, Code of Conduct and Ethics, policies, procedures, rules and regulations. Irresponsible behavior by Club Members can result in severe damage to the integrity of the Club. Conduct that violates these values may be subject to sanctions pursuant to this policy.

Application of this Policy

2. This Policy applies to all Club Members as defined in the Definitions.
3. This Policy only applies to discipline matters that may arise during the course of Club business, activities and events, including but not limited to, competitions, practices, training camps, travel associated with Club activities, and any meetings.
4. Discipline matters and complaints arising within the business, activities or events organized by entities other than the Club will be dealt with pursuant to the policies of these other entities unless accepted by the Club at its sole discretion or such discipline matters and complaints adversely affect relationships within the Club’s work and sport environment and is detrimental to the image and reputation of the Club.

Reporting a Complaint

5. Any Club Member may report to any member of the Executive Committee any complaint of an infraction by a Club Member. Such a complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of the Executive.
6. A Complainant wishing to file a complaint beyond the fourteen (14) 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 fourteen (14) day period will be at the sole discretion of the Club. This decision may not be appealed.

Case Manager

7. Upon receipt of a complaint, the Board will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable. The Case Manager shall be the Club President, unless or he or she is unable or unwilling to act, and then a designate will be appointed to fulfill the role. The Case Manager 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 Case Manager has a responsibility to:

- a) 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.
 - b) Determine if the complaint is a minor or major infraction;
 - c) Appoint the Panel, (see clause 19) if necessary, in accordance with this Policy;
 - d) Determine the format of the hearing;
 - e) Coordinate all administrative aspects of the complaint;
 - f) Provide administrative assistance and logistical support to the Panel as required; and
 - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
8. 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.
 9. 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.

Minor Infractions

10. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, the Club or to the sport of masters swimming. Examples of minor infractions include, but are not limited to, a single incident of:
 - a) Un-sportsmanlike conduct;
 - b) Disrespectful comments or behavior directed towards others;
 - c) Disrespectful conduct such as outbursts of anger or argument; and
 - d) Non-compliance with the bylaws, policies, procedures, rules, regulations and directives of FMSC;
11. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to coaches or Club Board members).
12. 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 person responsible for discipline of such infractions (as noted above in point 11). 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.
13. Penalties for minor infractions, which may be applied singly or in combination, include the following:
 - a) Dismissed from current practice, competition, activity, or event;
 - b) Suspension from practice, competition, activity, or event;
 - c) Removal of certain privileges of membership for a designated period of time;
 - d) Verbal or written reprimand from the FMSC Board to one of the Parties;
 - e) Verbal or written apology from one Party to the other Party;
 - f) Service or other voluntary contribution to FMSC;
 - g) Any other sanction considered appropriate for the offense.
14. Minor infractions that result in discipline will be recorded and maintained by the Club. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

15. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to the Club or to the sport of masters swimming.
16. Examples of major infractions include, but are not limited to:
 - a) Repeated Minor Infractions;

- b) Intentionally damaging Club property or improperly handling Club monies, up to and including fraud;
 - c) Incidents of physical abuse ;
 - d) Pranks, jokes or other activities that endanger the safety of others, including hazing;
 - e) Deliberate disregard for the bylaws, policies, rules, regulations and directives of the Club;
 - f) Conduct that intentionally damages the image, credibility or reputation of the Club;
 - g) Behavior that constitutes harassment, sexual harassment or sexual misconduct; or
 - h) Abusive use of alcohol, use or possession of illicit drugs and narcotics.
17. Major infractions will be decided using the disciplinary procedures set out in this policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
18. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. 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.

Procedure for Major Infraction Hearing

19. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will establish a Panel of three persons from the Executive Committee to be appointed to hear and decide a complaint. The Case Manager will appoint one of the Panel's members to serve as the Chair. The Case Manager shall be appointed a Panel member, unless he or she is unable or unwilling to do so.
20. The Case Manager will determine the 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 Case Manager and the Panel deem appropriate in the circumstances, provided that:
- a) The hearing will be held within the appropriate timeline determined by the Case Manager.
 - b) The Parties will be given appropriate notice of the day, time and place of the hearing.
 - c) 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.
 - d) Both Parties may be accompanied by a representative or adviser, including legal counsel.
 - e) The Panel may request that any other individual participate and give evidence at the hearing.
 - f) 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.
 - g) The hearing will be conducted in the English language.
 - h) A quorum for the Panel will be all three and decisions will be by majority vote.

Decision

21. 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 FMSC 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.
22. 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.
23. If the Respondent chooses not to participate in the hearing, the hearing may proceed in any event.
24. In fulfilling its duties, and with the approval of the FMSC, the Panel may obtain independent advice.

Sanctions

25. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
 - a) Verbal or written warning;
 - b) Verbal or written apology;
 - c) Removal of certain privileges of membership;
 - d) Suspension from certain Club teams, events and/or activities;
 - e) Suspension from all Club activities for a designated period of time;
 - f) Suspension from the Club;
 - g) Expulsion from the Club;
 - h) Other sanctions as may be considered appropriate for the offense.
26. 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 the Club until such time as compliance occurs.
27. A written record will be maintained by the Club President for major infractions that result in a sanction.

Serious Infractions

28. The Club 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.

Criminal Convictions

29. A Member's conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and will result in expulsion from the Club and/or removal from Club competitions, programs, activities and events upon the sole discretion of the Club:
 - a) Any sexual offences;
 - b) Any offence of assault; or
 - c) Any offence involving trafficking of illegal drugs.

Timelines

30. 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.

Confidentiality

31. The discipline and complaints process is 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.

Appeals Procedure

32. The decision of the Panel may be appealed in accordance with the Club's Appeal Policy.