



## COMPLAINT, DISCIPLINE AND APPEAL PROCEDURE

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### Statement

Region of Waterloo Swim Club (“the Club”) is committed to providing a safe, ethical and positive environment within its programs, activities and events. All individuals and entities associated with the club are expected to conduct themselves at all times in a manner consistent with the values of Swim Ontario that include fairness, integrity, open communication and mutual respect. Conduct that violates the Swim Ontario bylaws, policies, procedures and comprehensive code of conduct and ethics or the club’s bylaws, policies, procedures code of conduct may be subject to discipline and sanctions pursuant to this Procedure. This Procedure provides a fair and expedient process to address alleged infractions.

### 1. Definitions

The following terms have these meanings in this Procedure:

- a) “Board of Directors” - the elected body of individuals who, in accordance with Club rules and procedures, are empowered to represent the interests of the Club members in the operation and management of the Club.
- b) “Club” – the Club indicated above who has enacted this procedure.
- c) “Club DRO” – the Club Dispute Resolution Officer” –a person who can independently perform their duties related to this procedure.
- d) “Complainant” – The party(ies) alleging an infraction.
- e) “Complaints” – Breaches of club bylaws, policies, procedures and club code of conduct.
- f) “Days” – Days irrespective of weekends and holidays.
- g) “Hearing Panel” – a group of 1 or 3 persons free from bias as designated by the Club DRO.

- h) “Individuals” anyone engaged in activities with Swim Ontario and the club including but not limited to, athletes, coaches, officials, volunteers, managers, administrators, directors and officers of the club, and parents/guardians of club registrants.
- i) “Parties” – The Complainant(s), Respondent(s), and anyone affected by the Complaint.
- j) “Respondent” – The alleged infracting party(ies) or the party(ies) responding to an appeal, as applicable.
- k) “Swim Ontario Dispute Resolution Officer” - an individual appointed by Swim Ontario to independently perform their duties related to this procedure.

## 2. Scope and Application

This Procedure applies to all Individuals.

This portion of the Procedure applies to Complaints and related discipline/sanctions that may arise during the course of the club’s business, activities, and events including, but not limited to, competitions, practices, try-outs, tournaments, training camps, travel associated with club activities, business affairs, and meetings.

The Club also has the discretion to accept a Complaint where the alleged conduct brings the reputation of the club, or sport into disrepute and would be considered a breach of the Code of Conduct had it occurred within the club environment.

This Procedure does not prevent discipline from being applied, during a competition or event, according to specific procedures in place for the particular event. Further sanctions may be applied according to this Procedure.

This Procedure does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes an infraction. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers or Swim Ontario decision-makers. The person in authority must communicate the details of the alleged incident and the discipline imposed to the Respondent and in the case of a minor to their parent. Further sanctions may be applied in accordance with this Procedure.

## 3. Complaint Process

### 3.1 Notice of Complaint

Anyone who wishes to file a Notice of Complaint is expected to do so as soon as possible after the events giving rise to the Complaint and to submit, in writing, a Notice of Complaint to the attention of the Club DRO at the email address [dro@rowswimming.ca](mailto:dro@rowswimming.ca). The Notice of Complaint should contain the following:

- a) Contact information of the Complainant or his/her counsel or authorized representative.
- b) Name(s) of the Respondent(s) and any Affected Parties and/or witnesses
- c) The date and location of the incident.
- d) A Detailed summary of the incident.
- e) Any and all evidence that supports the incident.
- f) The names and contact information of any witnesses to the events giving rise to the Complaint.

Anonymous Complaints typically will not be accepted. If an anonymous Complaint is received, it will be reviewed by the Club DRO to determine whether unusual circumstances require an exception to be made.

For Complaints that are screened in, the Club DRO will inform the Respondent(s) and Affected Parties named in the Complaint and will provide a copy of the Notice of Complaint and other materials submitted by the Complainant(s). The Respondent(s) cited, will have the opportunity to submit in writing, any additional information to be considered. The Respondent(s) can be represented by counsel or an authorized representative if they so choose.

Complainant(s) and Respondent(s) will each be afforded reasonable opportunities to review the written submission of the other party and provide a written response to that submission. The Club DRO will have the discretion to determine when further responses are not likely, in the Club DRO's opinion, to assist the Club DRO in completing a reasonable review of the Complaint and reject any further responses from either Complainant(s) or Respondent(s), individually or as a whole.

### **3.2 Screening of Notice of Complaint**

The Club DRO will have the authority to screen out a Complaint. Potential reasons for a Complaint to be screened out include submissions that are unreasonably untimely, frivolous or vexatious; allegations that do not, on the face of it, meet the threshold of a breach; the matter has already been addressed and adjudicated in another forum; or insufficient information has been provided to support the allegation(s).

The Complainant will be advised in writing of the reasons for which a Complaint has been screened out.

### **3.3 Referring the Complaint to Swim Ontario**

The Club DRO has the authority to refer a Complaint to Swim Ontario. A Complaint which alleges serious misconduct which may include physical assault, sexual assault or sexual harassment, or conduct which may be considered criminal, should be referred to Swim Ontario. Where the Club DRO is unsure, the Complaint shall be referred to the Club Board of Directors on an urgent basis. The Club Board of Directors shall be

responsible for determining, where the Club DRO is unsure, if the matter should be referred to Swim Ontario. In this instance, Swim Ontario will accept the Complaint at its sole discretion. This decision cannot be appealed. Once a Complaint is accepted by Swim Ontario, the Swim Ontario Complaint Discipline and Appeal procedure will apply.

The Complainant will be advised in writing when their Complaint has been referred to Swim Ontario.

### **3.4 Procedure for Addressing a Complaint**

Following the determination that the Complaint will be handled at the club level, the Club DRO will review written submissions related to the Complaint from the Complainant(s) and the Respondent(s) and will recommend the appropriate sanction, if any, to the Club Board of Directors. The Club Board of Directors will either confirm or reject the recommendation.

Sanctions may include:

- (a) A verbal or written reprimand.
- (b) A verbal or written apology.
- (c) Service or other voluntary contribution to the Club or Swim Ontario.
- (d) Removal of certain privileges.
- (e) A suspension of up to one month.
- (f) Mandatory education or training.
- (g) Any other sanction considered appropriate in the circumstances.

The Club DRO will inform the Respondent(s) and the Complainant(s) of the sanction, which will take effect immediately. Failure to comply with a sanction will result in a referral to Swim Ontario, and an automatic suspension until such time as compliance occurs.

### **3.5 Notification to Swim Ontario**

A suspension, ban or other similar sanction which impacts an Individual's ability to participate in Swim Ontario activities, including club activities, must be reported to Swim Ontario.

## **4. Appeal Process**

Complaint findings and sanctions issued by the Clubs may be subject to appeal as outlined. **Appealing a Member Decision** found in the [Swim Ontario Complaint, Discipline and Appeal Procedure](#)

## 5. Confidentiality

The Complaint, discipline and appeal process is confidential. Once initiated, none of those involved will disclose information relating to the on-going process except as required or to facilitate representation.

Once a final decision has been reached in respect of a Complaint, a detailed report from the club will be sent to Swim Ontario.

The following information may be released by Swim Ontario or shared with other organizations as deemed appropriate by Swim Ontario or required:

- a) The identity of the Respondent.
- b) The nature of the infraction and/or the provision of the applicable bylaw, policy, procedure, or code of conduct or ethics that has been breached.
- c) Whether a sanction has been imposed on the Respondent, and if so, details concerning the sanction.

Once any applicable sanction is successfully completed the file will be sealed and any publication of the sanction will be removed.

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