



Harassment & Disciplinary Policy

Club Harassment & Disciplinary Policy Overview

It is the responsibility of the Stony Plain Sharks Swim Club (herein known as SPSSC) to run effectively and contribute to safe and respectful sport for all swimmers. For issues that arise and may potentially harm club reputation, participants, and sport in general, the following guidelines have been established to mitigate these issues internally. In doing so potential risk is minimized, while ensuring contributions to a safe and respectful environment. While these guidelines are the primary means of mitigation (and are closely aligned with other governing policies), they are secondary to any current governing ASSA Policies/Rules or Provincial/Federal Law.

Definitions:

- I. **Days** - Days excluding weekend days and statutory holidays
- II. **SPSSC Members** - Swimmers, Coaches, Parents, Guardians, Volunteers as well as individuals engaged in activities with the SPSSC
- III. **Policy** - Club Discipline Procedure Policy
- IV. **Complainant** - Party alleging an infraction
- V. **Respondent** - Reported infracting party
- VI. **Club** - SPSSC
- VII. **Harassment** - means any behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. Harassment may be verbal or physical and may be in the form of a comment or display that is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise cause offence, discomfort, or personal humiliation or embarrassment to a person or group of persons within reasonable limits. Harassment may involve a person's or a group of persons' appearance, race, religious beliefs, color, place of origin, gender, mental or physical disability, ancestry, marital status, family status, source of income, a conviction (whether pardoned or not) or sexual orientation. All of the aforementioned traits are hereinafter referred to as "characteristics". Harassment may be a single incident or a series of incidents. A person does not have to intend to harass for the behaviour to constitute harassment.
- VIII. **Sexual Harassment** - means unwelcome sexual advances, unwelcome requests for sexual favours or other unwelcome verbal or physical conduct of a sexual nature. Sexual harassment can be perpetrated by all people to anyone. The offender's behaviour does not need to be intentional for the behaviour to be considered sexual harassment.
- IX. **Minor Infraction** - Disrespectful, offensive, abusive, threatening, racist or sexist comments or behaviour directed toward others (may be dealt with through Harassment Policy) and conduct contrary to the ideals of respect such as angry outbursts or arguments, non-compliance with the Policies and Procedures under which the SPSSC is governed, or violations of SPSSC Code of Conduct Policy

- X. **Major Infraction** - Instances of misconduct that result or have the potential to result, in harm to other persons or the SPSSC. Examples of major infractions include, but are not limited to:
- a. Repeated incidents of disrespectful, offensive, abusive, threatening, racist or sexist comments or behaviour directed towards others
 - b. Repeated conduct contrary to the ideals of respect such as angry outbursts or argument
 - c. Incidents of physical abuse
 - c. Pranks, jokes that endanger the safety of others
 - d. Conduct which results in harm to the image, credibility or reputation of the SPSSC
- XI. **Discipline** - any remedial action taken in response to violation of this policy.

Section One: Discipline

Purpose:

The SPSSC is committed to providing an environment in which all members are treated with the utmost respect. Irresponsible behaviour can result in severe damage to the integrity of the SPSSC or to the safety of its members. Conduct that violates these values may be subject to disciplinary measures contained in this policy. Since disciplinary measures may be applied, it is only fair to provide members a mechanism in order for complaints and discipline is dealt with fairly, timely, and affordably.

The SPSSC is committed to providing an environment that is characterized by the value of fairness, integrity, open communication, and mutual respect. Participation in SPSSC activities brings with it many benefits and privileges. At the same time, SPSSC members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, procedures, rules and regulations set forth in the SPSSC Code of Conduct.

Application of this Policy:

This policy applies to all Members as defined in the Definitions. This Policy only applies to discipline matters that may arise during the course of Stony Plain Swim Club business, activities and events including but not limited to training, activities, events and meetings. **Issues of harassment will be dealt with in accordance with the SPSSC Harassment Policy.**

Reporting a Complaint:

Any individual may report a complaint following the correct procedure. The complaint, in writing, must be submitted to the President of the SPSSC as soon as possible following the incident(s).

Complaints must be as detailed as possible including date, time, location and names of any other witnesses involved. Anonymous complaints will not be accepted but a complainant may request anonymity during the process.

Incident Report Form can be found on the Stony Plain Sharks Website at www.stonyplainsharks.com, under the tab documents

Procedures – Discipline and Complaints:

If a complaint is determined by the SPSSC Executive to be legitimate, the complaint will be designated as a minor infraction or a major infraction at the discretion of SPSSC and may not be appealed.

If an incident is determined to be a minor infraction, the SPSSC President will inform the reported offender and the matter will be dealt with according to the section relating to minor infractions.

If the incident is determined to be a major infraction, and if the SPSSC determines a hearing is required, the reported offender and the reported offenders parents/guardians will be notified as quickly as possible and the matter will be dealt with according to the section relating to major infractions.

This Policy will not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviours that constitute either a minor or major infraction, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further disciplinary measure may be applied in accordance with the procedures set out in this Policy.

Minor Infractions:

Examples of minor infractions include but are not limited to a single incident as defined under the definitions section of this policy.

All disciplinary situations involving minor infractions will be dealt with by the President of the SPSSC informally within three (3) days of proper notification from the complainant(s), and will be documented, signed and acknowledged by the offender if deemed to be a legitimate offence.

Disciplinary measures for minor infractions, which may be applied singly or in combination, include the following:

- a. Verbal reprimand which may be placed on the individual's record
- b. Verbal or written apology to complainant or Club Member(s)
- c. Service or other contribution to the SPSSC
- d. Suspension from an activity or event
- e. Any other disciplinary measure considered appropriate for the offense up to and including member dismissal

Minor infractions that result in discipline will be recorded and maintained by the President of the SPSSC.

Repeated minor infractions may result in further discipline up to and including member dismissal.

Major Infractions:

Examples of major infractions include but are not limited to a single incident as defined under the definitions section of this policy.

Major infractions may be dealt with immediately, if necessary, by SPSSC personnel, provided the individual being disciplined is told the nature of the infractions and has an opportunity to provide information concerning the incident. In such situations, disciplinary measures will be for the durations of the training, program or event only. Further disciplinary measure may be applied but only after review of the matter in accordance with the procedures set out in the Policy. Should the matter be severe enough, all documentation will be sent to ASSA for their review for further discipline through the ASSA Discipline and Complaints Policy.

Disciplinary Action:

Within five (5) days of receiving a complaint, the President will review and file the complaint, choose the appropriate discipline and notify the reported offender. Should this matter be deemed more severe, the President will present the issue to the SPSSC Executive who will review the incident and decide on the severity of the discipline.

Disciplinary Measures:

The Committee may apply the following disciplinary measure singly or in combination for any or all infractions:

- a) Written reprimand to be placed on the individual's record
- b) Written apology
- c) Removal of certain privileges
- d) Suspension from SPSSC programs, events, activities, functions
- e) Suspension from all SPSSC activities for a designated period of time
- f) Expulsion from the SPSSC
- g) Publication of the Committee decision

Appeal Panel and Hearing:

A reported offender will have five (5) days from the date of notification of discipline to appeal the discipline handed down. **The appeal must contain a clear and concise summary of the grounds for the appeal.**

Upon reviewing a request for an appeal, the SPSSC Executive will establish a Special Committee comprised of three (3) members to hear any appeals related to the discipline or actions undertaken because of the outcome of the investigation. The Committee will have no significant relationship with the complainant or the respondent; will not be involved with the reported infraction; and free from any other bias or conflict of interest.

The Committee will review the documentation from all parties and schedule a hearing as soon as possible (within 10 days) to be held at a neutral location of the Committee's choice. Through the documentation review and the hearing, the Committee will decide within three (3) days whether the individual(s) will be disciplined and the appropriate penalty.

Where the individual acknowledges the facts of the incidents, he or she may waive any hearing and the penalty will stand.

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 that the complaint cannot be concluded within the timelines dictated in policy, the Committee may direct that these timelines be revised.

Section Two: Harassment

Purpose:

The Stony Plain Sharks Swim Club (SPSSC) is committed to providing a sport environment that is civil, decent and respectful. This policy shall be deemed to be embodied in and part of the SPSSC Rules and Regulations.

This policy applies to all directors, officers, volunteers, coaches, athletes, officials, administrators, members and participants involved with the SPSSC.

This policy applies to Harassment that may occur during the course of all activities and events of SPSSC and its members, and to all harassment occurring outside those situations when the harassment involves individuals covered by this policy.

The SPSSC will not tolerate disrespectful behaviour, harassment, abuse or damage to people or property. The SPSSC's Harassment Policy is subject to the mission statement and to the values of the SPSSC executive.

Complaints:

If you are a victim of harassment involving persons covered by this policy, you are encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to the SPSSC Code of Conduct.

If approaching (or if harassment continues after approaching) the harasser is not possible, the complainant should seek the advice of an impartial mediator from the SPSSC board.

Outcomes for Meeting Between Complainant and Mediator:

There are four possible outcomes to this initial meeting of complainant and mediator.

- I. The complainant and mediator agree that the conduct does not constitute harassment. If this occurs, the mediator will take no further action and will make no written record.
- II. The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint. If this occurs, the mediator will assist the two parties to negotiate a solution acceptable to the complaint.
 - i. **If informal resolution yields a result** which is acceptable to both parties, the mediator will make a written record that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.
 - ii. **If informal resolution fails** to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.
- III. If the complainant brings evidence of harassment and decides to lay a formal written complaint, the written complaint will be submitted to the SPSSC Board through its President in accordance with its rules and policies. If this occurs, the mediator will assist the complainant in drafting a formal written complaint, to be signed by the complainant, with a copy provided to the investigation panel and complainant upon completion. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s) and should be dated and signed.
 - i. The respondent will be given an opportunity to provide a written response to the complaint.
 - ii. The mediator may assist the respondent in preparing this response.
- IV. If the complainant brings evidence of harassment but does not wish to lay a formal complaint, the mediator must decide if the reported harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant. In these instances, the mission statement and values of the SPSSC may surpass the desires of the complainant. If the mediator decides that the evidence and surrounding circumstances require a formal written complaint, the mediator will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.
 - i. As soon as possible after receiving the written complaint, but within seven (7) days, the mediator shall submit a report to the SPSSC Board, containing the documentation filed by both parties along with a recommendation that:
 - A. No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; **OR**
 - B. The complaint should be investigated further.
 - ii. A copy of this report shall be provided, immediately, to both the complainant and the respondent.

Procedures:

Once the SPSSC Board receives a written complaint, the SPSSC Board will convene a meeting for the purpose of reviewing and attempting to resolve the complaint. The Board will open a secure file containing all of the relevant information in respect of the complaint and undertake an investigation immediately. If the complaint involves a Board Member or Members or employees of the SPSSC, those individuals will be precluded from partaking in the review and from reviewing the file while the matter is being investigated.

The Board, or representatives of the Board will interview the complainant and the reported harasser, along with all of the individuals who may be able to provide relevant information. If the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately in accordance with this policy and the SPSSC Rules and Regulations. Subject to the discretion of the Board, discipline may include a suspension from involvement with the SPSSC, or permanent expulsion from any further involvement with the SPSSC. If circumstances warrant, the Committee may refer these matters to the Royal Canadian Mounted Police (RCMP), the Alberta Human Rights Commission or such other body or organization as they deem appropriate.

When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as:

- a) The nature of the harassment.
- b) Whether the harassment involved any physical contact.
- c) Whether the harassment was an isolated incident or part of an ongoing pattern.
- d) The nature of the relationship between complainant and harasser.
- e) The age of the complainant.
- f) Whether the harasser had been involved in previous harassment incidents within the SPSSC.
- g) Whether the harasser admitted responsibility and expressed a willingness to change.
- h) Whether the harasser retaliated against the complainant.

In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

- a) A verbal apology.
- b) A written apology.
- c) A letter of reprimand from the SPSSC.
- d) Referral to counseling.
- e) Removal of certain privileges of membership or employment.

- f) Temporary suspension with or without pay.
- g) Termination of employment or contract.
- h) Expulsion from membership.

In cases where harassment is part of an ongoing pattern or harasser has been involved in previous incidents within the SPSSC, SPSSC will consider the matter more severe when recommending disciplinary sanctions. In severe cases, the SPSSC will inform an appropriate representative from the Alberta Summer Swim Association (ASSA) to ensure documentation is maintained at the club and association level.

Appeal of a Decision:

Both the complainant and respondent shall have the right to appeal the decision and recommendations of the case review panel. A notice of intention to appeal, along with grounds for the appeal, must be provided to the chairperson of the case review panel within 14 days of the complainant or respondent receiving the panels report.

Permissible Grounds for an Appeal:

- a) The panel did not follow the procedures laid out in this policy.
- b) Members of the panel were influenced by bias.
- c) The panel reached a decision, which was grossly unfair or unreasonable.

In the event that a notice of appeal is filed, the SPSSC executive shall together appoint a minimum of three members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them. The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainants and respondents statements, the reports of the mediator and the Board, and the notice of appeal.

Within ten days of its appointment, the appeal body shall present its findings in a report to the SPSSC executive. The appeal body shall have the authority to uphold the original decision of the Board, to reverse the decision of the Board, and/or to modify any of the Board's recommendations for disciplinary action or remedial measures.

A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.

The decision of the appeal body shall be final. However, if any party believes that the committee has made an error, such as those described in Grounds for Appeal, the matter shall be referred to arbitration, such arbitration to be administered under the Alternate Dispute (ADR) Program for Amateur Sport and its Rules of Arbitration, as amended from time to time.

Conclusion:

Complaints found to be false, frivolous or made in bad faith will not be tolerated and will be subject to appropriate disciplinary action.

Once the matter has been resolved, the SPSSC Board will retain the file in a secure location along with all of the other books and records of the SPSSC. No absolute confidentiality may be made by the SPSSC, particularly in circumstances where the matter warrants police or other regulatory or administrative body intervention.

Notwithstanding this policy, any person who experiences Harassment continues to have the right to seek assistance from the Alberta Human Rights Commission or to file a complaint with the RCMP or such other body or organization as they deem appropriate.

The SPSSC recognizes the contribution of the ASSA Grievance, Harassment and Abuse Procedure as well as the SPSSC Harassment Policy to the development of this Harassment Policy. At any point, the SPSSC may use their discretion to inform/ include the Alberta Summer Swim Association (ASSA) President and/or Region B Representative to ensure documentation is maintained at the club and association level and appropriate action is taken to maintain all related policies, directives and procedures.