



## SPARTAN SWIM CLUB - Code of Conduct and Ethics

Approved by: SPARTAN SWIM CLUB Board of Directors

Date of Approval: August 3, 2022

*In this document "Organization" refers Spartan Swim Club*

### Definitions

1. Terms in this Code are defined as follows:

- a) **Abuse** – Includes Psychological Maltreatment, Physical Maltreatment, Neglect, and/or Grooming of Vulnerable Participants by Persons in Authority and which can have the following warning signs:
  - i. Recurrent unexplained injuries
  - ii. Alert behaviour, individual seems to always be expecting something bad to happen
  - iii. Often wears clothing that covers up their skin, even in warm weather
  - iv. Individual startles easily, shies away from touch or shows other skittish behaviour
  - v. Constantly seems fearful or anxious about doing something wrong
  - vi. Withdrawn from peers and adults
  - vii. Behaviour fluctuates between extremes (e.g., extremely cooperative, or extremely demanding)
  - viii. Acting inappropriately younger than their age (like an infant; throwing tantrums)
  - ix. Acting out in an inappropriate sexual way with toys or objects
  - x. Self-harm (e.g., cutting, burning or other harmful activities)
  - xi. Not wanting to be alone with a particular individual
- b) **Athlete** – An individual who is an Athlete Participant in the Organization who is subject to the policies of the Organization and to this Code.
- c) **Bullying** - is offensive behaviour and/or abusive treatment of a Participant that typically, but not always, involves an abuse of power. Examples of behaviour that may constitute Bullying include, but are not limited to:
  - i. Spreading malicious rumours, gossip, or innuendos with the intent of causing harm or suffering to a Participant
  - ii. Excluding or isolating a Participant socially with the intent of causing them harm or suffering
  - iii. Making offensive jokes or derogatory comments to a Participant or to others
  - iv. Yelling, verbally berating or using profanity
  - v. Assigning unreasonable duties or workload which are unfavourable to a Participant; or
  - vi. Any form of cyber bullying which can include:
    - a. Sending mean or threatening emails or text/instant messages
    - b. Posting embarrassing photos of someone online
    - c. Creating a website to make fun of others
    - d. Pretending to be someone else
    - e. Tricking someone into sending pictures or videos or revealing personal information

- f. Sending personal information (including pictures and videos) about someone else to a third-party
- d) **Discrimination** – Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.
- e) **Harassment** – A course of vexatious comment or conduct against a Participant or group, which is known or ought reasonably to be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
  - i. Written or verbal abuse, threats, or outbursts
  - ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts
  - iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin
  - iv. Leering or other suggestive or obscene gestures
  - v. Condescending or patronizing behaviour, which is intended to undermine self-esteem, diminish performance, or adversely affect working conditions
  - vi. Practical jokes which endanger a person's safety, or may negatively affect performance
  - vii. *Hazing* – which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
  - ix. Deliberately excluding or socially isolating a person from a group or team
  - x. Persistent sexual flirtations, advances, requests, or invitations
  - xi. Physical or sexual assault
  - xii. Contributing to a *poisoned sport environment*, which can include:
    - a. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)
    - b. Groups where harassing behaviour is part of the normal course of activities
    - c. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.
  - xiii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
  - xiv. Retaliation or threats of retaliation against a person who reports harassment to the Organization.
- f) **Minor** – Any Participant who is under the age of 19 years old at the time and in the jurisdiction where the alleged maltreatment has occurred. Adults are responsible for knowing the age of a Minor.
- g) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject to the policies of the Organization, as well as all

people employed by, contracted by, or engaged in activities with, the Organization including, but not limited to, employees, contractors, athletes, coaches, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers.

- h) **Person in Authority** – Any Participant who holds a position of authority within the Organization including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers.
- i) **Workplace** – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, the registered office(s), work-related social functions, work assignments outside the registered office(s), work-related travel, the training and competition environment, and work-related conferences or training sessions.
- j) **Workplace Harassment** – Vexatious comment or conduct against a worker in a Workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute Workplace Harassment include, but are not limited to:
  - i. Bullying,
  - ii. Workplace pranks, vandalism, bullying or hazing,
  - iii. Repeated offensive or intimidating phone calls or emails,
  - iv. Inappropriate sexual touching, advances, suggestions or requests,
  - v. Displaying or circulating offensive pictures, photographs or materials in printed or electronic form,
  - vi. Psychological abuse,
  - vii. Excluding or ignoring someone, including persistent exclusion of a person from work-related social gatherings,
  - viii. Deliberately withholding information that would enable a person to do their job, perform or train,
  - ix. Sabotaging someone else's work or performance,
  - x. Gossiping or spreading malicious rumours,
  - xi. Intimidating words or conduct (offensive jokes or innuendos); and
  - xii. Words or actions which are known, or ought reasonably to be known, as offensive, embarrassing, humiliating, or demeaning.
- k) **Workplace Violence** – The use of or threat of physical force by a person against a worker in a Workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a Workplace that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a Workplace that could cause physical injury to the worker. Types of behaviour that constitute Workplace Violence include, but are not limited to:
  - i. Verbal or written threats to attack
  - ii. Sending to or leaving threatening notes or emails
  - iii. Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or throwing objects
  - iv. Wielding a weapon in a Workplace
  - v. Hitting, pinching or unwanted touching, which is not accidental
  - vi. Dangerous or threatening horseplay

- vii. Physical restraint or confinement
  - viii. Blatant or intentional disregard for the safety or wellbeing of others
  - ix. Blocking normal movement or physical interference, with or without the use of equipment
  - x. Sexual assault; and
  - xi. Any attempt to engage in the type of conduct outlined above.
- l) **Vulnerable Participants** – Includes Minors and vulnerable adults (people who, because of age, disability, or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by Persons in Authority).

#### **Purpose**

2. The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and events of the Organization by making Participants aware that there is an expectation, at all times, of appropriate behaviour. The Organization prohibits discriminatory practices and is committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

#### **Application of this Code**

3. This Code applies to any Participant's conduct during the business, activities, and events of the Organization including, but not limited to competitions, training sessions, evaluations, treatment, or consultations (i.e., massage therapy), training camps, travel associated with organizational activities, the office environment, and any meetings.
4. This Code also applies to Participants' conduct outside of the business, activities, and events of the Organization when such conduct adversely affects the Organization's relationships (and the work and sport environment) or is detrimental to the image and reputation of the Organization. Such applicability will be determined by the Organization at its sole discretion.
5. This Code applies to Participants active in the sport or who have retired from the sport where any claim regarding a potential breach of this Code occurred when the Participant was active in the sport.
6. In addition, breaches of this Code may occur when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
7. Any Participant who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, a Participant who violates this Code during a competition may be removed from the competition or training area, and the Participant may be subject to further sanctions.

#### **Responsibilities**

8. All Participants have a responsibility to:
  - a) Refrain from any behaviour that constitutes Discrimination, Abuse, Harassment, Workplace Harassment, or Workplace Violence.
  - b) Maintain and enhance the dignity and self-esteem of other Participants by:
    - i. Treating each other with the highest standards of respect and integrity
    - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, officials, organizers, volunteers, employees, or other Participants

- iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
  - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
  - v. Consistently treating individuals fairly and reasonably; and
  - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
- c) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
- d) Maintain and enhance the dignity and self-esteem of other Participants by:
  - i. Treating each other with fairness, honesty, respect, and integrity
  - ii. Focusing comments or criticism appropriately and avoiding public criticism of Athletes, coaches, officials, organizers, volunteers, employees, or other Participants
  - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct; and
  - iv. Ensuring adherence to the rules of the sport and the spirit of those rules.
- e) Abstain from the non-medical use of medications or drugs or the use of Prohibited Substances or Prohibited Methods as listed on the version of the World Anti-Doping Agency's Prohibited List currently in force. More specifically, the Organization adopts and adheres to the Canadian Anti-Doping Program. The Organization will respect any sanction imposed on a Participant as a result of a breach of the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.
- f) Refrain from coaching, training, instructing, administrating, managing, or being involved in the athletic development of any person who has been found to have committed an anti-doping rule violation and is serving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program or any other applicable Anti-Doping Rules.
- g) Reasonably cooperate with the CCES or another anti-doping organization that is investigating anti-doping rule violations.
- h) Not harass, intimidate, or otherwise conduct themselves offensively towards a doping control official or other individual involved in doping control.
- i) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
- j) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or events of the Organization.
- k) In the case of Minors, not consume alcohol, tobacco, or cannabis at any competition or event.
- l) In the case of adults, not consume cannabis in the Workplace or in any situation associated with the events of the Organization (subject to any requirements for accommodation), not consume alcohol during training, competitions, or in situations where Minors are present, and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations.
- m) When driving a vehicle:
  - i. Have a valid driver's license
  - ii. Not be under the influence of alcohol or illegal drugs or substances
  - iii. Have valid car insurance; and
  - iv. Refrain from holding a mobile device.
- n) Respect the property of others and not wilfully cause damage.
- o) Promote sport in the most constructive and positive manner possible.
- p) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.
- q) Adhere to all applicable federal, provincial/territorial, municipal and host country laws.

- r) Comply, at all times, with the By-laws, policies, procedures, and rules and regulations of the Organization, as applicable and as adopted and amended from time to time.
- s) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions involving a Participant to the Organization, including, but not limited to, those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method.

#### **Directors, Committee Members, and Staff**

- 9. In addition to section 8 (above), Directors, Committee Members, and staff of the Organization will have additional responsibilities to:
  - a) Function primarily as a Director, committee member or staff member of the Organization (as applicable) and ensure to prioritize their loyalty to Organization (and not to any other organization or group) while acting in this role.
  - b) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
  - c) Comply with the *Swim BC Screening and CRC Policy*.
  - d) Conduct themselves openly, professionally, lawfully and in good faith.
  - e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
  - f) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
  - g) Maintain confidentiality of private organizational information.
  - h) When acting as a Director or Committee Member, respect the decisions of the majority (the Board or a Committee, as applicable) and resign if unable to do so.
  - i) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
  - j) Have a thorough knowledge and understanding of all governance documents.

#### **Coaches, Instructors, Trainers, and Athlete Support Personnel**

- 10. In addition to section 8 (above), coaches, instructors, trainers, and athlete support personnel have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the Athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, either consciously or unconsciously. Coaches, instructors, trainers, and athlete support personnel will:
  - a) Avoid any behaviour that abuses the power imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an Athlete that they are coaching, or (ii) encourage inappropriate physical or emotional intimacy with an Athlete, regardless of the Athlete's age.
  - b) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the Athletes.
  - c) Prepare Athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm Athletes.
  - d) Avoid compromising the present and future health of Athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of Athletes' medical and psychological treatments.
  - e) Support the coaching staff of a training camp, provincial team, or national team, should an Athlete qualify for participation with one of these programs.

- f) Accept and promote Athletes' personal goals and refer Athletes to other coaches and sport specialists as appropriate.
- g) Provide Athletes (and the parents/guardians of Minor Athletes) with the information necessary to be involved in the decisions that affect the Athlete.
- h) Act in the best interest of the Athlete's development as a whole person.
- i) Comply with the *Swim BC Screening and CRC Policy*.
- j) Report any ongoing criminal or anti-doping investigation, conviction, or existing bail conditions to the Organization, including those for violence, child pornography, or possession, use, or sale of any illegal or prohibited substance or method.
- k) Not coach, train, or otherwise support athletes if they use methods or substances prohibited by the Canadian Anti-Doping Program without valid and acceptable justification.
- l) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or prohibited substances or prohibited methods and, in the case of Minors, alcohol, cannabis, and/or tobacco.
- m) Respect Athletes competing for other jurisdictions and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the Athletes.
- n) Not engage in a sexual or intimate relationship with an Athlete of any age in which the coach is in a position of trust or authority.
- o) Disclose to the Organization any sexual or intimate relationship with an athlete over the age of majority and, if requested by the Organization, immediately discontinue any coaching involvement with that athlete.
- p) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights
- q) Dress professionally and use appropriate language.

### **Athletes**

- 11. In addition to section 8 (above), Athletes will have additional responsibilities to:
  - a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, train, or compete.
  - b) Participate and appear on-time and prepared to participate to their best abilities in all competitions, training sessions, and evaluations.
  - c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason.
  - d) Adhere to any rules and requirements regarding clothing and equipment.
  - e) Dress to represent the sport and themselves with professionalism.
  - f) Act in accordance with applicable policies and procedures and, when applicable, additional rules as outlined by coaches or managers.

### **Officials**

- 12. In addition to section 8 (above), officials will have additional responsibilities to:
  - a) Maintain and update their knowledge of the rules and rules changes.
  - b) Not publicly criticize other officials.
  - c) Work within the boundaries of their position's description while supporting the work of other officials.

- d) Act as an ambassador of the sport by agreeing to enforce and abide by national and provincial rules and regulations.
- e) Take ownership of actions and decisions made while officiating.
- f) Respect the rights, dignity, and worth of all Participants.
- g) Act openly, impartially, professionally, lawfully, and in good faith.
- h) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others.
- i) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Participants.
- j) Comply with the *Swim BC Screening and CRC Policy*.
- k) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform a supervisor or the Organization at the earliest possible time.
- l) When writing reports, set out the actual facts to the best of their knowledge and recollection.
- m) Dress in proper attire for officiating.

#### **Parents/Guardians and Spectators**

13. In addition to section 8 (above), parents/guardians and spectators at events will:
- a) Encourage athletes to compete within the rules and to resolve conflicts without resorting to hostility or violence.
  - b) Condemn the use of violence in any form.
  - c) Never ridicule a participant for making a mistake during a competition or training session.
  - d) Respect the decisions and judgments of officials and encourage athletes to do the same.
  - e) Support all efforts to remove verbal and physical abuse, coercion, intimidation, and sarcasm.
  - f) Respect and show appreciation to all competitors, and to coaches, officials, and other volunteers.
  - g) Never harass competitors, coaches, officials, parents/guardians, or other spectators.

#### **Clubs**

14. Clubs must:
- a) Adhere to all of the Swim BC's governing documents and, where necessary, amend their own rules to comply or align with those of Swim BC.
  - b) Pay all required dues and fees by the prescribed deadlines.
  - c) Recognize that their websites, blogs, and social media accounts may be seen as extensions of Swim BC and must reflect Swim BC's mission, vision, and values.
  - d) Ensure that all athletes and coaches participating in sanctioned competitions and events of Swim BC are registered and in good standing.
  - e) Appropriately screen prospective employees to help ensure athletes have a healthy and safe sport environment.
  - f) Ensure that any possible or actual misconduct is investigated promptly and thoroughly.
  - g) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated.
  - h) Advise Swim BC immediately of any situation where a complainant has publicized a complaint in the media (including social media).
  - i) Provide Swim BC with a copy of all decisions rendered pursuant to the organization's policies for complaints and appeals.



## SPARTAN SWIM CLUB - Alternative Dispute Resolution Policy

**Approved by:** SPARTAN SWIM CLUB Board of Directors

**Date of Approval:** August 3, 2022

In this document "Organization" refers to: Spartan Swim Club

### Definitions

1. Terms in this Policy are defined as follows:
  - a) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with, the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.
2. The Organization support the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. The Organization encourage all Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. The Organization believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

### Application of this Policy

4. This Policy applies to all Participants.
5. Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

### Facilitation and Mediation

6. If all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the written settlement shall be reported to, and approved by, the Organization for approval. Any actions that are to take place because of the decision shall be enacted on the timelines specified by the negotiated decision, pending approval.
9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

**Final and Binding**

10. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed



## SPARTAN SWIM CLUB - Discipline and Complaints Policy

Approved by: SPARTAN SWIM CLUB Board of Directors

Date of Approval: August 3, 2022

*In this document “Organization” refers to Spartan Swim Club*

### Definitions

1. Terms in this Policy are defined as follows:

- a) **Athlete** – An individual who is an Athlete Participant in the Organization who is subject to the policies of the Organization and to the *Code of Conduct and Ethics*.
- b) **Case Manager** – An individual appointed to administer complaints that are assessed under Process #2 of this Policy. This individual must not be in a conflict of interest.
- c) **Complainant** – A Participant or observer who makes a report of an incident, or a suspected incident, of maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*.
- d) **External Discipline Panel** – A Panel of one or three people who are appointed by the Case Manager to make a decision on complaints that are assessed under Process #2 of this Policy.
- e) **Internal Discipline Chair** – An individual appointed by the Organization to make a decision on complaints that are assessed under Process #1 of this Policy. The Internal Discipline Chair may be a Director, head coach, staff member, or other individual affiliated with the Organization but must not be in a conflict of interest.
- f) **Minor** – Any Participant who is under the age of 19 years old at the time and in the jurisdiction where the alleged maltreatment has occurred. Adults are responsible for knowing the age of a Minor.
- g) **Parties** – the groups involved with a dispute.
- h) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with, the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.
- i) **Respondent** – The Party responding to the complaint.

### Purpose

2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules, and regulations of the Organization. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

### Application of this Policy

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise during the business, activities, and events of the Organization including, but not limited to, competitions, training sessions, treatment or consultations

(e.g., massage therapy), camps and clinics, travel associated with the activities of the Organization, and any meetings.

5. This Policy also applies to Participants' conduct outside of the business, activities, and events of the Organization when such conduct adversely affects the relationships (or the work and sport environment) of the Organization, is detrimental to the image and reputation of the Organization, or upon the acceptance of the Organization. Accordingly, applicability of this Policy will be determined by the Organization upon its sole discretion.
6. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).
7. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or event only.
8. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of the Organization who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.
9. The Organization may, at its discretion, ask Swim BC to take jurisdiction of a complaint that was submitted to the Organization. In such cases, Swim BC's Case Manager will determine whether the complaint process should be re-started or resumed pursuant to the applicable section of Swim BC's policies. Swim BC will accept jurisdiction of a complaint only if the Organization has exhausted all attempts to manage the complaint according to this policy.

#### **Minors**

10. Complaints may be brought by or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Case Manager, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
12. A Minor is not required to attend an oral hearing, if held.

#### **Reporting a Complaint**

13. Any person may report a complaint to the Organization's Case Manager (when identified) or directly to the Organization, which will then appoint a Case Manager.

14. At its discretion, the Organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent the organization.
15. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The Case Manager may accept any formal complaint, in writing or not, at their sole discretion.

### **Case Manager Responsibilities**

16. Upon receipt of a complaint, the Case Manager has a responsibility to:
  - a) Determine the appropriate jurisdiction to manage the complaint and consider the following:
    - i. Whether the complaint should be handled by the Organization or by Swim BC. In making this decision, the Case Manager will consider:
      - a. whether the incident has occurred within the business, activities or events of the Organization, or Swim BC; and
      - b. if the Organization is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity
    - ii. If the Case Manager determines that the complaint or incident should be handled by the Organization, the Case Manager will fulfil the responsibilities listed below.
  - b) Determine whether the complaint is frivolous and/or outside of the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Case Manager's decision to dismiss the complaint may not be appealed
  - c) Propose the use of alternative dispute resolution techniques
  - d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and/or
  - e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

There are two different processes that may be used to hear and adjudicate complaints. The Case Manager will decide which process should be followed based on the nature of the complaint.

#### **Process #1** - the Complainant alleges the following incidents:

- a) Disrespectful conduct or comments
- b) Minor incidents of physical violence outside of competition or training (e.g., tripping, pushing, elbowing)
- c) Conduct contrary to the values of the Organization
- d) Non-compliance with the organization's policies, procedures, rules, or regulations
- e) Minor violations of the **Code of Conduct and Ethics, Social Media Policy, or Athlete Protection Policy**

#### **Process #2** - the Complainant alleges the following incidents:

- a) Repeated minor incidents
- b) Hazing
- c) Abusive, racist, or sexist comments or behaviour
- d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct

- e) Major incidents of violence outside of competition or training (e.g., fighting, attacking, sucker punching)
- f) Pranks, jokes, or other activities that endanger the safety of others
- g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- h) Conduct that intentionally damages the organization's image, credibility, or reputation
- i) Consistent disregard for the by-laws, policies, rules, and regulations
- j) Major or repeated violations of the ***Code of Conduct and Ethics***
- k) Intentionally damaging the organization's property or improperly handling the organization's monies
- l) Abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics
- m) A conviction for any *Criminal Code* offense
- n) Any possession or use of banned performance enhancing drugs or methods

**PROCESS #1: Handled by Internal Discipline Chair**

**Internal Discipline Chair**

- 17. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will ask the Organization to appoint an Internal Discipline Chair who may:
  - a) Recommend mediation
  - b) Make a decision
  - c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
  - d) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions.
- 18. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: **Sanctions**).
- 19. The Internal Discipline Chair will inform the Parties of the decision, which will take effect immediately.
- 20. Records of all sanctions will be maintained by the Organization.

**Request for Reconsideration**

- 21. If there is no sanction, the Complainant may contest the non-sanction by informing the Internal Discipline Chair, within five (5) days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
- 22. If there is a sanction, the sanction may not be appealed until the completion of a Request for Reconsideration. However, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
  - a) Why the sanction is inappropriate
  - b) Summary of evidence that the Respondent will provide to support the Respondent's position; and
  - c) What alternative penalty or sanction (if any) would be appropriate.

23. Upon receiving a request for reconsideration, the Internal Discipline Chair may decide to accept or reject the Respondent's suggestion for an alternative sanction.
24. Should the Internal Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
25. Should the Internal Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

**PROCESS #2: Handled by Case Manager and External Discipline Panel**

**Case Manager**

26. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
  - a) Propose the use of alternative dispute resolution techniques
  - b) Appoint the External Discipline Panel, if necessary
  - c) Coordinate all administrative aspects of the process and set reasonable timelines
  - d) Provide administrative assistance and logistical support to the External Discipline Panel as required
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
27. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. The Case Manager may propose using alternative dispute resolution methods, such as mediation or a negotiated settlement.
29. If the dispute is not resolved using alternative methods, the Case Manager will appoint an External Discipline Panel of one (1) person to hear the complaint. Depending on the severity of the allegations and at the Case Manager's discretion, an External Discipline Panel of three (3) people may be appointed. When a three-person External Discipline Panel is appointed, the Case Manager will appoint one of the External Discipline Panel's members to serve as the Chair.
30. The Case Manager, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
31. The hearing will be governed by the procedures that the Case Manager and the External Discipline Panel deem appropriate for the circumstances. The following guidelines will apply to the hearing:
  - a) The Parties will be given appropriate notice of the day, time, and place of the hearing
  - b) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing
  - c) The Parties may engage a representative, advisor, or legal counsel at their own expense

- d) The External Discipline Panel may request that any other individual participate and give evidence at the hearing
  - e) The External Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate
  - f) The decision will be by a majority vote of the External Discipline Panel, when the Panel consists of three people
32. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
33. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
34. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

#### **Decision**

35. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the External Discipline Panel's written decision, with reasons, will be distributed to all parties, the Case Manager, to the Organization. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the External Discipline Panel.

#### **Sanctions**

36. Prior to determining sanctions, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider factors relevant to determining appropriate sanctions which include:
- a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a power imbalance
  - b) The Respondent's prior history and any pattern of inappropriate behaviour or maltreatment
  - c) The ages of the individuals involved
  - d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others
  - e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the maltreatment, and/or cooperation in the process of the Organization
  - f) Real or perceived impact of the incident on the Complainant, Organization, or the sporting community
  - g) Circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness)
  - h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate
  - i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
  - j) Other mitigating and aggravating circumstances.

37. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of maltreatment or other prohibited behaviour may justify elevated or combined sanctions.
38. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the **Code of Conduct and Ethics** and that more severe sanctions will result should the Participant be involved in other violations
  - b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the **Code of Conduct and Ethics**
  - c) **Probation** - Should any further violations of the **Code of Conduct and Ethics** occur during the probationary period, will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
  - d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of the Organization. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
  - e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
  - f) **Permanent Ineligibility** - Ineligibility to participate in any capacity in any program, activity, event, or competition sponsored by, organized by, or under the auspices of the Organization
  - g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
39. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed maltreatment:
- a) Sexual maltreatment involving a Minor Complainant shall carry a presumptive sanction of permanent ineligibility
  - b) Sexual maltreatment, physical maltreatment with contact, and maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions
  - c) While a Respondent has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension
40. A Participant's conviction for a *Criminal Code* offense shall carry a presumptive sanction of permanent ineligibility from participating with the Organization. *Criminal Code* offences may include, but are not limited to:
- a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs

41. Unless the External Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

42. Records of all decisions will be maintained by the Organization.

#### **Appeals**

43. The decision of the External Discipline Panel may be appealed in accordance with the ***Appeal Policy***.

#### **Suspension Pending a Hearing**

44. The Organization may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the External Discipline Panel.

#### **Confidentiality**

45. The discipline and complaint process is confidential and involves only the Organization, the Parties, the Case Manager, the Internal Discipline Chair, the External Discipline Panel, and any independent advisors to the External Discipline 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.

46. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

#### **Timelines**

47. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Case Manager may direct that these timelines be revised.

#### **Records and Distribution of Decisions**

48. Other individuals or organizations, including but not limited to, Swim BC, Swimming Canada, other swim clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

## **Appendix A – Investigation Procedure**

### **Determination**

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.

### **Investigation**

2. The Case Manager will appoint an Investigator. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
3. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant, and provided to the Respondent
  - d) Interviews with the Respondent
  - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent, and provided to the Complainant

### **Investigator's Report**

5. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
6. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the Organization.
8. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and the Organization to refer the matter to police.
9. The Investigator must also inform the Organization of any findings of criminal activity. The Organization may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the

version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization, or other offences where the lack of reporting would bring the Organization into disrepute.

#### **Reprisal and Retaliation**

10. A Participant who submits a complaint to the Organization or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

#### **False Allegations**

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The Organization or the Participant against whom the allegations were submitted, may act as the Complainant.

#### **Confidentiality**

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, the Organization recognizes that maintaining full anonymity during an investigation may not be feasible.



## SPARTAN SWIM CLUB - Appeal Policy

**Approved by:** SPARTAN SWIM CLUB Board of Directors

**Date of Approval:** August 3, 2022

*In this document "Organization" refers to Spartan Swim Club*

### 1. Terms in this Policy are defined as follows:

- a) **Affected Party** – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under the *Appeal Policy* and who may have recourse to an appeal in their own right.
- b) **Appeal Manager** – An individual, who may be any staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee the Appeal Policy. The Appeal Manager will have responsibilities that include using decision making authority empowered by the *Appeal Policy*.
- c) **Appellant** – The Party appealing a decision.
- d) **Athlete** – An individual who is an Athlete Participant in the Organization who is subject to the policies of the Organization and to the *Code of Conduct and Ethics*.
- e) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with, the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.
- f) **Parties** – The Parties are the Appellant, Respondent, and any Affected Party.
- g) **Respondent** – The body whose decision is being appealed.

### Purpose

- 2. This *Appeal Policy* provides Participants with a fair and expedient appeal process.

### Scope and Application of this Policy

- 3. This Policy applies to all Participants.
- 4. Any Participant who is directly affected by a decision made by the Organization shall have the right to appeal that decision provided that there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.
- 5. This Policy **will apply** to decisions relating to:
  - a) Eligibility
  - b) Selection
  - c) Conflict of Interest
  - d) Discipline
  - e) Membership
- 6. This Policy **will not apply** to decisions relating to:
  - a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport

- d) Selection criteria, quotas, policies, and procedures established by entities other than the Organization
- e) Volunteer/coach appointments and the withdrawal or termination of those appointments
- f) Budgeting and budget implementation
- g) The organization's operational structure and committee appointments
- h) Decisions or discipline arising within the business, activities, or events organized by entities other than the Organization (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization at its sole discretion)
- i) Commercial matters for which another appeals process exists under a contract or applicable law
- j) Decisions made under this Policy

### **Timing of Appeal**

7. Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit the following:
  - a) Notice of the intention to appeal
  - b) Their contact information
  - c) Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
  - d) Date the Appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports these grounds
  - i) Requested remedy or remedies
  - j) An administration fee of five hundred dollars (\$500), which will be refunded if the appeal is upheld
8. A Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

### **Submitting an Appeal**

9. Appeals of decisions made by the Organization can be submitted to the Organization to be addressed pursuant to this Policy. Alternatively, the Organization may ask Swim BC to hear appeals of the Organization's decisions at its discretion.

### **Grounds for Appeal**

10. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
  - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
  - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
  - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
  - d) Made a decision that was patently unreasonable

### **Screening of Appeal**

11. The parties may first attempt to resolve the appeal through the *Alternative Dispute Resolution Policy*.
12. Appeals resolved under the *Alternative Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.

13. Should the appeal not be resolved by using the *Alternative Dispute Resolution Policy*, the Organization will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
  - a) To determine if the appeal falls under the scope of this Policy
  - b) To determine if the appeal was submitted in a timely manner
  - c) To decide whether there are sufficient grounds for the appeal
14. If the Appeal Manager denies the appeal on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
15. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

#### **Determination of Affected Parties**

16. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage the Organization. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

#### **Procedure for Appeal Hearing**

16. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
17. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances. The following guidelines will apply to the hearing:
  - a) The hearing will be held within a timeline determined by the Appeal Manager
  - b) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
  - c) Copies of any written documents which any of the Parties wishes to have the Panel consider will be provided to all Parties in advance of the hearing
  - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - e) The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
  - f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
  - g) 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 an Affected Party to the appeal in question and will be bound by its outcome
  - h) The decision to uphold or reject the appeal will be by a majority vote of Panel members
19. In fulfilling its duties, the Panel may obtain independent advice.

### **Appeal Decision**

20. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the **Grounds for Appeal** section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.
21. The Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
  - a) Reject the appeal and confirm the decision being appealed
  - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision, or
  - c) Uphold the appeal and vary the decision.
22. The Panel will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.
23. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and the Organization. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Timelines**

24. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.

### **Confidentiality**

25. The appeals process is confidential and involves only the parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

### **Final and Binding**

26. No action or legal proceeding will be commenced against the Organization or Participants in respect of a dispute, unless the Organization has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.



## SPARTAN SWIM CLUB - Travel Policy

**Approved by:** SPARTAN SWIM CLUB Board of Directors

**Date of Approval:** August 3, 2022

*In this document "Organization" refers to Spartan Swim Club*

### Purpose

1. The purpose of this Policy is to inform athletes, parents, and coaches travelling to competitions or camps of their responsibilities and the expectations of the Organization.

### Application of this Policy

2. Specific individuals have responsibilities when teams travel. These individuals include:
  - a) Parents traveling with the athlete
  - b) Parents not traveling with the athlete
  - c) Chaperones
  - d) Coaches
  - e) Team Managers
  - f) Athletes

### Travel Consent Form

3. Minor athletes traveling with individuals other than their parent/guardian must keep with them a Travel Consent Form (signed by their parent/guardian). Spartan Swim Club Team Travel Consent Letter.

### Responsibilities

4. Parents traveling with a minor athlete are responsible for their child during the entirety of the event and have the following additional responsibilities:
  - a) Pay all event fees prior to the start of travel
  - b) Register for event accommodations in a timely manner. Accommodations outside of those arranged by the manager (such as staying with family, or at a different hotel) must be approved by the coach in advance of arrangements being made
  - c) Punctual drop off and pick up of their children at times and places indicated by coaches
  - d) Adhere to coach or manager requests for parent meetings, team meetings, or team functions and be punctual to such events
  - e) Adhere to coach requests for athlete curfew times
  - f) Adhere to coach requests for limiting outside activities (swimming, shopping, etc.)
  - g) Report any athlete illness or injury
  - h) Report any incident likely to bring discredit to the Organization
  - i) Adhere to the Organization's policies and procedures, particularly the *Code of Conduct and Ethics*
  - j) If travelling outside of Canada, ensure that all passports are valid and not expired
5. Parents not traveling with the athlete have the following responsibilities:
  - a) Provide the chaperone with a Travel Consent Form

- b) Provide the chaperone with emergency contact information
- c) Provide the chaperone with any necessary medical information
- d) Pay all event fees prior to the start of travel
- e) Provide the child with enough funds to pay for food and incidentals
- f) If travelling outside of Canada, ensure that all passports are valid and not expired

6. Chaperones have the following responsibilities:

- a) Obtain and carry any Travel Consent Forms, emergency contact information, and medical information
- b) Punctual drop off and pick up of their children at times and places indicated by coaches
- c) Adhere to coach or manager requests for parent meetings, team meetings, or team functions and be punctual to such events
- d) Adhere to coach requests for athlete curfew times
- e) Adhere to coach requests for limiting outside activities (swimming, shopping, etc.)
- f) Report any athlete illness or injury
- g) Report any incident likely to bring discredit to the Organization
- h) Inspect hotel rooms rented for damage before check-in and after check-out. Report any damage to the coach
- i) Approve visitors to the athlete accommodations, at their discretion
- j) Adhere to the Organization's policies and procedures, particularly the *Code of Conduct and Ethics*

7. Coaches have the following responsibilities:

- a) Arrange all team meetings and training sessions
- b) Determine curfew times
- c) Work in close co-operation with the chaperones on all non-sport matters
- d) Report to the Organization any incident likely to bring discredit to the Organization
- e) Together with the chaperones, decide temporary disciplinary action to be taken at the scene of an incident, and report such incident and action to the parents of the athletes involved as well as to the Organization for further disciplinary action, if applicable, under the *Discipline and Complaints Policy*
- f) Adhere to the Organization's policies and procedures, particularly the *Code of Conduct and Ethics*

8. Team/Event Managers have the following responsibilities:

- a) Ensure an appropriate chaperone-to-athlete ratio that does not exceed five athletes per chaperone
- b) Organize accommodations and inform parents and chaperones how to register and pay for accommodations
- c) Room female and male athletes separately. Coaches and chaperones must be roomed separately from athletes, unless the athlete is the child of the coach or chaperone
- d) Coordinate and collect all travel expenses from parents

9. Athletes have the following responsibilities:

- a) Arrive at each event ready to participate
- b) Make any visitor requests to chaperones before the visit is expected
- c) Represent the Organization to the best of their abilities at all times

- d) Communicate any problems or concerns to the coaches and chaperone just as they would their own parents
- e) Check in with the chaperone when leaving their rooms
- f) Not leave the hotel alone or without permission of the coach/chaperone and check-in when returning
- g) Adhere to the Organization's policies and procedures, particularly the *Code of Conduct and Ethics*

# Spartan Swim Club Team Travel Consent Letter

To whom it may concern,  
I / We,

*full name(s) of parent(s) / person(s) / organization giving consent*

Address:

*street address, city*

*province/state, country*

Telephone and email:

*telephone*

*email*

am / are the parent(s), legal guardian(s) or other authorized person(s) or organization with custody rights, access rights or parental authority over the following child:

## Information about travelling child

Name:

*child's full name*

Date and place of birth:

*dd/mm/yyyy*

*city, province/territory*

Number and date of issue of passport (if available):

*number*

*dd/mm/yyyy*

Issuing authority of passport (if available):

*country where passport was issued*

Birth certificate registration number

*number*

Issuing authority of birth certificate

*province / territory where birth certificate was issued*

## Information about accompanying person (leave blank if child is travelling alone)

This child has my / our consent to travel alone  **or** This child has my / our consent to travel with

Name:

*full name of accompanying person*

Relationship to child:

*mother, father, grandparent, sister, brother, relative, friend, other*

Name of Competition:

## Contact information during trip

I / We give our consent for this child to travel to:

Destination(s):

*name of destination country / countries*

Travel dates:

*date of departure to date of return*

to stay with / at (if applicable)

*name of person with whom child will be staying / hotel or other accommodation*

at the following address(es)

*street address(es), city (cities)*

*province(s)/state(s), country (countries)*

*spartans@spartanswimclub.com*

*This letter may be signed before a witness who has attained the age of majority (18 or 19, depending on the province or territory of residence) **OR** before a notary public (recommended).*

**Signature(s) of person(s) giving consent**

**Signature of witness**

*full name of witness*

*signature(s) of person(s) giving consent*

*signature of witness*

*dd/mm/yyyy*

*dd/mm/yyyy* *city, province/territory*

Questions regarding information in this consent letter should be directed to the person(s) or organization giving consent.

## Medical: Alerts/Allergies/Dietary Restrictions:

