



LONDON AQUATIC CLUB COMPLAINT, DISCIPLINE AND APPEAL POLICY

Statement

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

Definitions

2. The following terms have these meanings in this Policy:
 - a) “Club” – the London Aquatic Club.
 - b) “Club DRO” – the Club Dispute Resolution Officer” –a person who can independently perform their duties related to this Policy.
 - c) “Complainant” – The party(ies) alleging an infraction.
 - d) “Complaints” – Breaches of Club bylaws, policies, and code of conduct.
 - e) “Days” – Days irrespective of weekends and holidays.
 - f) “Hearing Panel” – a group of 1 or 3 persons free from bias as designated by the Club DRO.
 - g) “Individuals” anyone engaged in activities with Swim Ontario and the Club including but not limited to, members and/or registrants, as well as all people employed by, contracted by, or engaged in activities with, the London Aquatic Club 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) “Parties” – The Complainant(s), Respondent(s), and anyone affected by the Complaint.
 - i) “Respondent” – The alleged infracting party(ies) or the party(ies) responding to an appeal, as applicable.
 - j) “Swim Ontario Dispute Resolution Officer” - an individual appointed by Swim Ontario to independently perform their duties related to this Policy.

Scope and Application

3. This Policy applies to all Individuals.
4. This Policy applies to Complaints and related discipline/sanctions that may arise during the course of the Club’s business, activities, and events including, but not limited to, competitions, training sessions, evaluations, practices, try-outs, travel associated with Club activities, office environment, business affairs, and meetings.
5. This Policy also applies to conduct adversely affects the London Aquatic Club’s relationships (and the work and sport environment) or is detrimental to the image and reputation of the London Aquatic Club. Such applicability will be determined by the London Aquatic Club at its sole discretion.



6. This Policy does not prevent discipline from being applied, during a competition or event, according to specific Policy's in place for the particular event. Further sanctions may be applied according to this Policy.
7. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes an infraction. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers or Club decision-makers. The person in authority must communicate the details of the alleged incident and the discipline imposed to the Respondent and in the case of a minor to their parent. Further sanctions may be applied in accordance with this Policy.

Complaint Process

Notice of Complaint

8. Anyone who wishes to file a Notice of Complaint is expected to do so as soon as possible after the events giving rise to the Complaint and to submit, in writing, a Notice of Complaint to the attention of the Club DRO containing the following:
 - a) Contact information of the Complainant or his/her counsel or authorized representative.
 - b) Name(s) of the Respondent(s) and any Affected Parties and/or witnesses
 - c) The date and location of the incident.
 - d) A Detailed summary of the incident.
 - e) Any and all evidence that supports the incident.
9. Anonymous Complaints typically will not be accepted. If an anonymous Complaint is received, it will be reviewed by the Club DRO to determine whether unusual circumstances require an exception to be made.
10. For Complaints that are screened in, the Club DRO will inform the Respondent(s) and Affected Parties named in the Complaint and will provide a copy of the Notice of Complaint and other materials submitted by the Complainant(s). The Respondent(s) cited, will have the opportunity to submit in writing, any additional information to be considered. The Respondent(s) can be represented by counsel or an authorized representative if they so choose.

Screening of Notice of Complaint

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

Referring the Complaint to Swim Ontario



13. The Club DRO has the authority to refer a Complaint to Swim Ontario. A Complaint which alleges serious misconduct which may include physical assault, sexual assault or sexual harassment, or conduct which may be considered criminal, should be referred to Swim Ontario. Where the Club DRO is unsure, the Complaint should be referred to Swim Ontario for its consideration. In this instance, Swim Ontario will accept the Complaint at its sole discretion. This decision cannot be appealed. Once a Complaint is accepted by Swim Ontario, the Swim Ontario Complaint Discipline and Appeal Policy will apply.
14. The Complainant will be advised in writing when their Complaint has been referred to Swim Ontario.

Policy for Addressing a Complaint

15. Following the determination that the Complaint will be handled at the Club level, the Club DRO will decide the matter for appoint a Hearing Panel. The Club DRO or Hearing Panel, as appropriate, will review written submissions related to the Complaint from the Complainant(s) and the Respondent(s) and will determine if a hearing is required. After hearing and/or reviewing the matter, the Club DRO or Hearing Panel, as appropriate, will determine sanctions, if any.
16. Sanctions may include:
 - a) A verbal or written reprimand.
 - b) A verbal or written apology.
 - c) Mandatory education or training.
 - d) Service or other voluntary contribution to the Club or Swim Ontario.
 - e) Removal of certain privileges.
 - f) Suspension.
 - g) Expulsion.
 - h) Any other sanction considered appropriate in the circumstances.
17. The Club DRO will inform the Respondent(s) and the Complainant(s) of the sanction, which will take effect immediately. Failure to comply with a sanction will result in a referral to Swim Ontario, and an automatic suspension until such time as compliance occurs.

Notification to Swim Ontario

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

Appeal Process

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

Confidentiality

20. The Complaint, discipline and appeal process is confidential. Once initiated, none of those involved will disclose information relating to the on-going process except as required or to facilitate representation.
21. Once a final decision has been reached in respect of a Complaint, a detailed report from the Club will be sent to Swim Ontario.



22. The following information may be released by Swim Ontario or shared with other organizations as deemed appropriate by Swim Ontario or required:
- a) The identity of the Respondent.
 - b) The nature of the infraction and/or the provision of the applicable bylaw, policy, procedure, or code of conduct or ethics that has been breached.
 - c) Whether a sanction has been imposed on the Respondent, and if so, details concerning the sanction.
23. Once any applicable sanction is successfully completed the file will be sealed and any publication of the sanction will be removed.