



## COMPLAINTS PROCESS & DISCIPLINARY POLICY

### Definitions

1. The following terms have these meanings in this policy:
  - a. Parties – the Complainant, the Respondent, the St. Albert Sailfish Board (hereafter known as “the Board”), and any Affected party
  - b. Affected party – any individual or entity, as determined by the Arbitrator who may be affected by a decision rendered under this policy and who may have recourse to an appeal in their own right under this policy.
  - c. Arbitrator – refers to the person designated by the Club to administer this policy as described herein
  - d. Complainant – the party alleging an infraction
  - e. Respondent – the party the infraction is levied against
  - f. Incident – the matter(s) giving rise to the the complaint
  - g. Member – for the purposes of this policy, all categories of membership apply as defined in the St. Albert Sailfish Swim Club Bylaws, as well as all individuals employed by or engaged in activities with the St. Albert Sailfish, including but not limited to clubs, athletes, coaches, parents, officials, volunteers, managers, administrators, directors and board members
  - h. “Minor Infractions” – single incidents of failing to achieve expected stands of conduct that generally do not result in harm to others, the St. Albert Sailfish, or the sport of swimming. Examples of minor infractions can include, but are not limited to, a single incident of:
    - i. disrespectful, offensive, abusive, racist, or sexist comments or behavior
    - ii. disrespectful conduct such as outbursts of anger, or argument
    - iii. conduct contrary to the values of the St. Albert Sailfish
    - iv. being late for or absent from St. Albert Sailfish events and activities at which attendance is expected or required.
    - v. Non-compliance with St. Albert Sailfish or ASSA’s policies, procedures, rules or regulations
  - i. “Major Infraction” – instances of failing to achieve the expected standards of conduct that result in, or have the potential to result in harm to other persons,

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the St. Albert Sailfish, or to the sport of swimming. Examples of major infractions include but are not limited to:

- i. Repeated minor infractions
- ii. ANY incident of hazing
- iii. Incidents of physical abuse
- iv. Behavior that constitutes harassment, sexual harassment, or sexual misconduct
- v. Pranks, jokes, or other activities that endanger the safety of others
- vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- vii. Conduct that intentionally damages the St. Albert Sailfish's image, credibility or reputation
- viii. Disregard for the St. Albert Sailfish's bylaws, policies, rules and regulations
- ix. Intentionally damaging the St. Albert Sailfish's property or improperly handling the St. Albert Sailfish Swim Club monies
- x. Abusive use of alcohol or marijuana, any possession or use of alcohol or marijuana by minors, or possession or use of illicit drugs and narcotics by any Member
- j. "Frivolous" – having no sound basis in fact or law
- k. "Vexatious" – the act of bringing a complaint without merit, including but not limited to a complaint solely to harass or subdue a Respondent
- l. "Days" – number of days include weekdays, weekends, and holidays

### **Purpose**

2. The St. Albert Sailfish Swim Club is committed to providing an environment in which all Sailfish Members are treated with respect, characterized by the values of fairness, integrity and open communication. Membership in the the St. Albert Sailfish Swim Club, as well as participation in its activities brings many benefits and privileges. At the same time, Members and participants are expected to fulfill certain responsibilities and obligations including but not limited to complying with the St. Albert Sailfish Swim Club policies, bylaws, rules and regulations, including the Code of Conduct and Ethics (for athletes, coaches, officials, parents and club). Irresponsible behaviour by Members can result in severe damage to the integrity of the St. Albert Sailfish. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the St. Albert Sailfish Swim Club provides Members with the mechanism outlined in this policy so that complaints are handled fairly, expeditiously and affordably.

### **Application of this Policy**

3. This Policy applies to all members, and discipline matter that may arise during the of the St. Albert Sailfish Swim Club business, activities, and events, including but not limited to practices, training camps, competitions, travel associated with St. Albert Sailfish activities, and any meetings.

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4. Discipline matters and complaints arising within the business, activities, or events organized by entities other than the St. Albert Sailfish Swim Club will be dealt with pursuant to the policies of these other entities, unless requested and accepted by the St. Albert Sailfish at its sole discretion.

### **Alternate Dispute Resolution**

5. The St. Albert Sailfish supports the options of mediation and facilitation as provided by Alternate Dispute Resolution (ADR). Upon receipt of a complaint or at any time in the Complaints & Discipline process, the Parties, by mutual agreement, may decide to pursue alternate dispute resolution as described in the St. Albert Sailfish's Alternate Dispute Resolution Policy. Failing to resolve the Complaint via the ADR process, or if either Party chooses to forego alternate dispute resolution, the Complaint shall continue to be addressed under this Policy.

### **Reporting a Complaint**

6. Any Member may report a complaint to any member of the Board of the St. Albert Sailfish Swim Club. Any complaint must be in writing (letter, or email), be dated and signed by the Complainant. Dated Anonymous complaints may be accepted at the sole discretion of the St. Albert Sailfish Board.
7. Upon receiving a Complaint, the St. Albert Sailfish Board will appoint an independent Arbitrator who will review the complaint, and determine one of the following:
  - a. The complaint is frivolous or vexatious and shall be immediately dismissed
  - b. The complaint should be referred to the Alternate Dispute Resolution Policy
  - c. The complaint is legitimate and the incident shall be dealt with as a Minor Infraction
  - d. The complaint is legitimate and the complaint shall be dealt with as a Major Infraction
8. The Arbitrator maintains the decision-making authority to reclassify a Complaint as a minor or major infraction at any time. The appointment of the Arbitrator, the Arbitrator's determination of the legitimacy of the complaint, and the Arbitrator classification of the incident are not subject to appeal.
9. The Arbitrator will inform the Parties if the incident is to be dealt with as a Minor or Major infraction and the matter will be dealt with according to the applicable section of this Policy relating to Minor or Major infractions.
10. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action to a behavior that constitutes either a Minor or Major infraction. Any infraction and resulting corrective action must be reported to the St. Albert Sailfish Board. Further sanctions may be applied in accordance with the procedures set out in this Policy.

### **Determination of Affected Parties**

11. In order to ensure the identification of any Affected Parties, the Arbitrator will engage the St. Albert Sailfish, the Complainant, and the Respondent for their input on whether a party is an Affected Party. The Arbitrator will determine whether a party is an Affected Party in their sole discretion.

### **Procedures**

#### **Minor Infraction Hearing**

12. The appropriate person who has authority over both the situation and the individual involved will deal with all disciplinary situations involving minor infractions. The person in authority can be, but is not restricted to being staff, officials, organizers or the St. Albert Sailfish decision-makers.
13. Provided that the Respondent being subjected to this Policy is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with Minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above).
14. Penalties for Minor infractions, which may be applied singularly or in combination, includes the following:
  - a. Verbal or written reprimand from the St. Albert Sailfish to one of the Parties
  - b. Verbal or written apology from one Party to the other Party
  - c. Service or other voluntary contribution to the St. Albert Sailfish
  - d. Removal of certain privileges of memberships for a designated period of time
  - e. Suspension from the current competition, activity or event
  - f. Any other sanction considered appropriate for the offense
15. Minor infractions that result in discipline will be recorded, and records will be maintained by the St. Albert Sailfish. Repeat Minor infractions may result in further such incidents being considered a Major infraction.

#### **Major Infraction Hearing**

16. An appropriate person having authority may deal with Major infractions occurring within competition immediately if necessary. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied, but only after review of the matter in accordance with the procedures set out in the Policy. This review does not replace the appeal provisions of this Policy.
17. The Arbitrator shall notify the Parties that the complaint is potentially legitimate, and the incident shall be dealt with as a Major infraction. The Arbitrator shall then decide the format under which the Complaint will be heard. This decision is at the sole discretion of the Arbitrator, and may not be appealed.
18. The Arbitrator will appoint a Discipline Panel (hereafter known as the Panel), which shall consist of a single Adjudicator to hear the Complaint. In extraordinary circumstances,

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and at the discretion of the Arbitrator, a Panel of three (3) persons may be appointed to hear the Complaint. In this event, the Arbitrator will appoint one (1) of the Panel's members to serve as the Chair.

19. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
20. If a Party chooses not to participate in the hearing, the hearing will proceed in any event and all Parties will be bound by the decisions made by the Panel.
21. The Arbitrator will determine the format of the hearing, which may involve and oral in-person hearing, an oral hearing by telephone or electronic communications, a hearing based on documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Arbitrator and the Panel deem appropriate in the circumstances, provided that:
  - a. The Parties will be given appropriate notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications
  - b. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
  - c. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
  - d. 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
  - e. The decision will be by majority vote of Panel members.
22. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become an Affected Party to the complaint in question and will be bound by the decision of the Panel. Accidental omission of an Affected Party will not affect the outcome.
23. In fulfilling its duties, the Panel may obtain independent advice.

## Decision

24. After hearing the matter, the 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 Panel's written decision, with reasons, will be distributed to all Parties, the Arbitrator, and the St. Albert Sailfish Board. 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 before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Sanctions**

25. The Panel may apply the following disciplinary sanctions, singularly or in combination, for Major infractions:
  - a. Verbal or written reprimand from the St. Albert Sailfish to one of the Affected Parties
  - b. Verbal or written apology from one Party to the other Party
  - c. Service of other voluntary contribution to the St. Albert Sailfish and/or ASSA
  - d. Removal of certain membership privileges
  - e. Suspension from certain St. Albert Sailfish teams, events and or activities
  - f. Suspension from all St. Albert Sailfish club activities for a designated period of time
  - g. Withholding of prize money or awards
  - h. Payment of the cost of repairs for property damage
  - i. Suspension of funding from St. Albert Sailfish or from other sources
  - j. Expulsion from the St. Albert Sailfish Club
  - k. Any other sanction considered appropriate for the offense
26. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.
27. Major infractions that result in discipline will be recorded, and records will be maintained by the St. Albert Sailfish in perpetuity unless the Panel determines otherwise.
28. All sanctions rendered under this Policy will be recognized, respected and adhered to by all The St. Albert Sailfish Members.

### **Suspension Pending a Hearing**

29. The St. Albert Sailfish Board may determine that an alleged incident or complaint is of such seriousness as to warrant suspension of a Member pending an internal hearing, a decision of the Panel, completion of a Police investigation, or completion of a criminal process.

### **Reintegration**

30. Upon the conclusion of a Major infraction hearing and upon the request of the St. Albert Sailfish Board, the Respondent will meet with the St. Albert Sailfish in a forum determined by the St. Albert Sailfish Board, in order to establish the Respondent's re-integration into the St. Albert Sailfish's activities and events.

### **Criminal Convictions**

31. A Member's conviction for any of the following *Criminal Code* offenses will be deemed a Major infraction under this Policy, and will result in expulsion from the St. Albert Sailfish Summer Swim Club and/or removal from St. Albert Sailfish club competitions, programs, activities and events upon the sole discretion of ASSA or Swim Alberta:
  - a. Any child pornography offenses

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- b. Any sexual offenses
- c. Any offense of physical or psychological violence
- d. Any offense of assault
- e. Any offence involving trafficking of illegal drugs

**Confidentiality**

32. The complaints and disciplinary processes is confidential and involves on the St. Albert Sailfish Board, the Parties, the Arbitrator, 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 relating to the complaint or discipline to any person not involved in the proceedings.

**Appeals Procedure**

33. The decision of the Panel may be appealed in accordance with the St. Albert Sailfish's *Appeals Policy*.