



FST GRIEVANCE PROCEDURE

Foothills Swim Team Grievance Procedure

The FST Grievance Procedure provides swimmers, parents, coaches, club leaders and employees a system to address and report grievances in a productive, systematic way. Following these Procedures provides the appropriate parties a means to properly investigate, intervene, and take disciplinary action when needed.

WHERE TO REPORT:

For issues dealing with sexual misconduct, sexual harassment and/or sexually explicit or inappropriate communication through social media:

- U.S. Center for SafeSport: 833-5US-SAFE (587-7233) or <https://safesport.i-sight.com/portal>

For issues dealing with physical abuse, emotional abuse, criminal charges and the use, sale or distribution of illegal drugs:

- USA Swimming Safe Sport: safesport@usaswimming.org or <https://fs22.formsite.com/usaswimming/form10/index.html>

For issues dealing with known or suspected child abuse:

- Contact Colorado Child Abuse and Neglect Hotline Reporting System at (844-CO-4-Kids)

For issues dealing with peer-to-peer bullying, coach-athlete bullying, parent issues, violations of the FST Code of Conduct and violations of the Minor Athlete Abuse Prevention Policy.

- These issues are handled at the club level following the procedures outlined below.

ACTION PLAN TO ADDRESS BULLYING

USA Swimming clubs are required to have an action plan to address bullying and the plan must be reviewed with and agreed to by all athletes, parents, coaches, and other adults at the club. Each member club has the responsibility to approve and implement its action plan.

Action Plan of Foothills Swim Team to Address Bullying Effective Sept, 2013

PURPOSE



Bullying of any kind is unacceptable at Foothills Swim Team (the “Club”) and will not be tolerated. Bullying is counterproductive to team spirit and can be devastating to a victim. The Club is committed to providing a safe, caring and friendly environment for all of our members. If bullying does occur, all athletes and parents should know that incidents will be dealt with promptly and effectively. Anyone who knows that bullying is happening is expected to tell a coach, board member or athlete/mentor.

Objectives of the Club’s Bullying Policy and Action Plan:

1. To make it clear that the Club will not tolerate bullying in any form.
2. To define bullying and give all board members, coaches, parents and swimmers a good understanding of what bullying is.
3. To make it known to all parents, swimmers and coaching staff that there is a policy and protocol should any bullying issues arise.
4. To make how to report bullying clear and understandable.
5. To spread the word that Foothills Swim Team takes bullying seriously and that all swimmers and parents can be assured that they will be supported when bullying is reported.

WHAT IS BULLYING?

The USA Swimming Code of Conduct prohibits bullying. Generally, bullying is the use of aggression, whether intentional or not, which hurts another person. Bullying results in pain and distress.

The USA Swimming Code of Conduct defines bullying in 304.3.7. Bullying is the severe or repeated use by one or more USA Swimming members of oral, written, electronic or other technological expression, image, sound, data or intelligence of any nature (regardless of the method of transmission), or a physical act or gesture, or any combination thereof, directed at any other member that to a reasonably objective person has the effect of:

- i. causing physical or emotional harm to the other member or damage to the other member’s property;
- ii. placing the other member in reasonable fear of harm to himself/herself or of damage to his/her property;
- iii. creating a hostile environment for the other member at any USA Swimming activity;



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- iv. infringing on the rights of the other member at any USA Swimming activity; or
 - v. materially and substantially disrupting the training process or the orderly operation of

any USA Swimming activity (which for the purposes of this section shall include, without limitation, practices, workouts and other events of a member club or LSC).

REPORTING PROCEDURE

An athlete who feels that he or she has been bullied is asked to do one or more of the following things:

- • Talk to your parents;
- • Talk to a Club Coach, Board Member, or other designated individual;
- • Write a letter or email to the Club Coach, Board Member, or other designated individual;
- • Make a report to the USA Swimming Safe Sport staff.

There is no express time limit for initiating a complaint under this procedure, but every effort should be made to bring the complaint to the attention of the appropriate club leadership as soon as possible to make sure that memories are fresh and behavior can be accurately recalled and the bullying behavior can be stopped as soon as possible.

HOW WE HANDLE BULLYING

If bullying is occurring during team-related activities, we STOP BULLYING ON THE SPOT using the following steps:

1. Intervene immediately. It is ok to get another adult to help.
2. Separate the kids involved.
3. Make sure everyone is safe.
4. Meet any immediate medical or mental health needs.
5. Stay calm. Reassure the kids involved, including bystanders.
6. Model respectful behavior when you intervene.

If bullying is occurring at our club or it is reported to be occurring at our club, we address the bullying by FINDING OUT WHAT HAPPENED and SUPPORTING THE KIDS INVOLVED using the following approach:



FINDING OUT WHAT HAPPENED

1. First, we get the facts.

1. Keep all the involved children separate.
2. Get the story from several sources, both adults and kids.
3. Listen without blaming.
4. Don't call the act "bullying" while you are trying to understand what happened.
5. It may be difficult to get the whole story, especially if multiple athletes are involved

or the bullying involves social bullying or cyber bullying. Collect all available information.

2. Then, we determine if it's bullying. There are many behaviors that look like bullying but require different approaches. It is important to determine whether the situation is bullying or something else.

1. Review the USA Swimming definition of bullying;
2. To determine if the behavior is bullying or something else, consider the following

questions:

- ■ What is the history between the kids involved?
- ■ Have there been past conflicts?
- ■ Is there a power imbalance? Remember that a power imbalance is not

limited to physical strength. It is sometimes not easily recognized. If the

targeted child feels like there is a power imbalance, there probably is.

- ■ Has this happened before? Is the child worried it will happen again?
3. Remember that it may not matter "who started it." Some kids who are bullied may be seen as annoying or provoking, but this does not excuse the bullying behavior.
 4. Once you have determined if the situation is bullying, support all of the kids involved.

SUPPORTING THE KIDS INVOLVED

3. Support the kids who are being bullied

1. Listen and focus on the child. Learn what's been going on and show you want to help. Assure the child that bullying is not their fault.
2. Work together to resolve the situation and protect the bullied child. The child, parents, and fellow team members and coaches may all have valuable input. It may help to:



- i. Ask the child being bullied what can be done to make him or her feel safe. Remember that changes to routine should be minimized. He or she is not at fault and should not be singled out. For example, consider rearranging lane assignments for everyone. If bigger moves are necessary, such as switching practice groups, the child who is bullied should not be forced to change.
 - ii. Develop a game plan. Maintain open communication between the Club and parents. Discuss the steps that will be taken and how bullying will be addressed going forward.
 3. Be persistent. Bullying may not end overnight. Commit to making it stop and consistently support the bullied child.
4. Address bullying behavior
 1. Make sure the child knows what the problem behavior is. Young people who bully must learn their behavior is wrong and harms others.
 2. Show kids that bullying is taken seriously. Calmly tell the child that bullying will not be tolerated. Model respectful behavior when addressing the problem.
 3. Work with the child to understand some of the reasons he or she bullied. For example:
 - i. Sometimes children bully to fit in or just to make fun of someone is a little different from them. In other words, there may be some insecurity involved.
 - ii. Other times kids act out because something else—issues at home, abuse, stress—is going on in their lives. They also may have been bullied. These kids may be in need of additional support.
4. Involve the kid who bullied in making amends or repairing the situation. The goal is to help them see how their actions affect others. For example, the child can:
 - i. Write a letter apologizing to the athlete who was bullied.
 - ii. Do a good deed for the person who was bullied, for the Club, or for others in your community.
 - iii. Clean up, repair, or pay for any property they damaged.
 5. Avoid strategies that don't work or have negative consequences:
 - i. Zero tolerance or "three strikes, you're out" strategies don't work. Suspending or removing from the team swimmers who bully does not reduce bullying behavior. Swimmers may be less likely to report and address bullying if suspension or getting kicked off the team is the consequence.
 - ii. Conflict resolution and peer mediation don't work for bullying. Bullying is not a conflict between people of equal power who share equal blame. Facing those who have bullied may further upset kids who have been bullied.



5. Support bystanders who witness bullying. Every day, kids witness bullying. They want to help, but don't know how. Fortunately, there are a few simple, safe ways that athletes can help stop bullying when they see it happening.

1. Be a friend to the person being bullied;
2. Tell a trusted adult – your parent, coach, or club board member;
3. Help the kid being bullied get away from the situation. Create a distraction, focus

the attention on something else, or offer a way for the target to get out of the

situation. "Let's go, practice is about to start."

4. Set a good example by not bullying others.
5. Don't give the bully an audience. Bullies are encouraged by the attention they get

from bystanders. If you do nothing else, just walk away.

Please note that repeated bullying after interventions may result termination or suspension from team activities at the discretion of the Head Coach to ensure a safe environment for athletes and coaches.

f. Follow-up. After the bullying issue is resolved, continue finding ways to help the child who bullied to understand how what they do affects other people. For example, praise acts of kindness or talk about what it means to be a good teammate.

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FST Discipline Policy

An FST “Member”, “Parent Member” and “Team Swimmer” are defined by the FST Bylaws (Article IV) Any infraction of the above behavioral agreement will be dealt with by the Coach as follows:

1. The coach may either give the Member a verbal warning, written warning, or enact immediate suspension depending on the severity of the infraction.
2. If there is a second infraction by the Member, the coach will contact the parent and seek their assistance in dealing with behavior (if it is the swimmer). The coach will give additional verbal warnings, a written warning, or apply immediate and indefinite suspension.
3. If a suspension is implemented without dismissal from the team the parents will be informed of the details of the suspension.
4. The coach has option/right to confer with the Head Coach and/or the Board of Directors. The Head Coach has the right to enact a disciplinary decision (up to and including termination) without the Board of Directors’ input or knowledge.
5. A Member may be indefinitely suspended or terminated from the team based on the seriousness of the violation. The Member may be terminated from the team at the Head Coach’s discretion or by a majority vote of the Board. No fees will be refunded to terminated members.

Discipline for Verbal and Written Warnings

Class I Objectionable Behavior: Unacceptable Behavior (including, but not limited to) sale or distribution of illegal drugs; conviction of felony; and fighting which brings criminal charges particularly which results in the significant bodily injury of any person (regardless whether at a club activity or not).

Procedure:

1st Offense – Suspension*for a minimum of (60) days of the swimmer’s season or Membership Termination as determined by the Head Coach and/or the Board of Directors. Member is revoked of their “Member in Good Standing” status for a minimum of 12 months.

2nd Offense – Membership Termination as determined by the Head Coach and/ or the Board of Directors. No fees will be refunded to terminated members.

Class II Objectionable Behavior: Unacceptable behavior as a member of the Foothills Swim Team at Foothills Swim Team functions, practices, and meets. This behavior would include, but not be limited to, possession or use of illegal drugs, alcohol, tobacco, or weapons; fighting; engaging in theft, significant vandalism, or sexual misconduct of any nature.

Procedure:

1st Offense – Suspension* from the team for a minimum period of thirty (30) days of the swimmer’s season or Membership Termination as determined by the Head Coach and/or the Board of Directors. Member revoked of their “Member in Good Standing” status for a minimum of 12 months.



2nd Offense – Suspension* from the team for a minimum period of sixty (60) days of the swimmer's season or Membership Termination as determined by the Head Coach and/ or the Board of Directors. Member revoked of their "Member in Good Standing" status for an additional 12 months.

3rd Offense – Shall be considered a violation of Class I Objectionable Behavior and handled according to the disciplinary proceedings of Class I Objectionable Behavior.

*Suspensions may be extended into the swimmer's next season, if needed.

Class III Objectionable Behavior: Unacceptable behavior at Foothills Swim Team practices, competitions and team functions that include, but are not limited to: minor vandalism; being disruptive in practices or meets; abusive language or behavior; insubordination to members of the coaching staff, chaperones, or others; littering; or other acts of misconduct as determined by the coaching staff.

Procedure (Handled by the Coaching Staff):

1st Offense "Verbal Warning" – Team Swimmer or Parent Member will be verbally warned, and the coach will document the warning with the Board of Directors.

2nd Offense "Verbal Warning" – Team Swimmer or Parent Member will be verbally warned, and the coach will document the warning with the Board of Directors, and Parents notified.

3rd Offense "Written Warning" – Team Swimmer or Parent Member will be issued a "Written Warning" and the coach will document with the Board of Directors. Member is revoked of their "Member in Good Standing" status for a minimum of 12 months.

Repeated Class III offenses may result in the offense being considered a Class II Objectionable Behavior.

For parent-owned clubs and coach-owned clubs with a governing board:

WHOM TO NOTIFY OF A GRIEVANCE (Co Head Coach Bill Rose and/or Co Head Coach Vinny Pryor)

Regarding the Conduct of a Swimmer - Contact the swimmer's coach.

- Should a parent or swimmer feel another swimmer's conduct is inappropriate or violates the FST Code of Conduct, the parent/swimmer should discuss these concerns with the coach of the swimmer responsible for the violation (Responsible Coach). This complaint should be made in person or in writing. Coaches will ensure the FST Board of Directors is notified of the complaint and will participate in assessing behavior.

Regarding the Conduct of an Assistant or Age Group Coach - Contact the Head Coach

- Should a parent or swimmer feel an Assistant or Age Group Coach's conduct is inappropriate or in violation of any Club policies or procedures, the parent/swimmer should notify the Head Coach of this violation. This complaint should be made in person or in writing. The Head Coach will ensure that the FST Board of Directors is notified of the complaint and will participate in assessing behavior.



Regarding Conduct of Head Coach – Notify the Heather Gothard Board President

- Should a parent or swimmer feel the Head Coach's conduct is inappropriate or violates any Club policies or procedures, the parent/swimmer should notify the President of the Board of Directors of this violation. This complaint should be made in person or in writing. If the President is not immediately available, this complaint may be presented to any member of the Board of Directors, with notification made in writing to the President. This complaint will be subject to review and discussion by the full Board of Directors.

Regarding Board of Director Member Conduct - Notify the FST Board President

- Should a parent or swimmer feel a Director's conduct is inappropriate or violates any Club policies or procedures, the parent/swimmer should notify the Board President of this violation in person or in writing. If the Board President is the Director whose conduct is in question, the Board Vice President should be notified in writing or in person *instead of* the Board President. This complaint will be reviewed and discussed by the full Board of Directors.

Regarding Parent or Swim Official Conduct - Notify the Head Coach and Board President

- Should a parent or swimmer feel another FST parent's or an official's conduct is inappropriate or violates any Club policies or procedures, the parent/swimmer should notify the Head Coach and Board President of this violation in person or in writing. This complaint will be reviewed and discussed by the full Board of Directors.

Note: With the exception of issues which immediately affect the health and safety of swimmers, all matters should be discussed before or after a coaching session, as coaches should not be expected to deal with issues during water time.

HOW GRIEVANCES WILL BE HANDLED

The Board of Directors have the authority to impose penalties for infractions of the FST Athlete, Parent and Coach Codes of Conduct or any behavior(s) they deem not conducive to the best interests of the Club or other swimmers. Consequences are at the sole discretion of the coaches and/or FST Board of Directors and may include, but aren't limited to, verbal warnings, dismissal from practice, contacting parents, temporary suspension from club activities and expulsion. Involved parties will be informed of the processes and range of potential consequences. The U.S. Center for SafeSport, USA Swimming and local law enforcement (if applicable) will be contacted within 24 hours if a coach, parent, or swimmer violates the SafeSport Code for the U.S. Olympic and Paralympic Movements, the USA Swimming Code of Conduct, Athlete Protection Policy, or local laws.

1. Gathering Information: The appropriate individuals will contact the person who filed the grievance, and the person against whom the grievance is being filed, to ask questions about what happened. In addition, other witnesses may be contacted for more information. All information will be recorded on the FST grievance procedure form.



2. Assessing Behavior: The behavior of the person(s) against which the grievance was brought, will be assessed using club policies and facility rules, USA Swimming Code of Conduct, USA Swimming Safe Sport policies, as well as applicable local and state laws.
3. Consequences will be given and disciplinary action will be taken, if appropriate. These consequences and disciplinary actions will be decided using the following general guidelines:
 - a. Nature of the misconduct
 - b. Severity of the misconduct
 - c. Prior disciplinary actions
 - d. Adverse effect of the misconduct
 - e. Application of the Code of Conduct