

Upper Canada Swim Club – River Otters (UCRO)

Policy – Complaint, Discipline and Appeal

Approved: December 19, 2023

1) OVERVIEW

- a) The Upper Canada Swim Club (UCSC) is committed to providing a safe, ethical and positive environment within its programs, activities and events.
- b) All individuals and entities associated with the club are expected to conduct themselves in a manner consistent with club values that include fairness, integrity, open communication, and mutual respect.
- c) Conduct that violates the club's bylaws, policies, procedures, agreements and code of conduct/ethics may be subject to discipline and sanctions according to this policy.
- d) UCSC encourages anyone who experiences or witnesses any behaviour that violates this policy to report it promptly and seek resolution through the complaint procedure outlined in this policy.
- e) UCSC will take all complaints seriously and handle them in a prompt, confidential and fair manner.
- f) UCSC may also take disciplinary or corrective action against anyone who is found to have violated this policy.

2) SCOPE AND APPLICATION

- a) This policy applies to complaints and related discipline/sanctions that may arise during the club's business, activities, and events including, but not limited to, competitions, practices, try-outs, tournaments, training camps, travel associated with club activities, business affairs, and meetings.
- b) The club also has the discretion to accept a complaint where the alleged conduct brings the reputation of the club, or sport into disrepute and would be considered a breach of codes, agreements and policies had it occurred within the club environment.
- c) This policy does not prevent discipline from being applied, during a competition or event, according to specific procedures in place for the event. Further sanctions may be applied according to this policy.

3) SCREENING A COMPLAINT

- a) The UCSC Board will appoint a Dispute Resolution Officer (DRO).
- b) The DRO has the authority to screen out a complaint.
- c) Potential reasons for screening out a complaint include, but are not limited to:
 - i) submissions that are unreasonably untimely, frivolous or vexatious.
 - ii) allegations that do not, on the face of it, meet the threshold of a breach.
 - iii) the matter has already been addressed and adjudicated in another forum, or
 - iv) insufficient information has been provided to support the allegation(s).

4) COMPLAINT PROCEDURE

- a) Informal Resolution
 - i) The club recommends an informal resolution before a formal complaint is made.
 - (1) Try to resolve the issue informally by talking to the person(s) who is/are responsible for the behaviour (Respondent) and asking them to stop.
 - (2) Seek the assistance of a third party, such as a coach, a board member, a staff member or a trusted colleague, to help address and resolve the issue directly.
 - ii) If there is no informal resolution possible, a formal complaint may be submitted.

- b) Formal Complaint
 - i) A formal complaint is expected to be submitted as soon as possible after the events giving rise to the complaint.
 - ii) To make a formal complaint, a written statement must be submitted to the DRO.
 - iii) A formal complaint must be in writing and should include the following information:
 - (1) name and contact information of the complainant.
 - (2) name and role of the respondent.
 - (3) a detailed description of the behaviour leading to the complaint, including when and where it occurred, how often and how it affected you.
 - (4) names and contact information of any witnesses or other people who may have relevant information.
 - (5) any evidence or documentation that supports the complaint, such as emails, texts, photos, videos, etc.
 - (6) the resolution or outcome being sought.
 - iv) Anonymous complaints typically will not be accepted. If an anonymous complaint is received, it will be reviewed by the DRO to determine whether unusual circumstances require an exception to be made.
 - v) The DRO will acknowledge receipt of the complaint in writing within 3 days of receipt of the written complaint.

5) INVESTIGATION

- a) An impartial and thorough investigation will be conducted by a UCSC Hearing Panel.
- b) Depending on the nature of the complaint, the Hearing Panel is made up of either:
 - i) 1 person, the DRO, or
 - ii) 3 people, the DRO and 2 other people, free of bias, appointed by the DRO, not involved in the complaint and not board members.
- c) The DRO will inform the respondent named in the complaint and will provide a copy of the notice of complaint and other materials submitted by the complainant.
- d) The respondent will have the opportunity to submit in writing, any additional information to be considered.
- e) The respondent can be represented by counsel or an authorized representative if they so choose.

- f) The investigation may involve interviewing the complainant, the respondent, and any witnesses or other people who may have relevant information.
- g) The Hearing Panel will also review any evidence or documentation that supports the complaint.
- h) The Hearing Panel will complete the investigation within a reasonable time frame, depending on the complexity and severity of the complaint.

6) DECISION

- a) The Hearing Panel will recommend a decision based on the findings of the investigation.
- b) The decision will be communicated to the complainant and the respondent in writing.
- c) The decision will include the following information:
 - i) A summary of the complaint and the investigation
 - ii) A determination of whether the behaviour falls within the complaint policy or not.
 - iii) A rationale for the decision
 - iv) Any disciplinary or corrective action that will be taken, if applicable
 - v) Any recommendations or suggestions for preventing or resolving similar issues in the future, if applicable

7) DISCIPLINARY ACTION

- a) Disciplinary or corrective actions may include, but are not limited to:
 - i) a verbal or written reprimand.
 - ii) a verbal or written apology.
 - iii) service or other voluntary contribution to the club.
 - iv) removal of certain privileges.
 - v) a suspension of up to one month.
 - vi) mandatory education or training.
 - vii) any other sanction considered appropriate in the circumstances including permanent expulsion from the club.

8) APPEAL

- a) The decision of the Hearing Panel may be appealed to the UCSC Appeal Committee.
- b) The Appeal Committee is composed of three board members who are not involved in the complaint or the investigation.
- c) To appeal a decision, a written statement must be submitted to the Appeal Committee within 10 days of receiving the decision. The statement should include the following information:
 - i) complainant name and contact information.
 - ii) name and role of the respondent.
 - iii) summary of the complaint and the decision
 - iv) reasons for disagreement with the decision.
 - v) resolution or outcome sought.

- d) The Appeal Committee will review the appeal and the decision of the Hearing Panel and make a final decision within a reasonable time frame.
- e) The Appeal Committee will communicate its decision to the complainant and the respondent in writing.
- f) The decision of the Appeal Committee is final and binding.

9) CONFIDENTIALITY

- a) The complaint, discipline and appeal process is confidential. Once started, none of those involved will disclose information relating to the on-going process except as required or to facilitate representation.
- b) Once a final decision has been reached, the club may communicate the result to Swim Ontario, depending on the nature of the complaint.
- c) The following information may be released by Swim Ontario or shared with other organizations, as considered appropriate by Swim Ontario, or required:
 - i) identity of the respondent.
 - ii) nature of the infraction and/or the provision of the applicable bylaw, policy, procedure, or code of conduct or ethics that has been breached.
 - iii) whether a sanction has been imposed on the respondent and if so, sanction details.
- d) Once a sanction is successfully completed the file will be sealed and any publication of the sanction will be removed.

10) CONTACT INFORMATION

- a) The following UCSC officers can be contacted.
 - i) UCSC Dispute Resolution Officer: admin@riverotters.ca
 - ii) UCSC Chair/President: admin@riverotters.ca
 - iii) UCSC Head Coach: headcoach@riverotters.ca