

ISC DISCIPLINE and DISPUTE RESOLUTION POLICY

Approved: July 5, 2022



By registering with ISC, all members have agreed to abide by this Policy.

1. Purpose

Membership in Island Swimming Club brings with it many benefits and privileges. At the same time, members are expected to fulfill certain responsibilities and obligations, including but not limited to, complying with the Code and Policies of Island Swimming.

This Policy sets out the process for submitting and reviewing complaints. It applies to ISC members and all participants in ISC activities including directors, officers, volunteers, coaches, athletes, and officials.

2. Application of this Policy

This Policy applies to all Participants.

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.

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.

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).

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.

In addition to being subject to disciplinary action pursuant to this *Discipline and Dispute Resolution 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.

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.

3. Minors

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.

Communication from the Case Manager, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.

A Minor is not required to attend an oral hearing, if held.

4. Initiation of Proceedings

Any ISC Member can initiate disciplinary proceedings by way of written complaint outlining the details of the incident or concern to the President or Vice President of the Board of Directors of ISC.

5. Review of Complaint

Upon receipt and review of a complaint the President or Vice President shall, with reference to existing ISC policy guidelines, determine whether the complaint shall go forward. If, for any reason, the President or Vice President cannot carry out his/her duties under this Policy, the President shall designate another member of the Board to carry out such duties.

6. Discipline Committee

Should the President or Vice President or his/her designate determine the complaint should go forward, the President or Vice President or his/her designate will appoint three members of the Board to sit as the Discipline Committee. The person appointing the Discipline Committee shall not be a member of the Discipline Committee.

The Discipline Committee shall notify the individual who is the subject of the complaint (respondent) of the nature of the complaint and shall give the respondent such opportunity as the committee, in the circumstances, considers appropriate to respond to the complaint. In

determining its investigation or inquiry procedures, the Discipline Committee will adhere to the basic principles of procedural fairness, recognizing that these principles can be applied in flexible ways depending on the nature of the complaint and the potential consequences of disciplinary action.

7. Resolution

The Discipline Committee after such investigation or inquiries, as in its absolute direction deems appropriate, shall determine whether the conduct in question warrants the taking of disciplinary action and recommend to the Board the appropriate disciplinary sanctions singly or in combination including:

- a. Written reprimand to be placed in the individual's file;
- b. Hand-delivered written apology;
- c. Suspension from certain ISC events which may include suspension from current competition or from future teams or competitions;
- d. Suspension of all ISC financial assistance funding;
- e. Suspension from certain ISC activities (i.e. competitions, coaching, officiating, volunteering) for periods up to 3 years
- f. Suspension from all ISC activities for up to 3 years;
- g. Expulsion from ISC; and/or
- h. Other sanctions as may be considered appropriate for the offence.

The Discipline Committee shall make its findings in writing and forthwith forward a copy to the respondent and the Board.

The Board shall not interfere with decisions of the Discipline Committee unless the respondent appeals those decisions.

Notwithstanding anything herein contained, the Board reserves the right, upon 72 hours' notice to the Member, to order the interim suspension of a Member, pending completion of disciplinary proceedings as set out in this policy.

8. Effective Date of Sanctions

If the respondent does not challenge a determination that the conduct warrants disciplinary action or the sanctions recommended by the Discipline Committee, the sanctions will take effect upon expiry of the appeal period and ratification by the Board of Directors.

If the respondent has challenged either the determination that the conduct warrants disciplinary action or the proposed sanctions, the imposition of the sanction will be stayed until the Board considers and rules on the appeal.