

EKSC Resolution of Disputes & Complaints Policy & Procedure



PURPOSE & INTENT

1. Edmonton Keyano Swim Club ("EKSC") considers Athlete Safety our number one priority which means 'everyone has a right to feel safe, welcome and included in their sporting organization'.
2. This document supplements the 'Safe Sport' Policy outlined by Swim Alberta and is EKSC's approach to how this will be effectively implemented and managed by the Club.
3. The purpose of this document ("Policy") is to outline the policy and procedure that EKSC will follow in the event of any disputes or complaints being raised within the Club between swimmers, parents/members, coaches or staff.
4. EKSC intends to exercise reasonable care and attention to provide a safe and nurturing sporting environment for all its athletes, staff, parents, members, associated members, officials and coaches, and resolve any complaints or disputes in a fair, reasonable, constructive, and compassionate manner.

SCOPE

5. This document will cover all athletes, staff, parents, associated members, officials, members in official roles for the Club, and coaches participating on behalf of and as part of EKSC.

DEFINITIONS

6. The following additional capitalized terms have these meanings in this Policy:
 - a. *"Appointee"* - appointed by the Head Coach or General Manager in conjunction with a representative of the HR & Legal Committee. The Appointee will normally be someone who is generally not directly involved with the parties concerned and can be objective and impartial in assessing the dispute or complaint.
 - b. *"Athlete"* – individual swimmer within EKSC.
 - c. *"Board"* – is the board of directors of EKSC.
 - d. *"Bylaws"* – are the bylaws of EKSC, as amended or replaced from time to time.
 - e. *"General Manager"* – is the person occupying the position of General Manager of EKSC, whether on an interim or permanent basis.
 - f. *"Group Coach"* – refers to the coach who is an athlete's regular or pool/satellite coach.
 - g. *"Head Age Group Coach"* – refers to the coach accountable for all satellite group activities within EKSC.
 - h. *"Head Coach"* – is the person occupying the position of Head Coach of EKSC.
 - i. *"Heads of Program"* – the designated coaches heading up specific areas of the technical swim programme.
 - j. *"Pool Lead Coach"* – refers to the coach accountable for all group activities within one pool location/satellite.
 - k. *"Members"* – in the context of this Policy, this will include all athletes, staff, parents, associated members, officials and coaches participating on behalf of and as part of EKSC.

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- I. *“President”* – is the president of EKSC appointed in accordance with the provisions of the Bylaws.

POLICY

7. Principle

- a. EKSC considers Athlete Safety our number one priority which means ‘everyone has a right to feel safe, welcome and included in their sporting organization’.
- b. EKSC is a swim club where the prime focus is on developing technical swim skills and capabilities in all its’ swimmers. Disputes and/or complaints are taken seriously and will be actioned in accordance with the provisions within this Policy.
- c. EKSC will not tolerate disrespectful behavior or harassment of any kind. All athletes, staff, parents, officials, coaches and associated members are expected to display a positive attitude, respectful behavior and support to all members of EKSC whether at practice or at an external sporting venue. It is expected that all members read, understand and abide by this Policy which supplements the requirements contained within the EKSC Code of Conduct and Ethics.

PROCEDURE STEPS

8. EKSC Steps in Dealing with Disputes or Complaints raised within the Club

- a. It will be EKSC’s desire to try and seek a resolution to issues raised in the most effective and productive way possible to the acceptance of all parties involved.
- b. However, it should be noted that depending on the severity of the issue/dispute/complaint, steps may be skipped possibly resulting in immediate commencement of a formal investigation involving the General Manager, Head Coach and/or HR & Legal Committee, and/or an immediate suspension, and/or an immediate recommendation to the Board for sanction up to and including expulsion from EKSC.
- c. To officially ‘close’ an issue, any formal documentation should include an acknowledgement by all parties concerned of the process that has been adopted and the final outcome determined.

9. Steps in Dealing with Athletes where a Dispute or Complaint has been raised

a. Step 1:

Where a dispute/complaint has been raised against an athlete, any individual can report the incident to the athlete’s Group Coach. The Group Coach will attempt to manage minor behaviour issues and complaints in the regular course of coaching the group and speaking with parents. The aim should be to resolve the issue through effective communication.

If the initial complaint brought forward is serious or complex in nature, Step 1 may be omitted at the discretion of the Group Coach and proceedings will start at Step 2 below.

b. Step 2:

If Step 1 is not successful in resolving the issue, or preventing a further occurrence, the matter will be escalated to the Pool Lead Coach who will meet with the athlete and contact the parent(s), for the purpose of:

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- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issue(s) and incidents giving rise to the necessity of the meeting;
- establish the facts of the issue where possible; and
- determine an appropriate consequence.

The incident, meeting and meeting outcomes will be formally **documented** and provided to the General Manager.

c. Step 3:

In the event of further occurrence, one of the Heads of Program will meet with the athlete and their parents, with the purposes of:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issues and incidents giving rise to the necessity of the meeting;
- determination of an appropriate consequence; and
- advising that in the event of further occurrence, this will be the subject of a formal investigation which if proven, could result in suspension or removal from EKSC.

The incident, meeting and meeting outcomes are formally **documented** and provided to the athlete and their parents. This will also be provided to the General Manager.

d. Step 4:

For any matters escalated to this step, an Appointee for the Club will be asked to investigate the issue raised and present their findings.

A formal meeting will be convened and attended by the Appointee, Heads of Program, representative for the Board of Directors, athlete, and their parents. The purposes of the meeting will be for:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issues and incidents giving rise to the necessity of the meeting;
- the Appointee to present their findings; and
- determination of an appropriate consequence.

The incident, meeting and meeting outcomes are formally **documented** and provided to the athlete and their parents. This will also be provided to the General Manager. Notification of the outcome will be issued to the Board of Directors.

Subject to the determination of the Board in accordance with the policies and Bylaws of EKSC, if an athlete, coach or member is suspended or removed from EKSC, the removal/suspension process will be **documented and notification provided to Swim Alberta**.

At any Step, the police may become involved due to the severity of the incident.

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10. Steps in Dealing with Parents/Members where a Dispute or Complaint has been raised

a. Step 1:

Where a dispute/complaint has been raised against a parent/member, any individual can report the incident to the Group Coach or Board of Directors (as appropriate). The Group Coach or appointee from the Board of Directors will meet with the individual raising the issue. They will also meet with the member to whom the issue is regarding. The aim should be to resolve the issue through effective communication.

b. Step 2:

If Step 1 is not successful in resolving the issue, or preventing a further occurrence, the matter will be escalated to the Pool Lead Coach at the pool, or appointee from the Board of Directors. They will meet - either together or separately; with the individual raising the issue, and also the member(s) to whom this is referring, for the purpose of:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issue(s) and incidents giving rise to the necessity of the meeting;
- establish the facts of the issue where possible; and
- determine an appropriate consequence.

The incident, and actions taken will be documented and communicated to all parties concerned. A copy will be provided to the General Manager.

c. Step 3:

In the event of further occurrence, one of the Heads of Program and/or President will meet - either together or separately; with the individual raising the issue, and also the member(s) to whom this is referring, for the purposes of:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issues and incidents giving rise to the necessity of the meeting;
- an Appointee for the Club may be asked to investigate the issue raised and present their findings (as appropriate);
- determination of an appropriate consequence; and
- advising that in the event of further occurrence, this will be the subject of a formal investigation which if proven, could result in suspension or removal from EKSC.

The incident, meeting and meeting outcomes are formally **documented**. The outcome will be communicated to the individual who raised the issue and the member(s) to whom the issue is regarding. This will also be provided to the General Manager.

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d. Step 4:

For any matters taken to this step, an Appointee for the Club will be asked to investigate the issue raised and present their findings.

A formal meeting will be convened by the Heads of Program and/or Board of Directors with all parties concerned. The purposes of the meeting will be for:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issues and incidents giving rise to the necessity of the meeting;
- the Appointee to present their findings; and
- determination of an appropriate consequence.

The incident, meeting and meeting outcomes are formally **documented**. The outcome will be communicated to the individual who raised the issue and the member(s) to whom the issue is regarding. This will also be provided to the General Manager. Notification of the outcome will also be issued to the Board of Directors.

Subject to the determination of the Board in accordance with the policies and Bylaws of EKSC, *if* an athlete, coach or member is suspended or removed from EKSC, the removal/suspension process will be **documented and notification provided to Swim Alberta**.

At any Step, the police may become involved due to the severity of the incident.

11. Steps in Dealing with Coaches or Staff where a Dispute or Complaint has been raised

This section should be treated as a sub-section of the EKSC Disciplinary Policy.

a. Step 1:

Parent and/or athlete is encouraged to talk directly to the coach/staff who is causing the issues, or to their Group Coach. The aim should be to resolve the issue through effective communication. The Parent(s) will **document** the date and details of the discussion – and may be asked to share this with the General Manager in the future.

b. Step 2:

If the parent and/or athlete feel that the issue has not been resolved, or are otherwise not comfortable with initiating Step 1 directly with the coach/staff member, the parent and/or athlete may talk directly to the Pool Lead Coach at their pool.

The Pool Lead Coach is obligated to report the matter to the Heads of Program. One of the Heads of Program will meet with the coach concerned for the purposes of:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issue(s) and incidents giving rise to the necessity of the meeting;
- establish the facts of the issue where possible; and
- determine an appropriate consequence.

The incident, and actions taken will be documented and provided to the General Manager as appropriate.

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c. Step 3:

In the event of further occurrence, one of the Heads of Program will meet with the coach in question, for the purposes of:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issues and incidents giving rise to the necessity of the meeting;
- if appropriate, an Appointee for the Club may be asked to investigate the issue raised and present their findings; and
- determination of an appropriate consequence.

The incident, meeting and actions taken are formally **documented** and provided to the coach. This will also be provided to the General Manager.

d. Step 4:

For any matters escalated to this step, an Appointee for the Club or Heads of Program will be asked to investigate the issue raised and present their findings.

A formal meeting will be convened by the Heads of Program and/or representative from the Board of Directors with the coach concerned. The purposes of the meeting will be for:

- reviewing and acknowledging the EKSC Code of Conduct and Ethics and this Policy, and the requirements of confidentiality as outlined within this Policy;
- reviewing the issues and incidents giving rise to the necessity of the meeting;
- the Appointee or Heads of Program to present their findings; and
- determination of an appropriate consequence.

The incident, meeting and actions taken are formally **documented** and issued to the coach. This will also be provided to the General Manager. Notification of the outcome will be issued to the Board of Directors and the individual who raised the issue.

Subject to the determination of the Board in accordance with the policies and Bylaws of EKSC, if an athlete, coach or member is suspended or removed from EKSC, the removal/suspension process will be **documented and notification provided to Swim Alberta.**

At any point from step 1 through 4, the police may be involved due to the severity of the incident.

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12. VARIATIONS TO REPORTING PROCEDURE

For the majority of instances, the above procedure steps detailed in Sections 8 to 11 will apply. However, the following specifically addresses instances which may vary from this and what the appropriate reporting procedure should then be:

- If the concern is between two members, this should be brought to the attention of the Head Coach and General Manager.
- If the concern relates to the Head Coach or General Manager, this should be brought to the attention of the Club President.
- If the concern relates to the Club President, this should be brought to the attention of the Vice-President and Chair of the HR & Legal Committee.
- If the concern relates to a member of the Board of Directors, this should be brought jointly to the Club President and/or Chair of the HR & Legal Committee.

13. APPROPRIATE CONSEQUENCES

Depending on the nature, complexity and severity of the issue/dispute/complaint; the following possible consequences may be appropriate should the claim be substantiated:

- Apology;
- Training;
- Reassignment of position or squad;
- Discipline;
- Temporary suspension from the Club;
- Immediate removal from the Club; or
- Advising the local authorities of a potential criminal offence.

14. CONFIDENTIALITY

Important: In the event that a dispute/complaint is made and/ or an investigation is required, whether it be for an athlete, parent, coach, or other member of the sporting organization, only those involved in the investigation will be advised of the dispute/complaint outcome. Parties to the incident will be interviewed individually by the person leading the investigation, along with anyone else who may be able to provide relevant information. The Board of Directors may be briefed on the nature of the dispute/complaint and those involved along with external bodies, ie. Swim Alberta, and others.

All those involved, will be requested to adhere to the statements within the EKSC Code of Conduct & Ethics and asked to maintain confidentiality to minimize gossip, hearsay or the spread of misinformation within the sporting community. It should be however noted, that there are exceptions to confidentiality reasonably sufficient to permit the Club, employees, board, and members to comply with all other duties owed to the Club and its members, and all legal requirements.

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As a result of any dispute/complaint raised:

- Retaliation against any individual for reporting an incident under this Code is a violation of this policy and will not be tolerated. Any retaliatory action should be reported immediately to the Board of Directors.
- Similarly, a false accusation is a serious matter. A person making a false statement may face serious consequences.
- If a serious incident occurs, the Board of Directors and the Head Coach have the discretion to take immediate action and implement one of the higher response steps and/or suspend the individual(s) involved pending further investigation. Serious incidents include the commission of criminal offences, the infliction of physical injury, the sharing of sexual images on line, the exploitation of minors, and others.
- At any point in the process of investigating a dispute/complaint, the police may become involved depending on the severity and/or nature of the dispute/complaint.

ACKNOWLEDGEMENT & CREDIT

This document was produced by EKSC using policy information from 'Dare to Care' following recommendation from Swimming Canada and Swim Alberta. It has been tailored to the needs of our Club.