



# CODE OF CONDUCT & ETHICS, DISCIPLINE & COMPLAINTS POLICY & APPEAL POLICY

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**REVISION:**

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## CODE OF CONDUCT AND ETHICS

### 1 **Definitions**

The following terms have these meanings in this Policy:

**“Individuals”** – All categories of membership within the Olympian Swim Club (OSC), as well as all individuals engaged in activities with OSC, including but not limited to, athletes, coaches, officials, volunteers, directors, officers, managers, administrators, spectators, and parents of OSC Members.

### 2 **Purpose**

- The purpose of this Code of Conduct and Ethics is to ensure a safe and positive environment within OSC programs, activities, and events, by making all Individuals aware that there is an expectation of appropriate behavior, consistent with the values of OSC, at all times.
- OSC is committed to providing an environment in which all Individuals are treated with respect. Further, OSC supports equal opportunity and prohibits discriminatory practices. Members of OSC are expected to always conduct themselves in a manner consistent with the values of OSC that include fairness, integrity, open communication, and mutual respect.
- Conduct that violates this Code of Conduct and Ethics may be subject to sanctions pursuant to OSC’s policies related to discipline and Complaints.

### 3 **Application of this Policy**

- This policy applies to Individuals relating to conduct that may arise during OSC’s and its member clubs’ business, activities, and events, including but not limited to, off-deck environment, competitions & meets, workouts, training camps, travel, club events, and meetings.
- This policy applies to conduct that may occur outside of OSC’s and its member clubs’ business and events when such conduct adversely affects relationships within OSC’s and its member clubs’ work and sport environment and is detrimental to the image and reputation of the OSC.

### 4 **Responsibilities**

All Individuals have a responsibility to:

4.1 Maintain and enhance the dignity and self-esteem of OSC Members and other Individuals by:

- Demonstrating respect to Individuals regardless of body type, physical characteristics, athletic ability, gender, ancestry, color, ethnic or racial origin, nationality, national origin, sexual orientation, age, marital status, religion, religious belief, political belief, disability or socioeconomic status.
- Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, and members.
- Consistently demonstrating the spirit of sportsmanship, sports leadership, and ethical conduct.

- Acting, when appropriate, to prevent or correct practices that are unjustly discriminatory.
- Consistently treating Individuals fairly and reasonably.
- Ensuring that the rules of swimming, and the spirit of such rules, are adhered to.

4.2 Refrain from any behavior that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious. Types of behavior that constitute harassment include, but are not limited to:

- Written or verbal abuse, threats, or outbursts.
- The display of visual material which is offensive or which one ought to know is offensive.
- Unwelcome remarks, jokes, comments, innuendos, or taunts.
- Leering or other suggestive or obscene gestures.
- Condescending or patronizing behavior, which is intended to undermine self-esteem, diminish performance, or adversely affect working conditions.
- Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance.
- Any form of hazing (refer to Swim Alberta's Hazing Policy).
- Unwanted physical contact including touching, petting, pinching, or kissing.
- Unwelcome sexual flirtations, advances, requests, or invitations.
- Physical or sexual assault.
- Behaviors such as those described above that are not directed towards Individuals or groups but have the same effect of creating a negative or hostile environment;  
or
- Retaliation or threats of retaliation against an individual who reports harassment.

4.3 Refrain from any behavior that constitutes sexual harassment, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favors, or conduct of a sexual nature. (Refer to the Swim Alberta Harassment Policy) Types of behavior that constitute sexual harassment include, but are not limited to:

- Sexist jokes.
- Display of sexually offensive material.
- Sexually degrading words used to describe a person.
- Inquiries or comments about a person's sex life.
- Unwelcome sexual flirtations, advances, or propositions.
- Persistent unwanted contact.
- Sexual assault.

4.4 Refrain from the use of power or authority to coerce another person to engage in inappropriate activities.

4.5 In the case of persons of legal drinking age, avoid consuming alcohol in situations where minors are present, and take reasonable steps to manage the responsible

consumption of alcoholic beverages in adult social situations associated with OSC events.

- 4.6 Respect the property of others and not willfully cause damage.
- 4.7 Abstain from the non-medical use of drugs or the use of performance enhancing drugs or methods.
- 4.8 Refrain from any form of intimate or sexual activity at OSC activities and events, including but not limited to, off-deck environment, competitions & meets, workouts, training camps, travel, club events, and meetings.
- 4.9 Always comply with the bylaws, policies, rules, and regulations of OSC, as adopted and amended from time to time.
- 4.10 Adhere to all Federal, Provincial, Municipal, or host country laws.

## **5 Coaches**

In addition to Section 4. above, Coaches have additional responsibilities. The athlete coach relationship is a privileged one and plays a critical role in the personal as well as athletic development of their athletes. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it.

Coaches will always:

- Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of athletes, including educating athletes as to their responsibilities in contributing to a safe environment.
- Avoid compromising the present and future health of athletes by refraining from using training methods or techniques that may harm athletes, communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological problems.
- Under no circumstances provide, promote, or condone the use of drugs or performance-enhancing substances.
- Recognize athletes' individual swimming goals and refer athletes to other coaches and sports specialists as appropriate and as opportunities arise.
- At no time engage in an intimate or sexual relations with an athlete under the age of 18 years and at no time engage in an intimate or sexual relations with an athlete over the age of 18 if the coach is in a position of power, trust, or authority over the athlete.
- Provide athletes and the parents/guardians of athletes who are minors with the information necessary to be involved in the decisions that affect the athlete as appropriate.
- Refrain from intervening inappropriately in personal affairs that are outside the generally accepted jurisdiction of a coach.
- Act in the best interest of the athlete's development as a whole person.
- Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights.

## **6 Athletes**

6.1 In addition to Section 4. above, Athletes will have additional responsibilities to:

- Report any medical problems in a timely fashion, where such problems may limit the Athlete's ability to travel, train, or compete.
- Participate and appear on time at all activities and events, including but not limited to, competitions and meets, workouts, training camps, travel, club events, and meetings.
- Properly represent themselves and not attempt to enter a competition for which they are not eligible by reason of age, classification, or other reasons.
- Adhere to OSC's rules and requirements regarding clothing and equipment.
- Swim in all events in which they are entered at any given competition.

6.2 Where an Athlete scratches from an event, or where an Athlete no-show, steps down, or participates in an unexcused incomplete swim, any fine or penalty which is assessed in respect of that scratch, no-show, step down or unexcused incomplete swim shall be charged to the Member Account associated with that Athlete unless either or both of the following applies:

- that scratch, no-show, step down or unexcused incomplete swim was with the prior consent of an OSC coach.
- that Athlete provides OSC with satisfactory evidence that the Athlete was ill or otherwise medically unfit to compete at the time of the event in question.

## **7 Officials**

In addition to Section 4. above, Officials will have additional responsibilities to:

- Adhere to the rules of SNC.
- Be fair and objective.
- Avoid situations in which a conflict of interest may arise.
- Make independent judgments.

## **8 Parents/Guardians and Spectators**

8.1 In addition to Section 4. above, Parents/Guardians of OSC Members and Spectators at events will:

- Encourage athletes to play by the rules and to resolve conflicts without resorting to hostility or violence.
- Never ridicule a participant for making a mistake during a performance or practice.
- Provide positive comments that motivate and encourage participants' continued effort.
- Respect the decisions and judgments of officials and encourage athletes to do the same.
- Never question an official's or OSC staffs' judgment or honesty.
- Respect and show appreciation to all competitors, and to the coaches, officials, and other volunteers who give their time to the sport.

- Keep off the competition deck and not interfere with coaching or officiating.
  - Always respect the boundaries of the coaching environment.
- 8.2 Each Swim Season, at least one parent or guardian from each OSC Member family shall be required to complete such seminar or course concerning the topics of “Respect in Sport” or “Bullying” as may be designated by the OSC Board of Directors. OSC Member families shall not be eligible to enter their swimmer in any swim meets other than the OSC Home Opener until satisfactory proof of completion of this seminar or course has been provided to the OSC General Manager. Any costs associated with this seminar or course will be charged to the Member.

#### Respect in Sports for Parents

The Respect in Sport Parent Program is an on-line training program for parents and guardians of young athletes and active children in Canada and is valid for 5 years. The Parent Program is an informative tool to help your child's sport organization foster a fun, safe and respectful environment. [Swimming Canada Respect in Sports for Parents](#)

Members may satisfy the requirement in 8.2 by completing an equivalent seminar or course offered in another sport and providing satisfactory proof to the OSC General Manager or by importing their certificate on Swimming Canada Profile.

## **DISCIPLINE AND COMPLAINTS POLICY**

### **9 Definitions**

The following terms have these meanings in this Policy:

- “*Days*” – Days irrespective of weekends and holidays.
- “*OSC Member*”- All categories of membership within the Olympian Swim Club (OSC), as well as all Individuals employed by or engaged in activities with OSC, including but not limited to, athletes, coaches, classifiers, officials, volunteers, directors, officers, managers, administrators, spectators, and parents of OSC Members.
- “*Complaint*” – is defined as a written explanation or description of a specific situation or event(s), which details names, locations, time(s) and the activities that are contrary to the OSC Code of Conduct.

### **10 Purpose**

OSC is committed to providing an environment in which all OSC Members are treated with respect and characterized by the value of fairness, integrity, and open communication. Membership in OSC, as well as participation in its activities, brings with it 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 policies, bylaws, rules and regulations and Code of Conduct and Ethics of OSC. Irresponsible behavior by OSC Members can result in severe damage to the integrity of OSC. Conduct that violates these values may be subject to sanctions pursuant to this policy. Since sanctions may be applied, it is only fair to provide OSC Members a mechanism, so Complaints and discipline are dealt with fairly, expeditiously, and affordably.

### **11 Application of this Policy**

- This Policy applies to all OSC Members as defined in the Definitions.
- This Policy only applies to discipline matters that may arise during OSC business, activities, and events, including but not limited to, competitions, practices, training camps, travel associated with OSC activities, and any meetings.
- Discipline matters and Complaints arising within the business, activities or events organized by entities other than the OSC, including other clubs, will be dealt with pursuant to the policies of OSC at its sole discretion.

### **12 Reporting a Complaint**

- Any OSC Member may report to the OSC Board of Directors any Complaint. Such a Complaint must be signed and in writing and must be filed within fourteen (14) Days of the alleged incident. Anonymous Complaints may be accepted upon the sole discretion of the OSC Board of Directors.
- A complainant wishing to file a Complaint beyond the fourteen (14) Days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of Complaint outside the fourteen (14) day period will



be at the sole discretion of the OSC board of Directors. This decision may not be appealed.

- The OSC Board of Directors will appoint a Case Manager who will determine whether the Complaint is frivolous or vexatious. If the Case Manager determines the Complaint is frivolous or vexatious, the Complaint will be dismissed immediately.
- If a Complaint is determined by the Case Manager to be legitimate, the Complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the Case Manager, to determine whether a Complaint is to be dealt with as a major or minor infraction. This decision is not appealable.
- If the incident is to be dealt with as a minor infraction, the Case Manager will inform the parties, and the matter will be dealt with according to the section relating to minor infractions.
- If the incident is to be dealt with as a major infraction, the Case Manager will inform the parties, and the matter will be dealt with according to the section relating to major infractions.
- This Policy does not prevent an appropriate person having authority from taking immediate, informal, or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further sanctions may be applied in accordance with the procedures set out in this Policy.

## **13 Minor Infractions**

13.1 Examples of minor infractions include, but are not limited to, a single incident of:

- Disrespectful, offensive, abusive, racist, or sexist comments or behavior directed towards others.
- Hazing; (refer to the Swim Alberta Hazing Policy)
- Conduct contrary to the ideals of respect such as angry outbursts or arguments.
- Being late for or absent from OSC events and activities at which attendance is expected or required; and
- Non-compliance with the policies, procedures, rules, and regulations under which OSC is governed.

13.2 All disciplinary situations involving minor infractions, occurring within the jurisdiction of OSC will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, coach, chaperone, staff, or officials).

13.3 Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in point 13.1). This is provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

13.4 Sanctions for minor infractions, which may be applied individually or in combination, include but are not limited to the following:

- Verbal or written reprimand which may be placed on file.
- Verbal or written apology which may be placed on file.
- Suspension from the current competition, activity, or event; or
- Any other sanction considered appropriate for the offense.

13.5 Minor infractions that result in discipline will be recorded. Repeat minor infractions may result in further such incidents being considered a major infraction.

## 14 Major Infractions

14.1 Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to OSC.

14.2 Examples of major infractions include, but are not limited to:

- Repeated incidents of disrespectful, offensive, abusive, racist, or sexist comments or behavior directed towards others.
- Repeated conduct contrary to the ideals of respect such as angry outbursts or arguments.
- Repeated incidents of unexcused lateness or absences from OSC events and activities at which prompt attendance is expected or required.
- Activities or behavior which interfere with a competition or with any athlete's preparation for competition.
- Incidents of physical abuse.
- Pranks, jokes, or other activities that endanger the safety of others.
- Hazing; (see the Swim Alberta Hazing Policy)
- Disregard for the policies, procedures, rules, and regulations under which OSC is governed.
- Conduct which results in harm to the image, credibility, or reputation of OSC and/or its sponsors.
- Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely.
- Any possession or use of alcohol by minors.
- Any possession or use of illicit drugs and narcotics; or
- Any possession or use of banned performance enhancing drugs or methods.

14.3 **Note:** The definition of "repeated" will depend on the severity of the infraction and frequency of offenses within a given time to be determined by the OSC at its sole discretion.

14.4 Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. 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 this Policy. This review does not replace the appeal provisions of this Policy.

## **15 Discipline Panel and Hearing**

- Upon notifying the Respondent of a Complaint of a major infraction, the Case Manager, at their sole discretion, will appoint a Discipline Panel (“Panel”) of 1-3 Individuals to hear the Complaint. The members of the Panel will select from themselves a chairperson.
- Members of the Panel will have not been involved with the alleged infraction and will be free from any other bias or conflict of interest.
- The Panel will hold the hearing as soon as possible.
- Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence, in-person or via teleconference.

## **16 Preliminary Meeting**

16.1 The Panel may determine that the circumstances of the Complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:

- Format (hearing by documentary evidence, oral hearing, in-person, or a combination).
- Date and location of the hearing, if necessary.
- Timelines for the exchange of documents.
- Clarification of issues in dispute.
- Any procedural matters including order and procedure of the hearing.
- Remedies sought.
- Evidence to be brought before the hearing.
- Identification of any witnesses; or
- Any other procedural matter that may assist in expediting the hearing.

16.2 Members of the Panel or a member of the Board of Directors dealing with a disciplinary issue under Part 39 of this Policy will have not been involved with the alleged infraction and will be free from any other bias or conflict of interest.

## **17 Documentary Review**

- Where the Panel has determined that the hearing will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
- All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
- The applicable principles and timelines set out by the Panel are respected.

## **18 Oral Hearing**

18.1 Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:

- The affected parties will be given three (3) Days written notice of the day, time and place of the hearing.
- The affected parties will be provided copies of all evidence to be relied upon.
- Decisions will be by majority vote where the Chairperson carries a vote.
- Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties.
- The parties may be accompanied by a representative.
- The parties will have the right to present evidence and argument.
- Any party potentially affected by the matter may be made party to the hearing by the Panel.
- The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing.
- The hearing will be held in private.
- Each party will bear their own costs.
- Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

18.2 After hearing the matter, the Panel will determine whether the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and OSC within fourteen (14) Days of the conclusion of the hearing.

18.3 Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

18.4 If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## **19 Sanctions**

19.1 The Panel may apply disciplinary sanctions. Sanctions for major infractions which may be applied individually or in combination, include but are not limited to the following:

- Written reprimand to be placed on file.
- Written apology.
- Removal of certain privileges of membership.
- Suspension from certain teams, events and/or activities.
- Suspension from all activities for a designated period of time.
- Suspension of funding.
- Expulsion from membership.
- Other sanctions may be considered appropriate for the offense.

19.2 Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership until such time as compliance occurs.

19.3 In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- The nature and severity of the incident.
- Whether the incident is a first offense or has occurred repeatedly.
- The individual's acknowledgment of responsibility.
- The individual's remorse and post-infraction conduct.
- The age, maturity, or experience of the individual.
- Whether the individual retaliated; and
- The individual's prospects for rehabilitation.

19.4 A written record will be maintained by OSC for major infractions that result in a sanction.

19.5 Information regarding major infractions that result in a sanction will be shared with Swim Alberta and other necessary agencies.

## **20 Serious Infractions**

20.1 OSC may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.

20.2 Where it is brought to the attention of the Board of Directors that an OSC Member has been charged with an offense under the Criminal Code, or has previously been convicted of a criminal offense, OSC may suspend the OSC Member pending further investigation, a hearing, or a decision of the Panel.

20.3 Notwithstanding the procedures set out in this Policy, any OSC Member who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by OSC in accordance with this Policy and the Swim Alberta screening policies.

## **21 Timelines**

If the circumstances of the Complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the Complaint are such that the Complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

## **22 Confidentiality**

The discipline and Complaints process is confidential involving only the parties, the Case Manager and the Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or Complaint to any person not involved in the proceedings.

## **23 Appeals Procedure**

The decision of the Panel may be appealed in accordance with the OSC's Appeal Policy.

## **APPEALS POLICY**

### **24 Definitions**

These terms will have these meanings in this policy:

- “*Appellant*” - The party appealing a decision.
- “*Days*” - Days irrespective of weekends or holidays.
- “*Respondent*” - The body whose decision is being appealed.
- “OSC Member” - All categories of membership within OSC, as well as all individuals employed by or engaged in activities with OSC, including but not limited to, directors, committee members, athletes, coaches, officials, referees, volunteers, officers, managers, administrators, spectators, and parents of OSC Members.”

### **25 Purpose**

OSC is committed to providing an environment in which all members are treated with respect. Irresponsible behavior by members can result in severe damage to the sport and to the support of OSC. Conduct that violates these values may be subject to sanctions pursuant to OSC’s Discipline and Complaints Policy. Since sanctions may be applied, it is only fair to provide OSC Members with some mechanism to appeal what may appear to be unfair treatment. The purpose of this Appeal Policy is to enable appeals within OSC to be dealt with fairly, expeditiously, and affordably.

### **26 Application of this Policy**

26.1 Any OSC Member who is directly affected by a decision of OSC will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 28 of this Policy.

26.2 This Policy will not apply to decisions relating to:

- Matters of employment.
- Infractions for doping offenses.
- Swimmer placement.
- The rules of swimming.
- Matters relating to the substance, content and establishment of team selection criteria.
- Volunteer appointments and the withdrawal or termination of those appointments.
- Matters of budgeting and budget implementation.
- Matters of operational structure and committees.
- Discipline matters and decisions arising during events organized by entities other than OSC, which are dealt with pursuant to the policies of these other entities.
- Disputes arising within competitions which have their own appeal procedures; and
- Any decisions made under Sections 27.2 and 29.2 of this Policy.

## **27 Timing of Appeal**

27.1 OSC Members who wish to appeal a decision will have fourteen (14) Days from the date on which they received notice of the decision, to submit in writing to the OSC Board of Directors the following:

- Notice of their intention to appeal,
- Grounds for the appeal,
- All evidence that supports these grounds,
- The remedy or remedies requested; and
- A payment of two hundred fifty dollars (\$250), which will be refunded if the appeal is successful.

27.2 Any party wishing to initiate an appeal beyond the fourteen (14) day period must provide a written request stating reasons for an exemption to the requirement of Section 27.1. The decision to allow, or not allow an appeal outside the 14-day period will be at the sole discretion of the Case Manager appointed by OSC and may not be appealed.

## **28 Grounds for Appeal**

A decision cannot be appealed on its merits alone. An appeal may be heard only if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:

- Making a decision for which it did not have authority or jurisdiction as set out in the Respondent's governing documents.
- Failing to follow procedures as laid out in the bylaws or approved policies of the Respondent.
- Making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views; or
- Making a decision, which was grossly unreasonable.

## **29 Screening of Appeal**

29.1 Upon receipt of the notice and grounds of an appeal and the required fee, the Case Manager will determine whether there are appropriate grounds for the appeal to proceed as set out in Section 28. The Case Manager is not to determine if an error has been made but only if the appeal conforms to Section 28. of the policy for ground for appeal.

29.2 If the appeal is denied based on insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the Case Manager and may not be appealed.

### **30 Appeal Policy - Appeals Panel**

If the Case Manager is satisfied that there are sufficient grounds for an appeal, the Case Manager will establish an Appeals Panel (hereafter referred to as the "Panel") as follows:

- The Panel will be composed of one to three persons who will have no significant relationship with the affected parties, will have not been involved with the decision being appealed, and will be free from any other actual or perceived bias or conflict.
- The Case Manager will appoint one person to act as Chairperson.

### **31 Preliminary Conference**

31.1 The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters that may be considered at a preliminary conference include:

- Format of the appeal (hearing by documentary evidence, oral hearing, in-person or a combination).
- Timelines for exchange of documents.
- Clarification of issues in dispute.
- Clarification of evidence to be presented to the Panel.
- Order and procedure of hearing.
- Location of hearing, where the hearing is an in-person hearing.
- Identification of witnesses.
- Remedies sought; and
- Any other procedural matter that may assist in expediting the appeal proceedings.

31.2 The Panel may delegate to its chairperson the authority to deal with these preliminary matters on behalf of the Panel.

### **32 Procedure for the Hearing**

32.1 The Panel may conduct the hearing by means of documentary review, conference call, or in-person.

32.2 Where the Panel has determined that the appeal will be held by way of oral hearing in person or via conference call, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:

- The hearing will be held within twenty-one (21) Days of the Panel's appointment.
- The Appellant and Respondent will be given three (3) Days written notice of the date, time, and place of the hearing.
- Decisions will be by majority vote, where the Chairperson carries a vote.
- Copies of written documentation that any of the parties would like the Panel to consider will be provided to the Panel and to all other parties at least three (3) Days prior to the hearing.
- If the decision of the Panel may affect another party to the extent that the other party would have recourse to an appeal under this policy, that party will become a party to the appeal in question and will be bound by its outcome.
- A representative or advisor, including legal counsel may accompany any of the parties.



- The Panel may direct any other person to participate or present evidence in the appeal.
- Unless otherwise agreed by the parties, there will be no communication between the Panel and the parties except in the presence of, or by copy to, the other parties.

### **33 Procedure for Documentary Appeal**

Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate provided that:

- All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
- The applicable principles and timelines set out in Section 32.2 are respected.

### **34 Appeal Decision**

34.1 Within fourteen (14) Days of concluding the appeal, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:

- Reject the appeal and confirm the decision being appealed; or
- Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
- Uphold the appeal and vary the decision; and
- Refund the appeal fee of \$250 to the Appellant.

34.2 A copy of the decision will be provided to each of the parties, kept on file and may be provided to Swim Alberta.

34.3 In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in this policy.

### **35 Timelines**

If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such that the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

### **36 Confidentiality**

The appeal process is confidential involving only the parties, the Panel and the Case Manager. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or Complaint to any person not involved in the proceedings.

**37 Final and Binding Decision**

37.1 The decision of the Panel will be binding on the parties and on all OSC Members, subject only to the provisions of dispute resolution as set out in OSC and Swim Alberta policies.

37.2 No action or legal proceeding will be commenced against OSC or its members in respect of a dispute, unless OSC has refused or failed to abide by the provisions for appeal and/or dispute resolution as set out in OSC and Swim Alberta policies.

## TEAM TRAVEL

### **38 Travel Related Conduct**

38.1 During team travel all athletes shall follow all guidelines established by OSC chaperones and coaches and this Code of Conduct and Ethics.

38.2 When staying at a hotel during team travel, athletes shall refrain from the following behavior:

- Running, loitering or yelling in hotel hallways.
- Repeated room to room telephoning, or otherwise abusive use of hotel telephones.
- Playing audio devices, televisions, gaming devices or computers loudly.
- Causing damage to the hotel or hotel furnishings.
- Roughhousing in hotel hallways, hotel rooms, public bathrooms, elevators, lobbies, or stairwells.
- Littering.
- Engaging in inappropriate behavior in hotel recreation facilities including but not limited to pools, billiard rooms, arcades, lounge facilities, eating facilities, common areas.
- Entering areas of the hotel or other hotel related buildings for which the public does not generally have access.
- Engaging in rude or profane language or gestures.
- Interfering with the sleep of other athletes in the same or other hotel rooms, or other hotel guests.
- Activities of any nature which may result in damage to the hotel or hotel furnishings, damage to personal property of other athletes, or injury to other athletes.

38.3 During team travel mixed company shall not be permitted in a hotel room without prior chaperone consent. At all times hotel room doors shall be kept wide open if there is mixed company in a hotel room without chaperone supervision. Athletes shall refrain from any form of sexual activity during team travel. Regardless of age, athletes shall also refrain from consuming any non-medicinal drugs during team travel. Engaging in any form of sexual activity or consuming any non-medicinal drugs during team travel shall be deemed to be a major infraction under the Code of Conduct.

38.4 Athletes who are not of the legal drinking age and are of legal drinking age for the team travel location who consume any alcohol during team travel shall be deemed to have committed a major infraction under the Code of Conduct.

38.5 During team travel, any behavior which results in damage to the hotel, damage to hotel furnishings, damage to personal property of other athletes, or Injury to other athletes shall be deemed to be a major infraction under this Code of Conduct and Ethics.

38.6 During team travel no athlete shall leave the pool facilities, hotel, or any restaurant without the express permission of an OSC chaperone and OSC coach. Further, if the athlete is under the age of 14, they shall not leave the pool facilities, hotel or

restaurant unless they first have this advance permission and unless at all times they are accompanied by an OSC chaperone, OSC coach, or two or more athletes over the age of 14. The OSC chaperone and OSC coach shall have the sole discretion to require that the athletes accompanying an athlete under the age of 14 be over the age of 16.

- 38.7 During team travel, all athletes shall comply with curfews that are set by the OSC chaperones and coaches.
- 38.8 Athletes shall not be outside of their assigned hotel rooms or leave the hotel after curfew without the express permission of an OSC chaperone and OSC coach. An athlete who is outside of their assigned hotel room or outside of the hotel after curfew without the express permission of an OSC chaperone and OSC coach shall be deemed to have committed a major infraction under this Code of Conduct and Ethics.
- 38.9 Athletes shall not at any time exchange the hotel rooms assigned to them with the hotel rooms assigned to other athletes without the express permission of an OSC chaperone and OSC coach. An athlete who exchanges their assigned hotel room with the hotel room assigned to another athlete without the express permission of an OSC chaperone and OSC coach shall be deemed to have committed a major infraction under this Code of Conduct and Ethics.
- 38.10 Except for those behaviors described in Sections 14., 38.3, 38.4, 38.5, 38.6, 38.7, 38.8, 38.9 or 38.10 of this Code of Conduct and Ethics, any offending behavior during team travel shall be deemed to be a minor infraction under the Code of Conduct and Ethics.

### **39 Discipline During Team Travel**

- 39.1 If a chaperone observes or is advised of the involvement of an athlete in a type of behavior which is a minor infraction as described in Sections 13.1 or 38.2 of this Code of Conduct and Ethics, the chaperone may in his or her sole discretion either:
- provide a verbal warning to the athlete; or
  - complete and submit a team travel Complaint report to the OSC Board of Directors within 14 Days from the chaperone returning from team travel.
- 39.2 In the event that a chaperone has provided an athlete with one verbal warning under Section 39.1 and the chaperone observes or is advised of that same athlete's involvement in a further type of behavior which is a minor infraction as described in Section 13.1 or 38.2 of this Code of Conduct and Ethics then the chaperone must complete and submit a team travel Complaint report to the OSC Board of Directors within 14 Days from the chaperone returning from team travel.
- 39.3 If a chaperone reasonably believes that an offending type of behavior has occurred but is unable to determine which specific athlete or athletes committed the behavior, then the chaperone must follow the process outlined in this Part 39. this Code of Conduct and Ethics for all athletes who the chaperone reasonably believes were involved in that type of behavior.
- 39.4 If a chaperone observes or is advised of the involvement of an athlete in a type of behavior which is a major infraction as described in Sections 14., 38.3, 38.4, 38.5,

38.6, 38.7, 38.8, 38.9, or 38.10 of this Code of Conduct and Ethics the chaperone must:

- complete and submit a team travel Complaint report to the OSC Board of Directors within 14 Days from the chaperone returning from the team travel; and
- as soon as practical informs the OSC coach responsible for that athlete at the current swim camp, competition or meet.

39.5 Upon being advised that an athlete has been involved in a type of behavior which is a major infraction as described in Sections 14., 38.3, 38.4, 38.5, 38.6, 38.7, 38.8, 38.9, or 38.10 of this Code of Conduct and Ethics the OSC coach may:

- decide to not impose any sanction at that time; or
- suspend the athlete from the remainder of the current swim camp, competition or meet, or such sessions of the current swim camp, competition or meet as that coach sees fit; or
- contact one or more members of the OSC Board of Directors for advice and direction as to whether that athlete ought to be returned home as soon as possible at the expense of that athlete's parents if that athlete is under the age of 18 or at the expense of that athlete if that athlete is over the age of 18.

## Olympian Swim Club Discipline Complaint Reporting Form

COMPLAINANT: <i>Your Name, you are the complainant</i>	
Name:	Phone Number:
Address:	Alternate Phone Number: (cell or work)
	Email Address:

Complete if you are filing this complaint report on behalf of someone else ( <i>ie. Your child</i> )
Name of that person:
Is this person aware that you are filing this complaint report?    YES / NO

RESPONDENT: <i>About whom you are filing this complaint, they are the respondent</i>	
Please list all Individuals by full name:	Club & Training Group/Organization:
1.	
2.	
3.	

Complaint Details:	
Location:	Date:
What specific area of the Code of Conduct has been broken? ( <i>Refer to the OSC Code of Conduct for section number</i> )	

Pertinent Details: (use back of page if necessary)

\*\*Return completed form to OSC President or Board of Directors.