

DISCIPLINE AND COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Complainant*” – The party alleging an infraction.
 - b) “*Days*” – Days irrespective of weekend and holidays.
 - c) “*Member*”- All categories of membership defined in the UCSC Bylaws, as well as all individuals employed by or engaged in activities with UCSC, including but not limited to swimmers, coaches, officials, referees, parents/guardians, volunteers, directors, officers, committee members, and administrators.
 - d) “*UCSC*” – University of Calgary Swim Club
 - e) “*Respondent*” – The alleged infracting party.

Purpose

2. Membership in UCSC, 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 UCSC Bylaws, policies, procedures, rules and regulations. Irresponsible behavior by Members can result in severe damage to the integrity of UCSC. Conduct that violates these values may be subject to sanctions pursuant to this Policy.

Application of this Policy

2. This Policy applies to all Members as defined in the Definitions.
3. This Policy only applies to discipline matters that may arise during the course of UCSC business, activities and events, including but not limited to, competitions, practices, training camps, travel associated with UCSC activities, and any meetings.
4. Discipline matters and complaints arising within the business, activities or events organized by entities other than UCSC will be dealt with pursuant to the policies of these other entities unless accepted by UCSC at its sole discretion, or such discipline matters and complaints that adversely affect relationships within UCSC’s work and sport environment and is detrimental to the image and reputation of UCSC.

Reporting a Complaint

5. Any Member may report to UCSC’s swim office any complaint of an infraction by a Member relative to the Code of Conduct. Such a complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident.
6. 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 UCSC. This decision may not be appealed.

Case Manager

7. Upon receipt of a complaint, UCSC’s appointed Case Manager will oversee the management and administration of complaints submitted in accordance with this Policy. The Case Manager is not required to be a member of UCSC. The Case Manager has an overall responsibility to ensure procedural fairness and timeliness in the implementation of this Policy. More specifically, the Case Manager has a responsibility to:
 - a) Determine whether the complaint is frivolous or within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager’s decision to the acceptance or dismissal of the complaint may not be appealed.
 - b) Determine if the complaint is a minor or major infraction, and in the case of a major infraction will appoint an *ad hoc* Discipline and Complaints Committee (“the Committee”);

- c) Determine the format of the hearing;
 - d) Coordinate all administrative aspects of the complaint;
 - e) Provide administrative assistance and logistical support to the Committee as required; and
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
8. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
 9. 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, as defined in the UCSC's Code of Conduct. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Procedure for Major Infraction Hearing

10. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will establish the Committee consisting of 1-3 Adjudicators to adjudicate the complaint.
11. The Case Manager will determine the format of the hearing, i.e an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Committee deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within the appropriate timeline determined by the Case Manager.
 - b) The Parties will be given appropriate notice of the day, time and place of the hearing.
 - c) Copies of any written documents which the parties wish to have the Committee consider will be provided to all Parties in advance of the hearing in accordance with the appropriate timeline.
 - d) Both Parties may be accompanied by a representative or advisor.
 - e) The Committee may request that any other individual with relevant information participate and give evidence at the hearing.
 - f) Decisions will be by majority vote.

Decision

12. After hearing the matter, the Committee will determine by majority vote whether an infraction has occurred and if so what appropriate sanction will be imposed. The Committee's written decision, with reasons, will be distributed to all parties, the Case Manager and UCSC within fourteen (14) days of the conclusion of the hearing. The decision will be considered a matter of public record unless decided otherwise by the Committee.
13. If the Respondent fails to attend the hearing, a decision may be rendered in the Respondent's absence.
14. If the Respondent acknowledges the facts of the incident, the Committee will determine the appropriate sanction, with or without a hearing.
15. In fulfilling its duties, the Committee may obtain independent advice.

Sanctions

16. The Committee may apply disciplinary sanctions singly or in combination, as specified in the Code of Conduct and Discipline Policy and such or other sanctions as may be considered appropriate for the offense.
17. Unless the Committee decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Committee will result in automatic suspension of membership in UCSC until such time as compliance occurs.

18. A written record will be maintained by UCSC at their head office for major infractions that result in a sanction.

Serious Infractions

19. UCSC may determine that an alleged incident is of such seriousness so as to warrant immediate suspension of the Respondent pending a hearing and a decision of the Committee.

Criminal Convictions

20. A Member's conviction for any of the following Criminal Code offenses, whether in Canada or elsewhere, will be deemed a major infraction under this Policy and will result in expulsion from UCSC and/or removal from UCSC competitions, programs, activities and events upon the sole discretion of UCSC:

- a) Any sexual offences; or
- b) Any offence involving trafficking of illegal drugs.

Timelines

21. 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 the complaint cannot be concluded within the timelines dictated in this Policy, the Committee may direct that these timelines be revised.

Confidentiality

22. The discipline and complaints process is confidential involving only the Parties, the Case Manager and the Committee. 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.

Procedure for Minor Infractions

23. Minor Infractions are defined and dealt with pursuant to the Code of Conduct and Discipline Policy. Any decision rendered by the Case Manager with regard to a minor infraction is binding and not subject to appeal.

24. Minor Infractions can amount to a Major Infraction if the conduct is recurring or cumulative.

Appeals Procedure

25. The decision of the Committee may be appealed in accordance with UCSC's Appeal Policy.