



Policy Title:	Discipline and Complaints Policy	Policy No: SSO 3-15
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Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Complainant*” – The Party alleging an infraction
 - b) “*Days*” – Days including weekend and holidays
 - c) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, any director, officer, committee member, volunteer, coach, athlete, an athlete’s parent/guardian, spectator, official, referee, manager and member within the Organization or its Members
 - d) “*Members*” - The Regional Training Centre – Ontario and any Competitive, Recreational, Scholastic, University synchronized swimming club or Trillium awards program provider
 - e) “*Organization*” – Synchro Swim Ontario
 - f) “*Organization Official*” – A person in a responsible volunteer or staff position within the Organization
 - g) “*Parties*” – The Complainant, Respondent, and any other Individuals or persons affected by the complaint
 - h) “*Respondent*” – The alleged infracting Party

Purpose

2. Membership in the Organization, as well as participation in its activities, brings many benefits and privileges. At the same time, Individuals are expected to comply with the Organization’s policies, bylaws, rules and regulations, and Code of Conduct and Ethics (“Governing Documents”). Conduct that violates the Organization’s Governing Documents may be subject to sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Individuals and discipline matters that may arise during the course of the Organization’s business, activities, and events including, but not limited to, competitions, practices, training camps, travel associated with the Organization’s activities, conferences, work sessions, seminars, Organization office environment, and any meetings.
4. Discipline matters and complaints arising within the business, activities, or events organized by entities other than Organization will be dealt with pursuant to the policies of these other entities unless requested and accepted by the Organization at its sole discretion.

Reporting a Complaint

5. Any Individual may report any complaint to the Organization's head office. Such a complaint must be in writing and signed, and must be filed within **fourteen (14) days** of the alleged incident. Anonymous complaints may be accepted at the sole discretion of Organization.
6. A Complainant wishing to file a complaint beyond the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the Case Manager.

Case Manager

7. Upon receipt of a complaint, the Organization will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy. The Case Manager has an overall responsibility to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a) Determine whether the complaint is frivolous and 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.
 - b) Determine if the complaint is a minor or major infraction
 - c) Appoint the Panel, if necessary
 - d) Coordinate all administrative aspects of the complaint
 - e) Provide administrative assistance and logistical support to the Panel as required
 - 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 behaviour that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

10. Minor infractions are **incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others or to the Organization. Examples of minor infractions can include, but are not limited to, an incident of:
 - a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
 - b) Disrespectful conduct such as outbursts of anger or argument
 - c) Conduct contrary to the values of the Organization
 - d) Being late for, or absent from Organization events and activities at which attendance is expected or required
 - e) Non-compliance with Organization's policies, procedures, rules, or regulations
 - f) Minor violations of the Organization's *Code of Conduct and Ethics*

11. An Organization Official will deal with all disciplinary situations involving minor infractions.
12. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be determined at the discretion of Organization Official.
13. Penalties for minor infractions, which may be applied singularly or in combination, include the following:
 - a) Verbal or written reprimand from the Organization to one of the Parties
 - b) Verbal or written apology from one Party to the other Party
 - c) Service or other voluntary contribution to the Organization
 - d) Removal of certain privileges of membership for a designated period of time
 - e) Fines
 - f) Any other sanction considered appropriate
14. Minor infractions that result in discipline will be recorded and records will be maintained by the Organization. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

15. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons or to the Organization. Examples of major infractions include, but are not limited to:
 - a) Repeated minor infractions
 - b) Any incident of hazing
 - c) Incidents of physical abuse
 - d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
 - e) Pranks, jokes, or other activities that endanger the safety of others
 - f) Conduct that intentionally damages the Organization's image, credibility, or reputation
 - g) Disregard for the Organization's bylaws, policies, rules, and regulations
 - h) Major or repeated violations of the Organization's *Code of Conduct and Ethics*
 - i) Intentionally damaging Organization property or improperly handling Organization monies
 - j) Abusive use of alcohol or use or possession of illicit drugs and narcotics
16. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy, except where a dispute resolution procedure contained within a contract, employee agreement, or other formal written agreement takes precedence.

Procedure for Major Infraction Hearing

17. The Case Manager shall notify the Parties that the complaint is being deemed a major infraction. The Case Manager, in consultation with the Panel, will then decide the format under which the complaint will be heard.
18. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In

this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

19. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.
20. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone/electronic communication, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager deems appropriate in the circumstances, provided that:
 - a) The Parties will be given appropriate notice of the day, time, and place of the hearing in the case of an oral or in-person hearing
 - b) Copies of any written documents which the Parties wish to have the Panel consider will be provided to all Parties in advance of the hearing and within the timelines established by the Case Manager
 - c) The Parties may utilize a representative, advisor, or legal counsel at their own expense
 - d) If a Party chooses not to participate in the hearing, the hearing will proceed in any event
 - e) The Panel may request that any other individual participate and give evidence at the hearing
 - f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
 - g) The decision will be by a majority vote of Panel members
21. If a decision may affect another party to the extent that the other party would have recourse to a complaint in their own right, that party will become a Party to the complaint in question and will be bound by the decision.
22. In fulfilling its duties, the Panel may obtain independent advice.

Decision

23. After hearing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Organization. The Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Sanctions

24. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:
 - a) Verbal or written reprimand from the Organization to one of the Parties
 - b) Verbal or written apology from one Party to the other Party
 - c) Service or other voluntary contribution to the Organization

- d) Expulsion from the Organization
- e) Removal of certain privileges
- f) Suspension from all Organization activities for a designated period of time
- g) Payment of the cost of repairs for property damage
- h) Suspension of funding from the Organization or from other sources
- i) Any other sanction considered appropriate

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

26. Major infractions that result in discipline will be recorded and records will be maintained by the Organization.

Suspension Pending a Hearing

27. The Organization may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending the outcome of a criminal process, a hearing or a decision of the Panel.

Criminal Convictions

28. An Individual's conviction for any of the following *Criminal Code* offenses may be deemed a major infraction under this Policy and will result in expulsion from Organization and/or removal from Organization programs, activities and events upon the sole discretion of Organization:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical or psychological violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

Confidentiality

29. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to 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.

Timelines

30. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Panel may direct that these timelines be revised.

Records and Distribution of Decisions

31. Minor and major infractions that result in discipline shall be recorded and maintained by the Organization.

32. Decisions are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Panel may determine that disclosing

the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.