



CANADIAN SWIMMING COACHES ASSOCIATION DISCIPLINE AND COMPLAINTS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a. “*Complainant*” – The party alleging an infraction.
 - b. “*CSCA*” – Canadian Swimming Coaches Association.
 - c. “*Days*” – Days excluding weekends and holidays.
 - d. “*Governing Documents*” – CSCA Bylaws, Code of Professional Conduct, Policies, Procedures, Rules and Regulations.
 - e. “*Member*” - All categories of membership defined in the CSCA Bylaws.
 - f. “*Respondent*” – The alleged infracting party.
 - g. “*PSO’s*” - Provincial Swimming Organizations
 - h. “*SNC*” - Swimming Canada

Purpose

2. Membership in the CSCA 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 CSCA Governing Documents. Non-compliance by Members or past Member may result in sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to CSCA Members and past Members relating to infractions or alleged infractions of the CSCA Governing Documents
4. Discipline matters and complaints arising within the jurisdiction of PSO, SNC or other applicable organizations (as determined by CSCA), will be first dealt with pursuant to the policies of the applicable entity, unless accepted by the CSCA in its sole discretion; in which case the matter or complaint will be dealt with in accordance with this Policy. This decision is not appealable.
5. An employee of the CSCA found to have to be a Respondent will be subject to appropriate disciplinary action determined by the CSCA Board of Directors. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

Reporting a Complaint

6. Any Complainant may report to the CSCA’s Executive Director any alleged violation of the Code of Professional Conduct by a Member. A complaint must be signed and in writing. Anonymous complaints are discouraged but may be accepted at the sole discretion of the CSCA. If the Executive Director is the Respondent, the complaint should be sent to the CSCA President.
7. Complaints for specific incidents must be filed within thirty (30) days of said incident.
8. Complaints of ongoing incidents should be filed at the earliest possible time, and generally within one year.

9. A Complainant wishing to file a complaint regarding an alleged specific incident beyond the thirty (30) 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 thirty (30) day period will be at the sole discretion of the CSCA. This decision is not appealable.
10. A Complainant wishing to file a complaint regarding alleged ongoing incidents more than one year old 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 one year period will be at the sole discretion of the CSCA. This decision is not appealable.
11. At the CSCA's discretion, the CSCA may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the CSCA will identify an individual to represent the CSCA.

Case Manager

12. Upon the receipt of a complaint, the CSCA will appoint a Case Manager to oversee the management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable.
13. The Case Manager is not required to be a member of the CSCA. The Case Manager has a responsibility to:
 - a) Determine if the complaint falls within the jurisdiction of a PSO, SNC or other applicable organizations and if so whether such internal procedures have been exhausted;
 - b) Determine whether the complaint is frivolous and within the jurisdiction of this Policy;
 - c) Appoint the Discipline Panel, if necessary;
 - d) Coordinate all administrative aspects and set timelines; and
 - e) Provide administrative assistance and logistical support to the Discipline Panel as required.

Procedures

14. If the Case Manager determines that:
 - a) The complaint is within the jurisdiction of a PSO, SNC or other applicable organizations the complaint will be referred to the applicable entity.
 - b) The Disciplinary and Complaint procedures of an applicable entity have not been exhausted, in which case the complaint will be dismissed until such proceedings are completed at which time the complainant could resubmit the complaint for further review in accordance with this Policy.
 - c) The complaint is frivolous in nature or outside the jurisdiction of this Policy; the complaint will be dismissed immediately.
 - d) The complaint is not frivolous in nature and within the jurisdiction of this Policy, the Case Manager will notify the Parties the complaint is accepted and the applicable next steps.
15. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
16. After notifying the Parties the complaint has been accepted, the Case Manager will propose the CSCA's *Dispute Resolution Policy* with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the Dispute Resolution Policy, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. 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.

17. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, 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 and/or the Discipline Panel deem 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 in-person hearing, an oral hearing by telephone or other telecommunications
 - 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/or decision rendered
 - c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing
 - e) The Discipline 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
 - f) The decision will be by a majority vote of the Discipline Panel
18. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
19. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
20. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.
21. In fulfilling his / her duties, the case manager or the Discipline Panel may obtain independent advice.

Decision

22. After hearing and/or reviewing the matter, the Discipline 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 Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the CSCA. In extraordinary circumstances, the Discipline 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. Decisions will be considered a matter of public record unless decided otherwise by the Panel.

Sanctions

23. The Panel may apply the following disciplinary sanctions, singularly or in combination:
 - a) A letter of reminder of the expected ethical conduct of the Respondent
 - b) Verbal or written reprimand
 - c) Verbal or written apology
 - d) A letter of reprimand to the Respondent, with copies to the employer of the Respondent, as applicable.
 - e) A letter of reprimand, with additional copies to the PSO (as applicable), SNC (as applicable), or other bodies that govern swimming or coaching (as applicable).
 - f) Permanent letter in the file of the Respondent,

- g) Service or other voluntary contribution to the CSCA
- h) Payment of a fine
- i) Removal of certain privileges
- j) Indefinite suspension of CSCA membership, to be reviewed at a future time.
- k) Temporary suspension of CSCA membership for a defined period of time.
- l) Payment of the cost of repairs for property damage
- m) Expulsion from the CSCA
- n) Any other sanction considered appropriate for the offense

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

25. Infractions that result in discipline will be recorded and records will be maintained by the CSCA.

Suspension Pending a Hearing

26. The CSCA may determine that an alleged incident is of such seriousness as to warrant suspension of the Member pending completion of the criminal process, pending completion of a third-party process, pending completion of a hearing, or pending a decision of the Panel.

Criminal Convictions

27. Per the discretion of the CSCA Screening Committee, a Member's conviction for any of the following *Criminal Code* offenses will be deemed an infraction under this Policy and may result in expulsion from the CSCA. Any decisions rendered under this section are final and binding and not appealable under the CSCA Appeal Policy.

- 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 possession or trafficking of illegal drugs
- f) Any other offence that is deemed serious in nature

Reciprocal Recognition of Suspensions and Discipline

28. The CSCA will recognize and enforce any sanctions implemented by any PSOs, SNC or other applicable organizations (as determined by the CSCA). The CSCA will review such decisions and determine whether additional discipline should be applied in accordance with this Policy.

29. Notwithstanding Section 28, the CSCA will recognize and respect the disciplinary sanctions or suspensions imposed by a PSO, SNC or other applicable organizations.

30. If the CSCA determines that a disciplinary sanction by a PSO, SNC or other applicable organizations was appropriate, the CSCA will impose and enforce the same disciplinary sanction.

31. If the CSCA determines that a disciplinary sanction by a PSO, SNC or other applicable organizations was inappropriate, the CSCA reserves the right to amend the sanction.

Timelines

32. 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 Discipline Panel may direct that these timelines be revised.

Confidentiality

33. The discipline and complaints process is confidential and will involve only the CSCA, the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Panel and may also involve SNC, PSOs and relevant club. 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.

Records and Distribution of Decisions

34. While confidentiality, per Section 33, will be maintained any decision rendered under this policy will be disclosed to any third party deemed appropriate by the CSCA, including but not limited to, FINA, national sport governing bodies inside and outside of Canada, Aquatics Canada, Swimming Canada, provincial and territorial bodies within Canada governing swimming, and any other international or Canadian body that govern sport, the sport of swimming and/or the coaching profession.

Simultaneous Procedures

35. As determined by CSCA in its sole discretion, the CSCA may not, concurrently hear a complaint that is proceeding in an alternate jurisdiction (ie. SNC, PSO, Club, Human Rights Tribunal, etc.). If the CSCA so decides not to concurrently hear a complaint, they may apply this policy, at their sole discretion, upon the conclusion of the alternate jurisdiction proceeding. This decision is not appealable.

Appeals

Decisions imposed under this Policy may be appealed in accordance with the CSCA's Appeal Policy except where otherwise described as un-appealable herein.

Approval

36. This Code was approved by the Board of Directors of CSCA on May 28, 2020